

# PENNSYLVANIA BULLETIN

Volume 27

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Department of Health's  
Health Facility License

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

**No. 272, July 1997**

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**PENNSYLVANIA**

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

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the 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*.

There are no restrictions on the republication of official documents appearing in the *Pennsylvania Bulletin*.

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

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

The Notice of 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. An adopted

proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

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

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

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. 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. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. 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*.

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

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**Printing Format**

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

**Fiscal Notes**

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide 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 five 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 five 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; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; 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; in that order, 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 that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

# 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 1997.

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## **Part II**

This part contains the  
Department of Health's  
Health Facility License

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 50]

Amendment of Rule 5000.5; No. 185; Doc. No. 1

### Order

*Per Curiam:*

*And Now*, this 7th day of July, 1997, the following amendment to Rule 5000.5 of the Pennsylvania Rule of Judicial Administration is adopted.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall become effective in sixty days.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

##### CHAPTER 50. UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

Rule 5000.5. Requests [**and Orders**] for Transcripts.

\* \* \* \* \*

(b) For an appeal, the transcript [**order**] **request** shall be made part of the notice of appeal. Where a transcript is required for a motion, the transcript [**order**] **request** shall be made part of or annexed to the motion papers. A party or counsel, in addition to the notice provided above, may also [**order a transcript by**] request a **transcript** in open court.

[Pa.B. Doc. No. 97-1136. Filed for public inspection July 18, 1997, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE OF LAW

[204 PA CODE CH. 71]

Amendment of Rule 321 of the Pennsylvania Bar Admission Rules; No. 180; Doc. No. 1

### Order

*Per Curiam:*

*And now*, this 2nd day of July, 1997, Rule 321 of the Pennsylvania Bar Admission Rules is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Pa. B.A.R. 321 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be process in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

##### PART IV. ADMISSION TO PRACTICE OF LAW CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

##### Subchapter C. RESTRICTED PRACTICE OF LAW CERTIFIED LEGAL INTERNS

#### Rule 321. Requirements for Formal Participation in Legal Matters by Law Students.

(a) *General Rule.* The requirements for eligibility for formal participation in legal matters by a law student pursuant to Rule 322 (relating to authorized activities of certified legal interns) are:

(1) Enrollment in an accredited law school located in this Commonwealth.

(2) Completion of legal studies amounting to at least **three [four]** semesters, or the equivalent if the law school is on a basis other than the semester basis.

\* \* \* \* \*

[Pa.B. Doc. No. 97-1137. Filed for public inspection July 18, 1997, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 3, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 33, 51 AND 52]

Amendments to Rules; No. 108; Doc. No. 1

### Order

*Per Curiam:*

*And Now*, this 7th day of July, 1997, the amendments to Rules 121, 123, 313, 341, 343, 752, 904, 906, 907, 1112, 1311, 1501, 1513, 1514, 1515, 1532, 1571, 1734, 1751, 1782, 1911, 2132, 2136, 2140, 2153, 2154, 2185, 2186, 2187, 2311, 2313, 2543, 2546, 3331, 5101 and 5102 of the Pennsylvania Rules of Appellate Procedure are adopted as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall become effective in sixty days.

### Annex A

#### TITLE 210. APPELLATE PROCEDURE

##### PART I. RULES OF APPELLATE PROCEDURE

##### ARTICLE I. PRELIMINARY PROVISIONS

##### CHAPTER 1. GENERAL PROVISIONS

##### DOCUMENTS GENERALLY

#### Rule 121. Filing and Service.

(a) *Filing.* Papers required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these

rules filing shall not be timely unless the papers are received by the prothonotary within the time fixed for filing. Paperbooks shall be deemed filed on the day of mailing if first class mail is utilized. If an application under these rules requests relief which may be granted by a single judge, [the] a judge in extraordinary circumstances may permit the application and any related papers to be filed with [him] that judge, in which event [he] that judge shall note thereon the date of filing and shall thereafter transmit such papers to the clerk.

(b) *Service of all papers required.* Copies of all papers filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing, be served by a party or person acting [for him] on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on [his] counsel.

\* \* \* \* \*

(e) *Additional time after service by mail.* Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon [him] that party (other than an order of a court or other government unit), and the paper is served by mail, three days shall be added to the prescribed period.

\* \* \* \* \*

**Rule 123. Application for Relief.**

\* \* \* \* \*

(e) *Power of single judge to entertain applications.* In addition to the authority expressly conferred by these rules or by law or rule of court, a single judge of an appellate court may entertain and may grant or deny any request for relief which under these rules may properly be sought by application, except that an appellate court may provide by order or rule of court that any application or class of applications must be acted upon by the court. The action of a single judge may be reviewed by the court except for actions of a single judge under Rule 3102(c)(2) (relating to a quorum in Commonwealth Court in any election matter).

**Official Note:** [Based on former Supreme Court Rules 62, 63, and 66, former Superior Court Rules 53, 54 and 57, former Commonwealth Court Rule 112A and Pa.R.Crim.P. 304.] The 1997 amendment precludes review by the Commonwealth Court of actions of a single judge in election matters.

**CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN INTERLOCUTORY APPEALS**

**Rule 313. Collateral Orders (Rescinded).**

(Editor's Note: The original text appears at 210 Pa. Code page 3-14, serial page (222738)).

**Official Note:** Rule 313 is a codification of existing case law with respect to collateral orders. See *Pugar v. Greco*, 483 Pa. 68, 73, 394 A.2d 542, 545 (1978) (quoting *Cohen v. Beneficial Industrial Corp.*, 337 U. S. 541 (1949)). Examples of collateral orders include an order denying a pre-trial motion to dismiss based on double jeopardy, *Commonwealth v. Brady*, 510 Pa. 363, 508 A.2d 286, 289-91 (1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court makes a finding that motion is not frivolous); an order denying a petition to

permit the payment of death taxes, *Hankin v. Hankin*, 338 Pa. Super. 442, 487 A.2d 1363 (1985); and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 312 Pa. Super. 339, 458 A.2d 989 (1983), *aff'd*, 504 Pa. 510, 475 A.2d 744. Thorough discussions of the collateral order doctrine as it has been applied by Pennsylvania appellate courts are found in the following sources: *Darlington, McKeon, Schuckers and Brown, 1 Pennsylvania Appellate Practice Second Edition*, §§ 313:1-313:201 (1994) and *Byer; Appealable orders under the Pennsylvania Rules of Appellate Procedures in Practice and Procedures in Pennsylvania Appellate Courts* (PBI No. 1994-869); *Pines, Pennsylvania Appellate Practice: Procedural Requirements and the Vagaries of Jurisdiction*, 91 Dick. L. Rev. 55, 107-115 (1986).

If an order falls under Rule 313, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Rules 341(c) and 1311 do not apply under Rule 313.

**FINAL ORDERS**

**Rule 341. Final Orders; Generally.**

\* \* \* \* \*

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

(1) disposes of all claims [or] and of all parties; or

\* \* \* \* \*

(3) any order entered as a final order pursuant to [subsection] subdivision (c) of this rule.

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

[ (1) An order may be amended to include the determination of finality within 30 days of entry of the order. A notice of appeal or a petition for review may be filed within 30 days after entry of an order as amended, unless a shorter time period is provided in Rule 903(c) or 1512(b).

(2) The trial court or other governmental unit is required to act on an application for a determination of a finality under subdivision (c) within 30 days of entry of the order. During the time an application for determination for finality is pending, the action will be stayed. Any denial of such an application shall be reviewable only for abuse of discretion pursuant to Chapter 15. ]

(1) The trial court or other governmental unit is required to act on an application for a determination of finality under subdivision (c) within 30 days of entry of the order. During the time an application for a determination of finality is pending the action is stayed.

(2) A notice of appeal may be filed within 30 days after entry of an order as amended unless a shorter time period is provided in Rule 903(c). Any denial of such an application shall be reviewable only for abuse of discretion pursuant to Chapter 15.

(3) Unless the trial court or other governmental unit acts on the application within 30 days of entry of the order, the trial court or other governmental unit shall no longer consider the application and it shall be deemed denied.

(4) The time for filing a petition for review will begin to run from the date of entry of the order denying the application for a determination of finality or, if the application is deemed denied, from the 31st day. A petition for review may be filed within 30 days of the entry of the order denying the application or within 30 days of the deemed denial unless a shorter time period is provided by Rule 1512(b).

\* \* \* \* \*

**Official Note: \* \* \***

Orders which are separable from and collateral to the main cause of action where the right involved is too important to be denied review, and the question presented is such that if review is postponed until final judgment in the case, the claim will be irreparably lost, previously appealable as final orders under Rule 341, are now appealable under Rule 313. See *Pugar v. Greco*, 483 Pa. 68, 73, 394 A.2d [ 543 ] 542, 545 (1978) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)).

\* \* \* \* \*

Orders formerly appealable under Rule 341 by the Commonwealth in criminal cases as heretofore provided by law, but which do not dispose of the entire case, are now appealable as interlocutory appeals as of right under Subdivision [ (e) ] (d) of Rule 311.

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

The 1997 amendment adding subdivision (c)(3) provides for a deemed denial where the trial court or other governmental unit fails to act on the application within 30 days.

Rule 343. [ Order Determining Challenge to a Plea of Guilty ] (Rescinded).

[ If a timely motion has been filed pursuant to Rule 321 of the Pennsylvania Rules of Criminal Procedure (challenge to guilty plea), any appeal taken as of right shall be from the final order disposing of such motion. Such timely motion shall have the effect, for the purposes of Rule 1701(b)(3) (authority of lower court or agency after appeal), of an order expressly granting reconsideration of the judgment previously entered on the plea of guilty. ]

**Official Note:** [ Pa.R.Crim.P. 321 provides a procedure whereby a timely motion challenging the validity of a plea of guilty, or the denial or a motion to withdraw a plea of guilty, shall be heard by the lower court. In such event, the time for filing an

appeal from the judgment on the plea does not begin to run until such motion is decided by the lower court.

In the event an appeal from the judgment on a plea of guilty has been filed before a timely motion under Pa.R.Crim.P. 321 has been made, the filing of such motion acts as an automatic grant of reconsideration under Rule 1701(b)(3) (authority of lower court or the judgment on the plea does not begin to run until such motion is decided by the lower court.

In the event an appeal from the judgment on a plea of guilty has been filed before a timely motion under Pa.R.Crim.P. 321 has been made, the filing of such motion acts as an automatic grant of reconsideration under Rule 1701(b)(3) (authority of lower court or agency after appeal), so as to render inoperative the prior appeal. In such event, an appeal could be filed anew after disposition of the Pa.R.Crim.P. 321 motion. ]

The Supreme Court rescinded this Rule in 1997 as obsolete in view of the changes to the Rules of Criminal Procedure rescinding Pa.R.Crim.P. 321 and adopting new Pa.R.Crim.P. 1410, effective as to cases in which the determination of guilt occurs on or after January 1, 1994. See *Criminal Procedural Rules Committee Final Report at 620-621 A.2d (Pennsylvania Reporter Series) pages CVIII-CXXXIII.*

**CHAPTER 7. COURTS TO WHICH APPEALS SHALL BE TAKEN TRANSFERS OF CASES**

**Rule 752. Transfers Between Superior and Commonwealth Courts.**

\* \* \* \* \*

(b) *Content of application; answer:* The application shall contain a statement of the facts necessary to an understanding of the same or related questions of fact, law or discretion; a statement of the questions themselves; and a statement of the reasons why joint consideration of the appeals would be desirable. The application shall be served on all other parties to all appeals or other matters involved, and shall include or have annexed thereto a copy of each order from which any appeals involved were taken and any findings of fact, conclusions of law and opinions relating thereto. [ **Within seven days after service of the application any** ] Any other party to any appeal or other matter involved may file an answer in opposition in accordance with Rule 123(b). The application and answer shall be submitted without oral argument unless otherwise ordered.

\* \* \* \* \*

**ARTICLE II. APPELLATE PROCEDURE**

**CHAPTER 9. APPEALS FROM LOWER COURTS**

**Rule 904. Content of the Notice of Appeal.**

\* \* \* \* \*

(c) [ *Order* ] **Request for transcript.** The [ *order* ] request for transcript [ , if any, ] contemplated by Rule 1911 ([ *order* ] request for transcript) or a statement signed by counsel that there is either no verbatim record of the proceedings or the complete transcript has been lodged of record, shall accompany the

notice of appeal, but the absence of or defect in the [order] request for transcript shall not affect the validity of the appeal.

\* \* \* \* \*

(e) **Content in criminal cases.** When the Commonwealth takes an appeal pursuant to Rule 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

**Official Note:** [The former requirement that the appellant swear that the appeal is not taken for the purpose of delay has been omitted. The appeal to the Commonwealth Court was governed by former Commonwealth Court Rule 20A.]

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

[The form of the notice of appeal provided by subdivision (a) has been revised to include the required certification.]

\* \* \* \* \*

The 1997 amendment changes the word "order" to "request" in order to eliminate any unintended implication that a court order is required. No court order is required to obtain a transcript of the proceedings. See Pa.R.J.A. 5000.5 and the 1997 amendment to subdivision (a) of Rule 1911.

With respect to subdivision (e), in *Commonwealth v. Dugger*, 506 Pa. 537, 486 A.2d 382 (1985), the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, was eliminated. See also *Commonwealth v. Deans*, 530 Pa. 514, 610 A.2d 32 (1992); *Commonwealth v. Cohen*, 529 Pa. 552, 605 A.2d 1212 (1992) (allowing appeals by the Commonwealth from adverse rulings on motions in limine). Accordingly, the 1997 amendment added subdivision (e) as a requirement when the Commonwealth takes an appeal pursuant to Rule 311(d).

#### **Rule 906. Service of Notice of Appeal.**

(a) **General rule.** Concurrently with the filing of the notice of appeal under Rule 905 (filing of notice of appeal), the appellant shall serve copies thereof, and of any order for transcript, and copies of a proof of service showing compliance with this rule, upon:

(1) All parties to the matter in the trial court[.], including parties previously dismissed pursuant to an interlocutory order unless; (i) the interlocutory order of dismissal was reviewed by an appellate court and affirmed; or (ii) the interlocutory order of dismissal was made final under Rule 341(c) and no party appealed from that date;

(2) The judge of the court below, whether or not the reasons for the order appealed from already appear of record [.] ;

(3) The official court reporter of the trial court, whether or not an order for transcript accompanies the papers[.]; and

(4) The district court administrator or other person designated by the administrator pursuant to Rule [5000.5(a)(4)] 5000.5(a)(3) of the Pennsylvania Rules of Judicial Administration (requests and orders for transcripts).

\* \* \* \* \*

**Official Note: See Rule 908 (Parties on Appeal). Rule 907. Docketing of Appeal.**

(a) **Docketing of appeal.** Upon the receipt of the papers specified in Rule 905(b) (transmission to appellate court) the prothonotary of the appellate court shall immediately enter the appeal upon the docket, note the appellate docket number upon the notice of appeal, and give written notice of the docket number assignment in person or by first class mail to the clerk of the lower court, to the appellant[, ] and to the persons named in the proof of service accompanying the notice of appeal [and to the Administrative Office]. An appeal shall be docketed under the caption given to the matter in the lower court, with the appellant identified as such, but if such caption does not contain the name of the appellant, his name, identified as appellant, shall be added to the caption in the appellate court.

(b) **Entry of appearance.** Upon the docketing of the appeal the prothonotary of the appellate court shall note on the record as counsel for the appellant the name of [his] counsel, if any, set forth in or endorsed upon the notice of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary of the appellate court shall upon praecipe of any such counsel for other parties, filed within 30 days after filing of the notice of appeal, strike off or correct the record of appearances. Thereafter [an entry of appearance may be withdrawn only by leave of the appellate court] a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

**Official Note:** \* \* \*

With regard to subdivision (b) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 1504 (Appointment of counsel; forma pauperis).

#### **CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT PETITION FOR ALLOWANCE OF APPEAL**

#### **Rule 1112. Appeals by Allowance.**

\* \* \* \* \*

(b) **Definition. Final order.** A final order of the Superior Court or Commonwealth Court is any order that concludes an appeal, including an order that remands an appeal, in whole or in part, unless the appellate court remands and retains jurisdiction.

[ (b) ] (c) \* \* \*

[ (c) ] (d) \* \* \*

[ (d) ] (e) \* \* \*



**[(e)] (f) Entry of appearance.**—Upon the filing of the petition for allowance of appeal the Prothonotary of the Supreme Court shall note on the record as counsel for the petitioner the name of his counsel, if any, set forth in or endorsed upon the petition for allowance of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. The Prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter **[an entry of appearance may be withdrawn only by leave of court] a counsel's appearance for a party may not be withdrawn without leave of court unless another lawyer has entered or simultaneously enters an appearance for the party.**

*Official Note:* \* \* \*

\* \* \* \* \*

With regard to subdivision (f) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 1504 (Appointment of Counsel; Forma Pauperis).

**CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION**

**Rule 1311. Interlocutory Appeals by Permission.**

\* \* \* \* \*

(b) *Petition for permission to appeal.* Permission to appeal from an interlocutory order containing the statement prescribed by 42 Pa.C.S. § 702(b) may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order in the lower court or other government unit with proof of service on all other parties to the matter in the lower court or other government unit and on the government unit or clerk of the lower court, who shall file the petition of record in such lower court. An application for an amendment of an interlocutory order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b) shall be filed with the lower court or other government unit within 30 days after the entry of such interlocutory order and permission to appeal may be sought within 30 days after entry of the order as amended. **[The trial court must act on the application within 30 days.] Unless the trial court or other governmental unit acts on the application within 30 days after it is filed, the trial court or other governmental unit shall no longer consider the application and it shall be deemed denied.** If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class mail, the petition shall be deemed received by the prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as shown on a U. S. Postal Service Form 3817 certificate of mailing. The certificate of mailing shall show the docket number of the matter in the lower court or other government unit and shall be either enclosed with the petition or separately mailed to the prothonotary. Upon actual receipt of the petition for permission to appeal the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the

appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give written notice of the docket number assignment in person or by first class mail to the government unit or clerk of the lower court, to the petitioner and to the other persons named in the proof of service accompanying the petition.

\* \* \* \* \*

(d) *Entry of appearance.* Upon the filing of the petition for permission to appeal the prothonotary of the appellate court shall note on the record as counsel for the petitioner the name of **[his]** counsel, if any, set forth in or endorsed upon the petition for permission to appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter **[an entry of appearance may be withdrawn only by leave of court] a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.**

*Official Note:* \* \* \*

\* \* \* \* \*

The 1997 amendment to subdivision (b) provides for a deemed denial where the trial court or other governmental unit fails to act on the application within 30 days. Under such circumstances, a party may need to file a praecipe for entry of the deemed denial pursuant to Rule 301(d).

With regard to subdivision (d) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 1504 (relating to Appointment of counsel; forma pauperis).

**CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS IN GENERAL**

**Rule 1501. Scope of Chapter.**

\* \* \* \* \*

(c) *Unsuspending statutory procedures.*—This chapter does not apply to any appeal pursuant to the following statutory provisions, which are not suspended by these rules:

- (1) Section **[ 135 ] 137** of Title 15 of the Pennsylvania Consolidated Statutes (Court to pass upon rejection of documents by Department of State).
- (2) The Pennsylvania Election Code.

\* \* \* \* \*

**PETITION FOR REVIEW**

**Rule 1513. Petition for Review.**

\* \* \* \* \*

(d) *Notice [of demand for evidentiary hearing] to plead.*—If under the applicable law the questions raised by the petition for review may be determined in whole or in part upon the record made before the court, the petition shall contain or have endorsed upon it a notice to plead.

\* \* \* \* \*

*Official Note: \* \* \**

The 1997 amendment to subdivision (d) remedies what had been an inconsistency between the former heading and the text of the rule.

**Rule 1514. Filing and Service of the Petition for Review.**

\* \* \* \* \*

(d) *Entry of appearance.*—Upon the filing of the petition for review the prothonotary shall note on the record as counsel for the petitioner the name of [ his ] counsel, if any, set forth in or endorsed upon the petition for review, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall upon praecipe of any such counsel for other parties, filed within 30 days after filing of the petition, strike off or correct the record of appearances. Thereafter [ an entry of appearance may be withdrawn only by leave of court ] a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

\* \* \* \* \*

**Rule 1515. Answer to Petition.**

Where under the applicable law the questions raised by the petition for review may be determined in whole or in part upon the record made before the court, and the right to an evidentiary hearing has been claimed by inclusion or endorsement of a notice to plead as prescribed by Rule 1513(d) [ notice of demand for evidentiary hearing ] [ notice to plead ], any adverse party may file an answer to the petition controverting any factual allegation of the petition.

\* \* \* \* \*

**Rule 1532. Special and Summary Relief.**

\* \* \* \* \*

(b) *Summary relief.*—At any time after the filing of a petition for review in an appellate or original matter the court may on application enter judgment if the right of the applicant thereto is clear. [ A party against whom judgment is entered under this subdivision may apply to open or vacate the judgment within 30 days after entry, or within such lesser time as may be fixed by the court under Rule 105 (waiver and modification of rules) after reasonable notice to the parties. ]

*Official Note: \* \* \**

Subdivision (b) of this rule is a generalization of Pa. R.Civ.P. 1098 (peremptory judgment). Cf. Pa.R.Civ.P. [ No. ] 1035(a) (motion for summary judgment), which is not available until after the pleadings are closed.

The 1997 amendment to subdivision (b) is analogous to the 1996 amendment to Pa.R.C.P. 1098. The deletion of the last sentence of Rule 1532(b) is intended to eliminate the requirement of filing a motion to open or vacate the order granting summary relief. Under prior practice, a party was required to file a motion to open or vacate the order granting summary relief before an appeal could be taken. An order denying an application for summary relief is not appealable as of right.

**REVIEW OF DETERMINATIONS OF THE BOARD OF FINANCE AND REVENUE**

**Rule 1571. Determinations of the Board of Finance and Revenue.**

\* \* \* \* \*

(d) *Service.*—In the case of a petition for review by a taxpayer or similar party, a copy of the petition shall be served on the Board of Finance and Revenue and on the Attorney General by the petitioner in accordance with Rule 1514(c). All other parties before the Board shall be served as prescribed by Rule 121(b) (service of all papers required).

\* \* \* \* \*

**CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS**

**STAY OR INJUNCTION IN CIVIL MATTERS**

**Rule 1734. Appropriate Security.**

(a) *General rule.* For the purposes of this chapter any of the following, when deposited with the clerk, constitutes appropriate security, unless otherwise ordered pursuant to this chapter:

\* \* \* \* \*

(2) Any of the following, if registered in the name of or to the order of the Commonwealth of Pennsylvania: (i) United States Treasury bills, (ii) certificates of deposit issued by a Federally-insured bank, bank and trust company, savings bank, savings association, banking association or savings and loan association having an office within this Commonwealth, (iii) irrevocable letters of credit issued by a Federally-insured bank, bank and trust company, savings bank, savings association, banking association or saving and loan association having an office within this Commonwealth. The clerk may transfer or negotiate such bills or certificates for the purposes of this chapter. [ The clerk shall be entitled to receive commission or poundage with respect to such bills or certificates only when the deposit is made pursuant to Rule 1782 (security on review on tax matters). ]

\* \* \* \* \*

**Rule 1751. Form of Bond.**

A bond under this chapter may be in substantially the following form:

(Caption)

Appellant, having appealed from an order of the Court of Common Pleas of \_\_\_\_\_ County [ or "of the \_\_\_\_\_ Judicial District" ], entered in this matter on the \_\_\_ day of \_\_\_\_\_, 19\_\_\_, and having procured the execution of this instrument for the purpose of complying with the Pennsylvania Rules of Appellate Procedure, the undersigned surety acknowledges itself bound and indebted to the Commonwealth of Pennsylvania, for the use of the persons or parties entitled thereto, in the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), to be paid as required by law.

[ The condition of this obligation is that if the appellant shall satisfy the above-identified order, if it is affirmed or if for any reason the appeal is dismissed, or shall satisfy any modification of the order, and in either case shall pay all costs, interest

and any damages for delay that may be awarded, this obligation shall be void; but otherwise it shall remain in force. ]

Upon conclusion of this matter, if the appellant satisfies the above identified order or any court order modifying or affirming that order and pays all costs, interest and damages for delay that may be awarded, this obligation shall be void; otherwise, it shall remain in force.

Date \_\_\_\_\_

\_\_\_\_\_  
(Name of Surety)

By \_\_\_\_\_  
Name and Title of Authorized signatory)

\* \* \* \* \*

**STAY PENING ACTION ON PETITION FOR REVIEW**

**Rule 1782. Security on Review in Tax Matters.**

\* \* \* \* \*

(b) *Form of bond.* A bond under this rule may be in substantially the following form:

[Caption]

Petitioner, having sought review of an order of the Board of Finance and Revenue entered (or deemed entered) in this matter on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and having procured the execution of this instrument for the purpose of complying with the Pennsylvania Rules of Appellate Procedure, the undersigned surety acknowledges itself bound and indebted to the Commonwealth of Pennsylvania in the [sum of 120% of] amount of \$(\_\_\_\_), which is 120% of the sum of \$\_\_\_\_ (taxes found due) and \$(\_\_\_\_) (penalty found due), the amount of taxes and penalty found due by the Board and remaining unpaid in this matter, to be paid as required by law.

[The condition of this obligation is that if the Petitioner shall satisfy the above-identified order, if it is affirmed or if for any reason the matter is dismissed, or shall satisfy any modification of the order, and in either case shall pay all costs, interest and any damages for delay that may be awarded, this obligation shall be void; but otherwise it shall remain in force. ]

Upon conclusion of this matter, if the petitioner satisfies the above identified order or any court order modifying or affirming that order and pays all costs, interest and any damages for delay that may be awarded, this obligation shall be void; otherwise it shall remain in full force.

Date \_\_\_\_\_

\_\_\_\_\_  
(Name of Surety)

By \_\_\_\_\_  
Name and Title of Authorized signatory)

\* \* \* \* \*

**CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS**

**RECORD ON APPEAL FROM LOWER COURT**

Rule 1911. [ Order ] Request for Transcript.

(a) *General rule.* The appellant shall [ order ] request any transcript required under this chapter in the manner and make any necessary payment or deposit therefor in the amount and within the time prescribed by Rules 5000.1 et seq. of the Pennsylvania Rules of Judicial Administration (court reporters).

\* \* \* \* \*

**Official Note:** The 1997 amendment changes the word "order" to "request" in order to clarify that an order of court is not necessary. [ The order under this rule constitutes the "formal request" under ] See Pa.R.J.A. 5000.5 and 1997 amendment to Rule 904(c). If a request for a transcript on appeal is made in open court the appellant must nevertheless prepare and serve a written order for transcript, so that the district court administrator and the appellate court are aware of the order. Local rules contemplated by Pa.R.J.A. 5000.6 should be consulted as to the officer or other person who is to receive and hold any security deposit (up to one-half the estimated charge) required by the court reporter. It is the responsibility of the appellant to contact the court reporter to ascertain whether a deposit will be required and the amount thereof, and to make the deposit. The court reporter is under no obligation to proceed in the absence of a required deposit, and under Pa.R.J.A. 5000.11(b) is under no obligation to certify and file the transcript in the absence of full payment or adequate security therefor. While delay in payment, and any resulting delay in certification and filing of the transcript, does not automatically affect the validity of the appeal, under Subdivision (d) the appellate court may impose other sanctions in an appropriate case. Compare Rule 902 (manner of taking appeal) and Rule 2101 (conformance with requirements). This rule and Rule 1922 are "another arrangement for delivery" under Pa.R.J.A. 5000.11(a), since it is undesirable for the official appellate transcript to pass outside of the control of court officials.

**CHAPTER 21. BRIEFS AND REPRODUCED RECORD CONTENT OF BRIEFS**

**Rule 2132. References in Briefs to the Record.**

(a) *General rule.* References in the briefs to parts of the record appearing in a reproduced record filed with the brief of the appellant (see Rule 2154(b) (large records)) shall be to the pages in the reproduced record where those parts appear, e.g.: "(R. 26a)." If the record is reproduced after the briefs are [ filed ] served in advance typewritten or page proof form (see Rule 2185(c) (definitive copies)), the brief may also contain references to the pages of the parts of the original record, e.g.: "(Tr. 279-280; R. 26a-27a)".

\* \* \* \* \*

**Rule 2136. Briefs in Cases Involving Cross Appeals.**

If a cross appeal is filed, the plaintiff or moving party in the court or other government unit below shall be deemed the appellant for the purposes of this chapter and Chapter 23 (sessions and argument), unless the parties otherwise agree or the appellate court otherwise orders. Where the nature of the matter is such that the identity of the appellant for the purposes of this chapter and Chapter 23 is not readily apparent the prothonotary of the appellate court shall designate the appellant for the purposes of this chapter and Chapter 23 when giving notice under Rule 1934 (filing of the record). The brief of

the appellee shall contain the issue and argument involved in [ his ] the cross appeal as well as the answer to the brief of the appellant, and the appellant may file a brief in answer to the brief of the appellee on the cross appeal.

**Official Note.** Ordinarily there will be three briefs in a case involving a cross appeal: appellant's main brief, appellee's main brief, and appellant's reply brief directed to the issues on the cross appeal. However, [ if the case is submitted without oral argument, ] Rule 2113 permits a fourth brief: appellee's reply to appellant's answer on the cross appeal.

**Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.**

(a) *General rule.* Following a remand from the Supreme Court to the Superior Court or the Commonwealth Court, or an Order allowing reargument or reconsideration by any appellate court, unless otherwise directed by the Court having jurisdiction of the case, each party shall, within the time period specified below, either refile the brief previously filed together with a supplemental brief if desired, or prepare and file a substituted brief in accordance with this Rule.

(b) [ **Caption** ] *Cover on brief.* The brief (whether new or refiled) shall be appropriately [ captioned ] titled to reflect the current status of the case (e.g., brief on remand, supplemental brief on remand, brief on reargument, supplemental brief on reargument).

\* \* \* \* \*

**CONTENT OF REPRODUCED RECORD**

**Rule 2153. Docket Entries and Related Matter.**

\* \* \* \* \*

[ **Official Note:** Based on former Supreme Court Rules 42 and 43; former Superior Court Rules 34 and 35, and (in the case of Subdivision (a)) former Commonwealth Court Rule 87, without change in substance. As to the type of matters contemplated by Subdivision (b) see *Steel v. Levy*, 282 Pa. 338, 343, 127 Atl. 766, 768 (1925). ]

**Rule 2154. Designation of Contents of Reproduced Record.**

\* \* \* \* \*

**Explanatory Note—1979**

The principal criticism of the new Appellate Rules has been the provisions for deferred preparation of the reproduced record, and the resulting procedure for the filing of advance copies of briefs (since the page citations to the reproduced record pages are not then available) followed by the later preparation and filing of definitive briefs with citations to the reproduced record pages. It has been argued that in the typical state court appeal the record is quite small, with the result that the pre-1976 practice of reproducing the record in conjunction with the preparation of appellant's definitive brief is entirely appropriate and would ordinarily be followed if the rules did not imply a preference for the deferred method. The Committee has been persuaded by these comments, and the rules have been redrafted to imply that the deferred method is a secondary method particularly appropriate for longer records.

[ **Also, the number of briefs to be filed under the in forma pauperis procedure has been increased from ten to 15 in the Commonwealth and Superior Courts. ]**

**FILING AND SERVICE**

**Rule 2185. Time for Serving and Filing Briefs.**

(a) *General rule.* The appellant shall serve [ his ] appellant's brief not later than the date fixed pursuant to Subdivision (b) of this rule, or within 40 days after the date on which the record is filed, if no other date is so fixed. The appellee shall serve [ his ] appellee's brief within 30 days after service of [ the ] appellant's brief [ of the appellant ] and reproduced record if proceeding under Rule 2154(a). A party may serve a reply brief permitted by these rules within 14 days after service of the preceding brief but, except for good cause shown, a reply brief must be served and filed so as to be received at least three days before argument. Except as prescribed by Rule 2187(b) (advance text of briefs) each brief shall be filed not later than the last day fixed or pursuant to this rule for its service.

\* \* \* \* \*

**Official Note:** [ Former Supreme Court Rule 57 and former Superior Court Rule 47 provided that the brief of the appellant was to be filed within 60 days after the issuance of the writ of certiorari. Former Commonwealth Court Rule 32A provided that the brief of the appellant was to be filed within 30 days of mailing of notice of the filing of the record. To avoid paperwork relating to continuances because the record is not ready, the time under these rules commences to run from the filing of the record. The time for filing the brief of the appellee is the same as under the prior practice, except that formerly only 25 days was allowed in the Commonwealth Court.

Subdivision (b) is necessary because approximately one year can elapse under existing practices before an appellate court hears a case filed in the Middle or Harrisburg districts, and briefing the case far in advance permits intervening decisions and legislation to render the briefs stale. ]

Unlike the provision for filing other papers, Rule 121(a) provides "paperbooks shall be deemed filed on the day of mailing if first class mail is utilized." "Paperbooks" are defined in Rule 102 as briefs and reproduced records, but "the term does not include applications for reconsideration of denial of allowance of appeal under Rule 1123(b) (reconsideration) or applications for reargument under Chapter 25 (post-submission proceedings)."

**Rule 2186. Time for Serving and Filing Reproduced Record.**

(a) *General rule.* The reproduced record shall be served and filed not later than:

- (1) the date of service of the appellant's brief [ of the appellant ]; or
- (2) [ 51 days after the date of service of the brief of appellant in advance form ] 21 days from the date of service of the appellee's brief in advance form, if the record is being reproduced pursuant to Rule 2154(b) (large records).

\* \* \* \* \*

**Official Note:** Former Supreme Court Rule 57, former Superior Court Rule 47 and former Commonwealth Court Rule 32A provided that the appellant was to serve and file the reproduced record with his brief, which continues

to be the rule under Paragraph [ (a)(2) ] (a)(1) of this rule. The delayed filing of the reproduced record results in the designation and reproduction of the minimum amount of the original record since the parties will then know exactly the portions of the original record mentioned in their briefs and may accordingly limit the amount of record reproduced.

**Rule 2187. Number of Copies to be Served and Filed.**

(a) *General rule.* [ Twenty-five copies of each definitive brief and of each reproduced record shall be filed with the Prothonotary of the Supreme Court, and fifteen copies of each definitive brief and of each reproduced record shall be filed with the Prothonotary of the Commonwealth Court and ten copies shall be filed with the Superior Court, unless the appellate court by order in a particular case shall direct a lesser number, and two copies of each definitive brief and of each reproduced record shall be served on each party separately represented. ] Unless the appellate court directs otherwise, each party shall file:

- (1) 25 copies of each definitive brief and reproduced record in the Supreme Court;
- (2) 15 copies of each definitive brief and eight copies of each reproduced record in the Commonwealth Court;
- (3) 7 copies of each definitive brief and reproduced record in the Superior Court.

Each party shall serve 2 copies of its definitive brief and reproduced record on every other party separately represented.

\* \* \* \* \*

(c) *In forma pauperis.* [ A party who has been permitted to proceed in forma pauperis shall file fifteen copies of his brief with the prothonotary of the appellate court and shall serve one copy on each party separately represented. ] Unless the appellate court directs otherwise, a party who has been permitted to proceed in forma pauperis shall file:

- (i) 15 copies of each definitive brief with the Supreme Court;
- (ii) 15 copies of each definitive brief with the Commonwealth Court;
- (iii) 7 copies of each definitive brief with the Superior Court.

Each party who has been permitted to proceed in forma pauperis shall serve one copy of each definitive brief on every other party separately represented.

\* \* \* \* \*

**CHAPTER 23. SESSIONS AND ARGUMENT  
SCHEDULING OF ARGUMENT**

**Rule 2311. Submission on Briefs.**

\* \* \* \* \*

(b) *Post conviction [ hearing ] relief cases.* All parties shall submit post conviction [ hearing ] relief cases on the briefs unless otherwise directed by the court on its own motion or upon application.

\* \* \* \* \*

**Rule 2313. Advancement or Continuance.**

\* \* \* \* \*

*Official Note:* [ Based on former Supreme Court Rules 27 and 72, former Superior Court Rules 16 and 17, and former Commonwealth Court Rule 71. The omitted procedural provisions are covered by Rule 123 (applications for relief). Obviously, when all parties join in an application, the court may act upon it without waiting the seven-day period for answer. The Supreme Court formerly permitted two automatic extensions of time for filing briefs (usually resulting in corresponding continuance to a later argument list) by consent of the parties; the Superior Court formerly permitted one such automatic extension. Generally the only justifiable basis for such automatic extensions was the difficulty in securing the preparation and transmission of the original record. Since under Rule 2185 (time for serving and filing briefs) the usual briefing schedule commences no earlier than the filing of the record in the appellate court, there is no longer any need for the automatic extension machinery.

The rule does not, as did former Supreme Court Rule 72 and former Superior Court Rule 17, contain any specific deadline for the filing of an application for continuance. Obviously, the later the party files such an application the greater the risk (1) that the court will not be able to act upon it in time, or (2) if it is denied, that the unsuccessful applicant will find it difficult or impossible to comply with these rules, with the adverse consequences which flow therefrom.

In the Supreme Court, continuances are handled by the Chief Justice. ] Rule 3305 provides that in the Supreme Court, the prothonotary may dispose of motions generally relating to calendar control. In the Superior Court, continuances are handled by the presiding judge of the panel. In the Commonwealth Court, continuances are handled by the president judge or the duty judge. In each [ Appellate ] [ Court ] appellate court, the application is to be submitted to the prothonotary and not to an individual judge of the appellate court.

**CHAPTER 25. POST-SUBMISSION PROCEDURES  
APPLICATION FOR REARGUMENT**

**Rule 2543. Considerations Governing Allowance of Reargument.**

Reargument before an appellate court is not a matter of right, but of sound judicial discretion, and reargument will be allowed only when there are compelling reasons therefor. An application for reargument is not permitted from a final order of an intermediate appellate court under: (1) the Pennsylvania Election Code; or (2) the Local Government Unit Debt Act or any similar statute relating to the authorization of public debt.

*Official Note:* \* \* \*

\* \* \* \* \*

The 1997 amendment clarifies that applications for reargument are not to be filed in matters arising under the Pennsylvania Election Code, the Act of June 3, 1937, P. L. 1333, 25 P. S. §§ 2600—3591, [ et seq., ] or the Local Government Unit Debt Act, 53 Pa.C.S. §§ 8001 - 8271. [ et seq. ] Matters

involving elections and authorization of public debt require expeditious treatment. See, e.g., Rule 1113(c).

**Rule 2546. Transmission of Papers to and Action by the Court.**

\* \* \* \* \*

*Official Note:* See Rule 2140 regarding the filing and content of briefs following the grant of reargument or reconsideration.

Where there is a deemed denial of an application for reargument, a party seeking a further appeal must follow subdivision (d) of Rule 301 and praecipe for entry of the deemed denial on the docket, if the prothonotary has failed to do so.

**CHAPTER 33. BUSINESS OF THE SUPREME COURT**

**REVIEW OF SPECIAL PROSECUTIONS OR INVESTIGATIONS**

**Rule 3331. Review of Special Prosecutions or Investigations.**

(a) *General rule.* Any of the following orders shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations):

\* \* \* \* \*

[ (5) An order enforcing or refusing to enforce a subpoena issued by or otherwise affecting the existence or operation of the Pennsylvania Crime Commission existing under the Pennsylvania Crime Commission Act (71 P. S. § 1190.1 et seq.).

(6) ](5) \* \* \*

\* \* \* \* \*

*Official Note:* This rule is intended to provide a simple and expeditious method for Supreme Court supervision of special prosecutions and investigations, e.g. orders of the supervising judge of an investigating grand jury, findings of contempt (whether civil or criminal) by witnesses called before such a grand jury, etc. Rule 702([ b ]c) (supervision of special prosecutions or investigations) and 42 Pa.C.S. § 722(5) (direct appeals from courts of common pleas) vest jurisdiction over such matters in the Supreme Court. However, this rule is not applicable to review of investigating grand jury issues which collaterally arise in plenary criminal prosecution initiated by complaint, information or indictment. Rule 1512(b)(3) (special provisions) requires that review be sought within ten days. Essentially the procedure is analogous to the review of a bail order under Rule 1762 (release in criminal matters). The last brief is due not later than 21 days after the entry of the order sought to be reviewed. There is no delay for certification of the record, oral argument is ordinarily not available, and the matter is ready for final disposition by the Supreme Court immediately upon completion of the briefing schedule. The term "investigating grand jury" in Subdivision (a) includes a "multicounty investigating grand jury" convened under 42 Pa.C.S § 4544 (convening multicounty investigating grand jury).

The "independent grounds" referred to in Subdivision (d) include grounds for relief in the nature of mandamus, prohibition, etc. and cases where the order is reviewable under the standards of 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). Failure to petition for review

under this rule from an interlocutory order will ordinarily not constitute a waiver of objections to the order since, except as prescribed by Rule 311([ d ]g)(1)(ii) (waiver of objections), there is no requirement under these rules that a party seek available interlocutory relief.

Under Rule 1702(a) (stay ancillary to appeal) the Supreme Court or a justice thereof will not entertain an application for relief under Rule 1781 (stay pending action on petition for review) in connection with a special prosecution or investigation order until a petition for review has been filed under this rule.

**CHAPTER 51. PROVISIONS OF LAW SAVED AND ABROGATED**

*(Editor's Note:* Rule 5101 is rescinded and replaced with the following. The text appears at 210 Pa. Code pages 51-1—51-4, serial pages (188427) to (188430).)

**Rule 5101. Statutes and Other Authorities Suspended or Abrogated.**

(a) The Statute of 13 Edw. 1, c. 31 (3 Binney 606) (1 Ruffhead 99) is hereby suspended absolutely insofar as it is in force in this Commonwealth as supplied by Rule 1923 of these rules.

(b)

(1) The practice and procedure provided in all former statutes governing appellate procedure within the scope of these rules, which have been repealed effective June 27, 1978 or June 27, 1979 by the Judiciary Act Repealer Act (JARA), act of April 28, 1978 (P. L. 202, No. 53), and which are now part of the common law of this Commonwealth by virtue of Section 3(b) of JARA (42 P. S. § 20003(b)) are hereby abolished and shall not continue as part of the common law of this Commonwealth.

(2) With respect to all statutes relating to practice and procedure, repeal of which will become effective June 27, 1980 as provided by Section 4(b) of JARA (42 P. S. § 20004(b)), these rules are a general rule within the meaning of Section 3(b) of JARA and the practice and procedure provided in those statutes, so far as relates to appellate procedure within the scope of these rules, shall not continue as part of the common law of this Commonwealth.

(c) These rules are intended to provide a complete and exclusive procedure relating to appellate practice and procedure and:

(1) Except as provided in Rule 5102 (statutes saved from suspension), all statutes relating to practice and procedure finally enacted prior to January 1, 1981 are hereby suspended to the extent inconsistent with these rules.

(2) All local rules of court relating to appellate practice and procedure are hereby abrogated, except where these rules expressly authorize the adoption of a local rule of court supplementary to a provision of these rules applicable to appeals generally.

**Rule 5102. Statutes Saved from Suspension.**

\* \* \* \* \*

(b) *Other statutes.*—These rules shall not be deemed to suspend or affect:

\* \* \* \* \*

[ (5) Last sentence of section 423 of the act of June 13, 1967 (P. L. 31, No. 21), known as the Public Welfare Code (62 P. S. § 423). ]

\* \* \* \* \*

(6) 15 Pa.C.S. § [ 135 ] 137 (Commonwealth Court to pass upon rejection of documents by Department of State).

(7) **Rescinded.** 20 Pa.C.S. § 746 (money paid into court), repealed by the Judiciary Act Repealer Act effective June 27, 1980.

\* \* \* \* \*

[Pa.B. Doc. No. 97-1138. Filed for public inspection July 18, 1997, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Joint General Court Regulation; Trial Division and Orphans' Court Division; No. 97-1

#### Procedure for Approval of Compromises Involving Minors, Incapacitated Persons, Wrongful Death and Survival Actions

In order to fully implement a comprehensive procedure dealing with the settlement of cases involving Minors, Incapacitated Persons, Wrongful Death and Survival Actions in light of the experience gathered through the implementation of Joint General Court Regulation No. 93-2 issued by the Administrative Judges of the Trial and Orphans' Court Divisions, *It Is Hereby Ordered and Decreed* that the said Joint General Court Regulation is rescinded and consistent with Pa.R.C.P. No. 2039, 2064 and 2206 and Phila. Civ. R. No. ★2039.1 and ★2206, the following procedure shall be utilized in approving Petitions for settlements involving minors, incapacitated persons, wrongful death and survival actions:

#### I. Minor or Incapacitated Person's Compromises

(a) *Situs of the Filing of the Petition.* Petitions for Approval of Settlements in cases where minors or incapacitated persons have an interest shall be filed with the Prothonotary. The Prothonotary shall forward the Petition to the office of Civil Administration where it will be held until after the expiration of the Response period whereupon, by designation of the Administrative Judge of the Trial Division, and by agreement of the Administrative Judge of the Orphans' Court Division, the Petition will be assigned to a Judge of the Orphans' Court Division, as directed by the Administrative Judge of the Orphans' Court Division, for the entry of an appropriate final appealable Order. The Order will be returned to the office of Civil Administration for docketing and mailing to all interested parties.

(b) *Contents of Petition.* The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of birth and social security number of the minor plaintiff or incapacitated person, the names and addresses of the minor's parents, the name of the plaintiff's guardian and the appointing court, the address of the plaintiff, and a factual recitation of the salient facts which form the bases of the cause of action;

(2) state the terms of the settlement, including the specific provisions of any annuity, if applicable, including the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, periodic and lump sum payments, and otherwise comply with Pa.R.C.P. No. 2039 and 2064;

(3) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare;

(4) contain or be accompanied by the following:

(a) a written report of a physician setting forth the present condition of the minor or incapacitated person;

(b) a statement under oath by the guardian and, if appropriate, the parent(s), certifying (i) the present physical or mental condition of the minor or incapacitated person, and (ii) approval of the proposed settlement and distribution thereof;

(c) a statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and

(d) if there is to be an allocation between parents and children or incapacitated persons, or among children or other parties, the amounts allocated to each party and specific reasons for such allocation must be set forth. In the event more than one plaintiff is involved, whether minor, adult or incapacitated, Petitioner must set forth the amount each plaintiff is to receive and shall provide justification for the requested allocation;

(e) in the event that a minor is sixteen (16) years of age or older, his or her written approval of the proposed settlement and distribution thereof.

(f) a proposed Order.

(c) *Appointment of a Guardian.* Pennsylvania Rules of Civil Procedure No. 2028 and 2053 require that the minor or incapacitated person be represented in the action by a guardian, when the minor or incapacitated person is a party to the action, who is to be duly appointed by the appropriate Orphans' Court Division or Court. In the event the circumstances of an individual case require the appointment of a guardian ad litem, the guardian ad litem shall submit a statement concerning his/her opinion as to the reasonableness of the proposed settlement and requested allocation of the gross settlement proceeds.

(d) *Proof of Deposit and Compliance with Court Order.* Within sixty (60) days of the entry of a final order, counsel shall file an Affidavit with Civil Administration certifying compliance with the Court Order, and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The Affidavit shall be substantially in the form set forth hereunder.

#### II. Petitions for Approval of Settlements in Wrongful Death/Survival Actions.

(a) *When Required.*

(1) *Survival Action.* Court approval of settlements in survival actions is always required.

(2) *Wrongful Death.* If the Complaint only raised a Wrongful Death claim, court approval of settlements shall be required only where a minor or incapacitated person has an interest.

(3) *Combined Wrongful Death and Survival Actions.* If the Complaint raised Wrongful Death and Survival claims Court approval is required as to allocation between the categories notwithstanding the absence of minors or

incapacitated persons, even if plaintiff requests that the entire proceeds be allocated entirely to the Wrongful Death claim.

(b) *Situs of the Filing of the Petition.* Petitions for Approval of Settlements in Wrongful Death or Survival Actions shall be filed with the Prothonotary. The Prothonotary shall forward the Petition to Civil Administration where it will be held until after the expiration of the Response period whereupon, by designation of the Administrative Judge of the Trial Division and by agreement of the Administrative Judge of the Orphans' Court Division, it will be assigned to a Judge of the Orphans' Court Division, as directed by the Administrative Judge of the Orphans' Court Division, for the entry of an appropriate final appealable Order. The Order will be returned to the office of Civil Administration for docketing and mailing to all interested parties.

(c) *Contents of Petition.* The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of death of plaintiff-decedent, the name of the personal representative of the estate and the county of appointment. A copy of the Decree of the Register must be attached;

(2) state the terms of the settlement, including the specific allocation as between Wrongful Death and Survival, name the Wrongful Death beneficiaries and the amount each is to receive, name the intestate heirs of Plaintiff-decedent as of the date the cause of action arose, state reasons why the settlement and allocation are reasonable, and otherwise comply with Pa.R.C.P. No. 2206. In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

(3) show compliance with Pa.R.C.P. No. 2205 and Phila. Civ. R. No. ★2205, and set forth the name, relationship and address of plaintiff-decedent's intestate heirs who must be served with a copy of the Petition (as required by 20 Pa.C.S. § 2101, et seq.);

(4) identify any other parties who may have a possible interest in plaintiff-decedent's estate, and list unpaid claims raised, or which are outstanding, in the decedent's estate;

(5) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare; and

(6) attach a proposed Order.

(d) *Proof of Deposit and Compliance with Court Order.* Within sixty (60) days of the entry of a final order, counsel shall file an Affidavit with Civil Administration, substantially in the form set forth hereunder, certifying compliance with the Court Order and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The Affidavit shall be substantially in the form set forth hereunder.

**III. Petitions for Allowance**

(a) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of Philadelphia County shall be filed directly with such Division. A copy of the Order approving the settlement shall be attached to the Petition.

(b) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of a county other than Philadelphia, or by a

different state, shall be filed directly with such appointing Court. A copy of the Order approving the settlement shall be attached to the Petition.

(c) Petitions for Allowance in those cases where a guardian has not been appointed shall be filed with the Orphans' Court Division of the appropriate county or other state. A copy of the Order approving the settlement shall be attached to the Petition.

**IV. Inconsistency with Phila. Civ. R. No. 2039.1, 2039.2 and 2206.**

To the extent the terms of Phila. R. Civ. P. No. 2039.1, 2039.2 and 2206 differ from the terms provided in the within Joint General Court Regulation, the terms of the said rules are rescinded.

This Joint General Court Regulation is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Phila. Civ. R. ★51 and Pa.R.C.P. 239, and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

JOHN W. HERRON,  
*Administrative Judge, Trial Division*  
PETRESE B. TUCKER,  
*Administrative Judge, Orphans' Court Division*

**IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT**

PLAINTIFF : CIVIL TRIAL DIVISION  
:  
v. : TERM, 19  
:  
DEFENDANT : NO:

**PETITION FOR LEAVE TO SETTLE OR  
COMPROMISE MINOR'S ACTION<sup>1</sup>**

To The Honorable, the Judges of the Said Court:

The Petition of \_\_\_\_\_, a minor, by his Guardian (see Pa.R.C.P. 2028), by his attorney, \_\_\_\_\_, Esquire respectfully requests:

- 1. Petitioner is (see Pa.R.C.P. 2026): \_\_\_\_\_ .
- 2. The minor was born on \_\_\_\_\_, and his/her social security number is \_\_\_\_\_.
- 3. The minor resides with \_\_\_\_\_ at the following address: \_\_\_\_\_ .
- 4. A guardian (was) (was not) appointed for the minor as follows: \_\_\_\_\_ . A copy of the Order is attached.
- 5. The minor's mother is \_\_\_\_\_ who resides at the following address: \_\_\_\_\_
- 6. The minor's father is \_\_\_\_\_ who resides at the following address: \_\_\_\_\_ .



7. The defendant is \_\_\_\_\_ who resides or whose principal place of business at all relevant times was \_\_\_\_\_

8. On \_\_\_\_\_ the minor sustained the following injuries at the following location (set forth in detail): \_\_\_\_\_

(If additional space is needed, please continue on separate page.)

9. A Complaint was filed against defendant(s) as follows: \_\_\_\_\_

10. Attached hereto is a report by Dr. \_\_\_\_\_ dated \_\_\_\_\_ which sets forth the present condition of the minor.

11. Attached hereto is a statement, under oath, of the minor's parents and/or guardian and/or guardian ad litem certifying the physical and/or mental condition of the minor, as well as the parents' and/or guardian's and/or guardian ad litem's approval of the proposed settlement and distribution.

12. Attached hereto is the written approval of the proposed settlement and distribution by the minor, who is sixteen (16) years of age or older.

13. The following settlement has been proposed:<sup>2</sup>

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, please continue on separate page.)

14. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, please continue on separate page.)

15. Counsel has incurred the following expenses for which reimbursement is sought (please set forth in detail)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, please continue on separate page.)

16. The following costs have been incurred by or on behalf of the minor and must be paid from the proceeds of the settlement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, please continue on separate page.)

17. The Department of Public Welfare, or any other entity, does (not) have a claim or lien against the plaintiff(s) as follows \_\_\_\_\_

\_\_\_\_\_

(If additional space is needed, please continue on separate page.)

18. Counsel requests a fee in the sum of \$ \_\_\_\_\_ which is \_\_\_\_\_% per cent of the net settlement payable to the minor. A copy of the retainer agreement is attached.

19. Counsel (has) (has not) and (will) (will not) receive collateral payments as counsel fees for representation involving the same matter from third parties (i.e. subrogation).

20. The net settlement payable to the minor (after deduction of costs and attorneys fees) is \$ \_\_\_\_\_ .

WHEREFORE, Petitioner requests that he/she be permitted to enter into the settlement recited above and that the Court enter an Order of Distribution<sup>3</sup> as follows:

- a. To \_\_\_\_\_ \$ \_\_\_\_\_  
Reimbursement for Costs
- b. To \_\_\_\_\_ \$ \_\_\_\_\_
- c. To \_\_\_\_\_ \$ \_\_\_\_\_  
Counsel Fee
- d. To: Adult Plaintiff(s) \$ \_\_\_\_\_  
(if applicable)
- e. To \_\_\_\_\_, a minor,<sup>4</sup> \$ \_\_\_\_\_  
in restricted accounts not to be withdrawn before majority or upon prior leave of Court.

OR

- e. To \_\_\_\_\_, the \$ \_\_\_\_\_  
Guardian of the Estate of \_\_\_\_\_,  
A Minor, appointed or to be appointed  
by the Orphans' Court of \_\_\_\_\_  
County, after posting appropriate  
security

\_\_\_\_\_  
Name of Attorney  
Attorney for Petitioner

**VERIFICATION**

I, \_\_\_\_\_, am the Petitioner in this action and hereby verify that the statements made in the foregoing Petition to Settle or Compromise Minor's Action are true and correct to the best of my knowledge, information and belief.

I understand that the statement in said Petition are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

PETITIONER

<sup>1</sup> In the event the Petition involves an incapacitated Person, appropriate changes are to be made. See Pa.R.C.P. 2051, et seq.

<sup>2</sup> Phila. Civ. R. ★2039.1(D)(3)(e) provides that if there is to be an allocation between parents and children or incapacitated persons or among children or other parties, the amounts allocated to each party and specific reasons for such allocation must be set forth. Additionally, if more than one plaintiff is involved, whether minor, adult or incapacitated, Petitioner must set forth the amount each is to receive and shall provide justification for the requested allocation. In the event a portion of the settle-

ment is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

<sup>3</sup> Counsel is cautioned to specifically provide the requested distribution. Requests that distribution be "as per the attached Order" are not acceptable.

<sup>4</sup> Counsel is cautioned that the restricted account must be set up in the name of the minor only (not in the name of the parent as guardian for the minor). See Pa.R.C.P. 2039(b)(2).

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT**

: CIVIL TRIAL DIVISION  
:  
:  
: TERM, 19  
:  
:  
: No.

**ORDER APPROVING SETTLEMENT AND ORDER FOR DISTRIBUTION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, upon consideration of the Petition For Leave to Compromise A Minor's Action, filed \_\_\_\_\_ it is hereby ORDERED and DECREED that Petitioner is authorized to enter into a settlement with Defendant(s) \_\_\_\_\_ in the gross sum of \_\_\_\_\_ (\$ \_\_\_\_\_) Dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioners' counsel for proper distribution.

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be allocated as follows:

1. To: Minor Plaintiff(s)

NAME	DATE OF BIRTH	SOC. SEC. #	
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

2. To: Adult Plaintiff(s)

_____	\$ _____
_____	\$ _____

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be distributed as follows:

1. Minor Plaintiff<sup>5</sup>

NAME	DATE OF BIRTH	SOC. SEC. #	
_____	_____	_____	\$ _____

a. To: \_\_\_\_\_, Esquire \$ \_\_\_\_\_  
Reimbursement Costs

b. To: \_\_\_\_\_ \$ \_\_\_\_\_

c. Costs to: \_\_\_\_\_, Esquire \$ \_\_\_\_\_  
Counsel Fees

d. The balance, the sum of \$ \_\_\_\_\_ payable to \_\_\_\_\_, a minor, shall be distributed as follows:<sup>6</sup>

**OPTION 1**

To: \_\_\_\_\_, Guardian \$ \_\_\_\_\_ of the Estate of \_\_\_\_\_, A minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as required by the Orphans' Court Division of \_\_\_\_\_ County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days.

**OPTION 2**

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Philadelphia County, in the sum of \$ \_\_\_\_\_, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

\_\_\_\_\_, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior Order of Court.

Counsel shall open a savings account in the sum of \$ \_\_\_\_\_ in the name of the minor. The savings account shall be titled and restricted as follows:

\_\_\_\_\_, a minor, not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

2. Adult Plaintiff<sup>7</sup>

The portion of the settlement payable to \_\_\_\_\_, an Adult Plaintiff named in the Complaint, shall be distributed as follows:

To: \_\_\_\_\_, Esquire \$ \_\_\_\_\_  
Reimbursement of Costs

To: \_\_\_\_\_ \$ \_\_\_\_\_  
Costs

To: \_\_\_\_\_, Esquire \$ \_\_\_\_\_  
Counsel Fees

To: \_\_\_\_\_ \$ \_\_\_\_\_  
Plaintiff

Pursuant to Phila. Civ. R. ★2039.1(I), counsel shall file with the office of Civil Administration within sixty (60) days from the date of this final Order, proof of the establishment of the accounts as required herein, by Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account containing the

required restrictions.

BY THE COURT:

\_\_\_\_\_ J.

ORPHANS' COURT DIVISION

<sup>5</sup> The share of each minor Plaintiff shall be separately distributed.

<sup>6</sup> In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

<sup>7</sup> The share of each adult plaintiff shall be separately distributed.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY CIVIL TRIAL DIVISION**

\_\_\_\_\_ : TERM, 19  
: :  
v. : :  
: :  
: : NO:

**AFFIDAVIT**

I, \_\_\_\_\_, Esquire, hereby state and affirm that I have complied with the order issued on \_\_\_\_\_ by the Honorable \_\_\_\_\_ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in this Affidavit are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_, Esquire, Attorney for Petitioner

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT CIVIL TRIAL DIVISION**

\_\_\_\_\_ : TERM, 19  
: :  
: :  
: : NO:

**PETITION TO SETTLE WRONGFUL DEATH AND SURVIVAL ACTIONS**

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of \_\_\_\_\_, Administrator/Executor of the Estate of \_\_\_\_\_, Deceased, by his attorney, \_\_\_\_\_, Esquire, respectfully requests:

1. Petitioner is \_\_\_\_\_ who was appointed Administrator/Executor of the Estate of \_\_\_\_\_, Deceased, on \_\_\_\_\_, 19\_\_\_\_, by the Register of Wills of \_\_\_\_\_ County. A copy of the Decree of the Register is attached.

2. The plaintiff decedent died on \_\_\_\_\_ as a result of: [set forth relevant information describing

the underlying negligence or cause of action as required by Phila. Civ. R. ★2206(D)]

\_\_\_\_\_  
\_\_\_\_\_

(If additional space is needed, please continue on separate sheet).

3. Notice of the institution of the action as required by Pa.R.C.P. 2205 and Philadelphia Civ. R. ★2205 was given on \_\_\_\_\_ to the following individuals:

NAME	ADDRESS:
_____	_____
_____	_____
_____	_____

4. Pursuant to Phila. Civ. R. ★2206(B) Petitioner has served a copy of this Petition on the intestate heirs<sup>8</sup> of plaintiff decedent (as provided in 20 Pa.C.S. § 2101 et seq.) who are as follows:

NAME	RELATIONSHIP	ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Pursuant to Phila. Civ. R. ★2206(B) Petitioner has served a copy of this Petition on the following parties who may have a possible interest:

NAME	RELATIONSHIP	ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Decedent (did (did not) have a Will. A copy is attached.

7. The following unpaid claims<sup>9</sup> have been raised and/or are outstanding in the decedent's estate:

CREDITOR	AMOUNT DUE
_____	_____
_____	_____
_____	_____

8. A Complaint was filed against defendant(s) as follows: \_\_\_\_\_

\_\_\_\_\_ .

9. The following settlement has been proposed<sup>10</sup>: \_\_\_\_\_

(If additional space is needed, please continue on a separate page).

10. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following (state the reasons why in the professional opinion of counsel the settlement is proper):

(If additional space is needed, please continue on separate page).

11. Petitioner is of the opinion that the proposed settlement is reasonable.

12. Counsel has incurred the following expenses for which reimbursement is sought (Please set forth in detail):

(If additional space is needed, please continue on separate page).

13. Counsel requests counsel fees in the amount of \$\_\_\_\_\_ which represents \_\_\_\_\_% of the net proceeds of the settlement.

14. Petitioner requests allocation of the net proceeds of the settlement (after deduction of costs and attorneys fees) as follows:

- a. Wrongful Death Claim \$\_\_\_\_\_
- b. Survival Claim \$\_\_\_\_\_

15. The reason for the requested allocation are as follows:

(If additional space is needed, please continue on a separate page).

16. Pursuant to the Wrongful Death Statute (42 Pa.C.S. § 8301), the beneficiaries of the Wrongful Death Claim, and the proportion of their interest, are as follows:

NAME	AMOUNT DUE
_____	_____
_____	_____

17. The pecuniary loss suffered by the beneficiaries listed in Paragraph 15 is as follows:

(If additional space is needed, please continue on a separate page).

WHEREFORE, Petitioner requests that he/she be permitted to enter into the settlement recited above, and that the Court enter an Order of Distribution<sup>11</sup> as follows:

- a. To: \_\_\_\_\_ \$  
Reimbursement for Costs
- b. To: \_\_\_\_\_ \$  
Costs
- c. To: \_\_\_\_\_ \$  
Counsel Fees
- d. Wrongful Death Claim
  - i. To: Spouse; and/or \$
  - ii. To: Adult Child(ren); and/or \$
  - iii. To: Minor Child(ren) and/or incapacitated persons; and/or \$
- (a) in restricted accounts; or \$

- (b) to the guardian of the minor(s) \$  
estate; and/or
- iv. To: Parent(s) \$
- e. Survival Claim \$  
To: \_\_\_\_\_, Administrator/  
Executor of the Estate of \_\_\_\_\_,  
Deceased

Respectfully submitted,

NAME OF ATTORNEY  
ATTORNEY FOR PETITIONER

**VERIFICATION**

I, \_\_\_\_\_, am the Petitioner in this action and hereby verify that the statements made in the foregoing Petition to Settle or Compromise Minor's Action are true and correct to the best of my knowledge, information and belief.

I understand that the statement in said Petition are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

PETITIONER

<sup>8</sup> In the event any court has appointed a guardian for a minor heir or incapacitated person, set forth the name of the guardian, the Court date and manner of appointment.

<sup>9</sup> Petitioner must indicate whether the Department of Public Welfare has a claim or a lien against Petitioners, the Estate or any wrongful death beneficiaries.

<sup>10</sup> In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

<sup>11</sup> Counsel is cautioned to specifically provide the requested distribution. Requests that distribution be "as per attached Order" are not acceptable.

**IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT  
CIVIL TRIAL DIVISION**

PLAINTIFF : TERM, 19  
v. :  
DEFENDANT : NO:

**NOTICE  
PURSUANT TO PHILA. CIV. R. ★2206**

TO: \_\_\_\_\_  
(Name of Beneficiary)

DATE: \_\_\_\_\_

YOU ARE HEREBY NOTIFIED THAT, \_\_\_\_\_, Administrator/Executor of the Estate of \_\_\_\_\_, Deceased has filed (or will file) on \_\_\_\_\_, A Petition to Approve a Settlement of a Wrongful Death and Survival Action. A copy of that Petition is enclosed.

If you object to the proposed settlement and/or proposed distribution, you must submit your written objections on

Response to the Petition on or before\* \_\_\_\_\_, 19\_\_\_\_, to the following address:

Civil Administration, Room 296 City Hall, Philadelphia, Pennsylvania 19107.

I hereby certify that the within Notice has been mailed to the above named individual(s) on the date set forth above.

NAME OF ATTORNEY
ATTORNEY FOR PETITIONER

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY FIRST JUDICIAL DISTRICT CIVIL TRIAL DIVISION

: TERM, 19
:
:
: No:

ORDER

AND NOW, this day of , 19 , upon consideration of the Petition to Compromise Wrongful Death and Survival Action filed on \_\_\_\_\_, 19\_\_\_\_, it is hereby ORDERED and DECREED that Petitioner is authorized to enter into a settlement with Defendant(s) \_\_\_\_\_, in the gross sum of \_\_\_\_\_ (\$\_\_\_\_\_) Dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

IT IS FURTHER ORDERED and DECREED that the settlement proceeds are allocated as follows:

- 1. Wrongful Death \$\_\_\_\_\_
2. Survival Claim \$\_\_\_\_\_

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be distributed as follows:

- 1. To: \_\_\_\_\_, Esquire \$\_\_\_\_\_ For Costs
2. To: \_\_\_\_\_, Esquire \$\_\_\_\_\_ For Counsel Fees
3. The Wrongful Death Claim in the sum of \$\_\_\_\_\_ shall be paid as follows:
a. To: Spouse; and/or \$\_\_\_\_\_
b. To: Adult Child(ren);\* and/or \$\_\_\_\_\_
c. To: Minor Child(ren)+ as provided hereunder \$\_\_\_\_\_

\* Unless waived by all beneficiaries or interested parties, the response period shall be thirty (30) days.

\* In the event the beneficiary is an incapacitated person, appropriate changes are to be made.

OPTION 1

To: \_\_\_\_\_, Guardian \$\_\_\_\_\_ of the Estate of \_\_\_\_\_, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as may be required by the Orphans' Court Division of \_\_\_\_\_ County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days.

OPTION 2

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Philadelphia County, in the sum of \$\_\_\_\_\_ , each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

Not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or otherwise alienated before the minor attains majority, except upon prior Order of Court. Counsel shall open a savings account in the sum of the sum of \$\_\_\_\_\_ in the name of the minor. The savings account shall restricted as follows: Not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

- d. To: Parent(s) \$\_\_\_\_\_
4. The Survival Claim in the sum of \$\_\_\_\_\_ shall be paid to \_\_\_\_\_, Administrator/Executor, of the Estate of \_\_\_\_\_, Deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until the additional security as may be required by the Register of Wills of \_\_\_\_\_ County pursuant to 20 Pa.C.S. § 3323(b)(3) is posted.

Within sixty (60) days from the date of this final Order, counsel shall file with the office of Civil Administration an Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of the

Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT:



The order of attachment for damages arising out of a residential lease is binding upon you until further notice and shall have priority over any attachment, execution, garnishment or wage attachment under state or local law except one relating to a support order or a prior attachment for damages arising out of a residential lease. You must commence the attachment of the defendant/tenant's income as soon as possible but no later than fourteen (14) days from the date of the issuance of this order of attachment.

You are notified further that pursuant to law:

1. The defendant/tenant has been notified that an order of attachment would be issued.
2. Willful failure to comply with this order may result in (i) your being adjudged in contempt of court with appropriate sanctions; (ii) your being held liable for any amount not withheld or withheld but not forwarded to the Prothonotary; and (iii) attachment of your funds or property.
3. The attachment of income or the possibility thereof as a basis, in whole or in part, for the discharge of an employee or any disciplinary action against or demotion of an employee is prohibited. Violation may result in (i) your being adjudged in contempt with appropriate sanctions; and (ii) an action against you by the employe for damages.
4. You must notify the Prothonotary when the defendant/tenant terminates employment and provide the Prothonotary with the employees' last known address and the name and address of the new employer, if known.
5. The maximum amount of the attachment shall not exceed 10% of the employee's net wages per pay period. the total amount of wages attached pursuant to this order shall not exceed \_\_\_\_\_ .
6. For the purposes of this order, "net wages" means all wages paid less only the following items:
  - (i) Federal, State, and local income taxes;
  - (ii) F.I.C.A. payments and nonvoluntary retirement payments;
  - (iii) Union dues; and
  - (iv) Health insurance premiums.

Date of Order: \_\_\_\_\_

BY THE COURT,

\_\_\_\_\_ J.

[Pa.B. Doc. No. 97-1140. Filed for public inspection July 18, 1997, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Mark Bendet having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated July 2, 1997 disbaring Mark Bendet from the practice of law in this Commonwealth, to be effective August 1, 1997.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-1141. Filed for public inspection July 18, 1997, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 2, 1997, Terence Alan Plizga is suspended from the Bar of this Commonwealth for a period of one (1) year and one (1) day, to run concurrently with the one (1) year and one (1) day Suspension imposed by Order of this Court on December 4, 1996, at No. 279 Disciplinary Docket No. 3.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-1142. Filed for public inspection July 18, 1997, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 93]

### Corrective Amendment to 25 Pa. Code § 93.91

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 93.91 (relating to Drainage List L) as deposited with the Legislative Reference Bureau and as published at 26 Pa.B. 5370 (November 9, 1996) and the official text as published in the *Pennsylvania Code Reporter* (Master

Transmittal Sheet No. 266). The amendments made by the Department at 26 Pa.B. 5370 were codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 93.91. The corrective amendment to 25 Pa. Code § 93.91 is effective as of January 4, 1997, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.91 appears in Annex A, with ellipses referring to the existing text of the regulation.

JAMES M. SEIF,  
*Secretary*

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE II. WATER RESOURCES

#### CHAPTER 93. WATER QUALITY STANDARDS

#### § 93.91. Drainage List L.

\* \* \* \* \*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Cooks Run	Basin, Onion Run to Crowley Hollow Run	Clinton	HQ-CWF	None
4—Crowley Hollow Run	Basin	Clinton	CWF	None
3—Cooks Run	Basin, Crowley Hollow Run to Mouth	Clinton	CWF	None
3—Milligan Run	Basin	Clinton	HQ-CWF	None
3—Smith Run	Basin	Clinton	HQ-CWF	None
3—North Smith Run	Basin	Clinton	HQ-CWF	None
3—Fish Dam Run	Basin	Clinton	EV	None
3—Kettle Creek	Basin, Source to Inlet of Kettle Creek Reservoir	Clinton	EV	None
3—Kettle Creek	Basin, Inlet of Kettle Creek Reservoir to Alvin Bush Dam	Clinton	HQ-TSF	None
3—Kettle Creek	Basin, Alvin Bush Dam to Mouth	Clinton	TSF	None
3—Dry Run	Basin	Clinton	HQ-CWF	None
3—Barney Run	Basin	Clinton	EV	None
3—Shintown Run	Basin	Clinton	HQ-CWF	None
3—Hall Run	Basin	Clinton	HQ-CWF	None
3—Drury Run	Basin, Source to Sandy Run	Clinton	EV	None
4—Sandy Run	Basin	Clinton	HQ-CWF	None
3—Drury Run	Basin, Sandy Run to Woodley Hollow	Clinton	HQ-CWF	None
4—Woodley Hollow	Basin	Clinton	CWF	None
3—Drury Run	Basin, Woodley Hollow to Mouth	Clinton	CWF	None



<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Brewery Run	Basin	Clinton	HQ-CWF	None
3—Peters Run	Basin	Clinton	HQ-CWF	None
3—Paddy Run	Basin	Clinton	EV	None
3—Boggs Hollow	Basin	Clinton	EV	None
3—Young Womans Creek	Basin	Clinton	HQ-CWF	None
3—Caldwell Run	Basin	Clinton	HQ-CWF	None
3—Dry Run	Basin	Clinton	HQ-CWF	None
3—Hyner Run	Basin	Clinton	HQ-CWF	None
3—Little McCloskey Run	Basin	Clinton	HQ-CWF	None
3—Big McCloskey Run	Basin	Clinton	HQ-CWF	None
3—Huff Run	Basin	Clinton	HQ-CWF	None
3—Schoolhouse Hollow	Basin	Clinton	HQ-CWF	None
3—Goodman Hollow	Basin	Clinton	HQ-CWF	None
3—Johnson Run	Basin	Clinton	HQ-CWF	None
3—Ritchie Run	Basin	Clinton	HQ-CWF	None
3—Green Run	Basin	Clinton	HQ-CWF	None
3—Rattlesnake Run	Basin	Clinton	HQ-CWF	None
3—Grugan Hollow	Basin	Clinton	HQ-CWF	None
3—Mill Run	Basin	Clinton	HQ-CWF	None
3—Baker Run	Basin	Clinton	HQ-CWF	None
3—McCloskey Run	Basin	Clinton	HQ-CWF	None
3—Ferney Run	Basin	Clinton	HQ-CWF	None
3—East Ferney Run	Basin	Clinton	HQ-CWF	None
3—Holland Run	Basin	Clinton	HQ-CWF	None
3—Tangascootak Creek	Main Stem	Clinton	CWF	None
4—Unnamed Tributaries to Tangascootak Creek	Basins	Clinton	CWF	None
4—North Fork Tangascootak Creek	Basin	Clinton	HQ-CWF	None
4—Bird Run	Basin	Clinton	CWF	None
3—Lick Run	Basin, Source to Farthest Upstream Crossing of LR 18011 (SR 1001)	Clinton	EV	None
3—Lick Run	Basin, Farthest Upstream Crossing of LR 18011 to Mouth	Clinton	HQ-CWF	None
3—Queens Run	Basin	Clinton	HQ-CWF	None
3—Unnamed Tributaries to West Branch Susquehanna River	Queens Run to Pine Creek	Clinton-Lycoming	CWF	None
3—Sugar Run	Basin	Clinton	CWF	None
3—Reeds Run	Basin	Clinton	CWF	None
3—Bald Eagle Creek	Basin, Source to Laurel Run (at Port Matilda)	Centre	CWF	None
4—Laurel Run	Basin	Centre	CWF	None
3—Bald Eagle Creek	Main Stem, Laurel Run to Nittany Creek	Centre	TSF	None
4—Unnamed Tributaries to Bald Eagle Creek	Basins, Laurel Run to Nittany Creek	Centre	CWF	None

RULES AND REGULATIONS

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Mudlick Run	Basin	Centre	CWF	None
4—Laurel Run	Basin	Centre	EV	None

\* \* \* \* \*

[Pa.B. Doc. No. 97-1143. Filed for public inspection July 18, 1997, 9:00 a.m.]

—

# PROPOSED RULEMAKING

## STATE BOARD OF DENTISTRY

### [49 PA. CODE CH. 33] Volunteer License

The State Board of Dentistry (Board) proposes to amend Chapter 33, by adding § 33.110 (relating to volunteer license), to read as set forth in Annex A.

#### A. Effective Date

The regulation will be effective upon publication of a final-form regulation in the *Pennsylvania Bulletin*.

#### B. Statutory Authority

The Board is required to promulgate regulations governing the volunteer license category under section 5 of the Volunteer Health Services Act (act) (35 P. S. § 449.45) which became effective February 3, 1997. Section 5 of the act mandates regulations governing: (1) qualifications for placing an active license on volunteer status; (2) criteria under which a retired licensee who has allowed a license to become inactive may obtain a volunteer license; and (3) procedures under which a volunteer license holder may return to active status. The Board is authorized to adopt regulations necessary to the administration of its enabling statute under section 3(o) of The Dental Law (63 P. S. § 122(o)).

#### C. Background and Purpose

The purpose of the proposal is to implement the act. The act is intended to increase the availability of primary health services by establishing a procedure for retired dentists and dental hygienists and other health care practitioners to provide professional services as volunteers in approved clinics. Primary health services are defined in the act as including such services as regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing and health education.

An approved clinic is defined in the act as an organized community-based clinic which offers services to: (1) individuals and families who cannot pay for their care; (2) Medical Assistance clients; or (3) residents of medically underserved or health professionals shortage areas. Examples of these clinics include Federal or State qualified and approved health centers or nonprofit community-based clinics.

The act permits persons who have been issued a license by the State Boards of Medicine, Osteopathic Medicine, Dentistry, Podiatry, Nursing, Optometry and Chiropractic to practice a component of the healing arts to apply for volunteer status. A volunteer license will be issued to a retired individual who documents to the satisfaction of the Board that he will practice without remuneration in approved clinics.

Section 6 of the act (35 P. S. § 449.46) exempts holders of a volunteer license from biennial renewal fees mandated by § 33.105 (relating to biennial renewal of licenses). However, volunteer licenses will be subject to biennial renewal conditioned upon completion of any continuing education which the Board requires for biennial renewal generally.

#### D. Description of Amendments

The volunteer license category would be added to Subchapter B (relating to licensure of dentists, dental hygienists and expanded function dental assistants). New § 33.110 would provide the statutory references to the act, as well as the statutory basis for the volunteer license category. The Board has interpreted the act as permitting a volunteer license holder to practice exclusively in an organized community-based clinic without remuneration. The Board has interpreted the volunteer license category as being available to persons licensed or certified by the Board as dentists, dental hygienists or expanded function dental assistants.

The criteria for obtaining a volunteer license are set forth in subsection (b). Both active licensees and persons who have retired with inactive licenses would be able to receive a volunteer license to practice as a volunteer without remuneration in an approved clinic. Under section 3 of the act (35 P. S. § 449.43), an active licensee must possess a "current, active, unrestricted license" to qualify for a volunteer license. Section 4 of the act (35 P. S. § 449.44) permits a licensee to apply who retired with a license in "good standing." The Board has interpreted this qualification to mean a license which at the time of the application is not subject to an outstanding disciplinary action such as revocation or suspension. Accordingly, the Board uses the term "unrestricted license" as a qualification for the issuance of a volunteer license in subsection (b)(2). The act's definition of an "approved clinic" is included in subsection (b)(3).

Procedures to apply for a volunteer license are set forth at subsection (c). Applicants would be required to provide basic license information. In addition, the applicant would be required to execute a verification that the applicant intends to practice exclusively within the scope of a volunteer license. Also, to provide proper enforcement of the limitation of the act, applicants will be required to file with the Board a letter of agreement from the clinic that the applicant will work in the clinic. Subsection (d) would make this notification a continuing obligation during the biennial period of the license.

Biennial renewal of the volunteer license would be governed under subsection (e). Subsection (e)(1) and (2) would require the licensee to meet the continuing education requirements for biennial renewal, but exempt the volunteer license from a biennial renewal fee.

Subsection (f) provides for return to active, remunerative practice by a volunteer by applying to the Board and meeting the general reactivation requirements of § 33.106 (relating to reactivation of licenses).

Subsection (g) notifies the volunteer license holder that he continues to be subject to the disciplinary provisions of The Dental Law. In addition, subsection (g) proposes that a violation of the act or the regulations adopted thereunder may constitute separate grounds for discipline.

Subsection (h) would permit volunteer dentists to apply for permits to administer general anesthesia, conscious sedation or nitrous oxide. The Board believes that retired dentists who have not used anesthetic modalities for a number of years should complete some level of education and supervised clinical experience before reactivating a permit. The Board believes that anesthesia and conscious sedation modalities represent the greatest risk to the patient. An unrestricted permit or a restricted permit I is

required to administer these modalities in a facility not subject to State or Federal facility regulations. Therefore, the Board proposes to require volunteer applicants who apply within 2 years of the date of expiration of an unrestricted permit or restricted permit I to complete a course in the anesthetic modality under subsection (h)(2). Similarly, under subsection (h)(3), volunteer applicants who apply within 5 years of the date of expiration of a restricted permit II to administer nitrous oxide/oxygen would be required to complete a refresher course. All other applicants for a restricted or unrestricted permit would be required to meet the education requirements of § 33.335(a)(1), § 33.336(a)(1) or § 33.337(a)(1) (relating to requirements for unrestricted permit; requirements for restricted permit I; and requirements for restricted permit II), regardless of whether they previously held a permit.

Subsection (i) would cross reference the supervision requirements of The Dental Law and the regulations for volunteer dental hygienists or expanded function dental assistants.

#### *E. Compliance with Executive Order 1996-1*

In accordance with the requirements of Executive Order 1996-1, in drafting and promulgating the regulation, the Board solicited input and suggestions from the regulated community by providing drafts to organizations and entities which represent the professionals and to non-profit organizations who represent qualified providers of volunteer services.

#### *F. Fiscal Impact and Paperwork Requirements*

1. Commonwealth—The regulation will create a new license for which no fee will be charged. As such, the expenses of the program will be borne as a part of the Board's overall operating expenses which are financed through biennial renewals of active licensees and may have a fiscal impact on overall Board costs. The net effect, however, is estimated to be minimal owing to the relatively small number of licensees who will seek a volunteer license. Additional paperwork will be incurred by the Board and the private sector to generate and file application forms.

2. Political subdivisions—There will be no adverse fiscal impact or paperwork requirements imposed.

3. Private sector—The regulation will have a positive fiscal impact on individual licensees who restrict their professional activities to volunteer work since these individuals are exempt from maintaining professional liability insurance required under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006) and the biennial renewal fee for licensure. The regulation should impose no additional fiscal or paperwork requirements.

#### *G. Sunset Date*

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

#### *H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 8, 1997, the Board submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the regulation, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive

Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulation, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor of objections raised.

#### *I. Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to Judith Pachter Schuller, Board Counsel, State Board of Dentistry, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-468 (Volunteer License), when submitting comments.

EDWIN F. WEAVER, III, D.D.S.,  
*Chairperson*

**Fiscal Note:** 16A-468. No fiscal impact; (8) recommends adoption.

### **Annex A**

## **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 33. STATE BOARD OF DENTISTRY**

#### **Subchapter B. LICENSURE OF DENTISTS [ AND ], DENTAL HYGIENISTS AND EXPANDED FUNCTION DENTAL ASSISTANTS**

#### **§ 33.110. Volunteer license.**

(a) *Purpose and scope.* The following subsections implement the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) and provide for the issuance of a volunteer license to a qualified individual who retires from active practice and seeks to provide professional services as a volunteer. A volunteer license authorizes the holder to practice only in an organized community-based clinic and without remuneration.

(b) *License.* A volunteer license may be issued to a licensee or certificateholder of the Board who meets one of the following conditions:

(1) Holds a currently renewed, active, unrestricted license, registration or certificate in this Commonwealth and retires from active practice at the time he applies for a volunteer license.

(2) Retires from the active practice of dentistry, or as a dental hygienist or as an expanded function dental assistant in this Commonwealth in possession of an unrestricted license, registration or certificate which was allowed to lapse by not renewing it. A retired licensee, registrant or certificateholder shall meet any requirements of the act or the regulations pertaining to continued education or continued competency to be eligible for renewal. As used in this section, an "unrestricted license, registration or certification" is one which is not restricted or limited by order of the Board under its disciplinary power.

(3) Documents to the satisfaction of the Board that he will practice without personal remuneration in approved

clinics. As used in this section, an "approved clinic" is an organized community-based clinic offering primary health care services to individuals and families who cannot pay for their care, to Medical Assistance clients, or to residents of medically underserved areas or health professionals shortage areas. The term may include a State health center, nonprofit community-based clinic or Federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice exclusively:

(i) Without personal remuneration for professional services.

(ii) In an organized community-based clinic offering primary health care services to one or more of the following:

(A) Individuals and families who cannot pay for their care.

(B) Medical Assistance clients.

(C) Residents of medically underserved areas or health professional shortage areas.

(2) A letter signed by the director or chief operating officer of the community-based clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(d) *Validity of license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of the change, or at the time of renewal, whichever occurs first.

(e) *Biennial renewal.* A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as the holder of an active, unrestricted license.

(2) The applicant shall be exempt from payment of the biennial renewal fee in § 33.3 (relating to fees).

(f) *Return to active practice.* A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board.

(g) *Disciplinary provisions.* A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health Services Act or this section may also constitute grounds for disciplinary action.

(h) *Permits to administer general anesthesia, conscious sedation or nitrous oxide/oxygen analgesia.*

(1) A dentist who applies for a volunteer license under subsection (b) who holds a current permit to administer anesthetic modalities may also apply for reissuance of an unrestricted or restricted permit of the type issued to the dentist as an active licensee under § 33.333 (relating to types of permits).

(2) A retired dentist who applies under subsection (b)(1) and (2) for a volunteer license who, within 2 years of the date of application, held an unrestricted permit or a restricted permit I, may apply for reissuance of the permit, but shall be required to complete a refresher course in advanced training in anesthesiology and related subjects, or in conscious sedation (whichever is applicable) as approved by the Board, that conforms to the American Dental Association guidelines of either § 33.335(a)(1) (relating to requirements for unrestricted permit) or § 33.336(a)(1) (relating to requirements for restricted permit I).

(3) A retired dentist who applies under subsection (b)(1) and (2) and for a volunteer license who, within 5 years of the date of application, held a restricted permit II may also apply for reissuance of the permit, but shall be required to complete a refresher course in nitrous oxide/oxygen approved by the Board that conforms to § 33.337(a)(1) (relating to requirements for restricted permit II).

(4) A dentist who applies for a volunteer license who does not qualify for a permit under paragraphs (1)—(3) and who wishes to administer general anesthesia, conscious sedation or nitrous oxide/oxygen analgesia under § 33.332(a) (relating to requirement of permit to administer general anesthesia, conscious sedation or nitrous oxide/oxygen analgesia) shall satisfy the education requirements of § 33.335(a)(1), § 33.336(a)(1) or § 33.337(a)(1).

(5) Volunteer license holders will not be subject to any fee for the issuance, reissuance or renewal of a permit under this subsection.

(i) *Supervision.* Volunteer dental hygienists shall meet the supervision requirements of § 33.205(c)(1) (relating to practice as a dental hygienist). Volunteer expanded function dental assistants shall meet the supervision requirements of section 2 of the act (63 P. S. § 121).

[Pa.B. Doc. No. 97-1144. Filed for public inspection July 18, 1997, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

#### Reorganization of the Game Commission

The Executive Board approved a reorganization of the Game Commission effective July 2, 1997.

The organization chart at 27 Pa.B. 3529 (July 19, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 97-1145. Filed for public inspection July 18, 1997, 9:00 a.m.]

### PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

#### Reorganization of the State Police

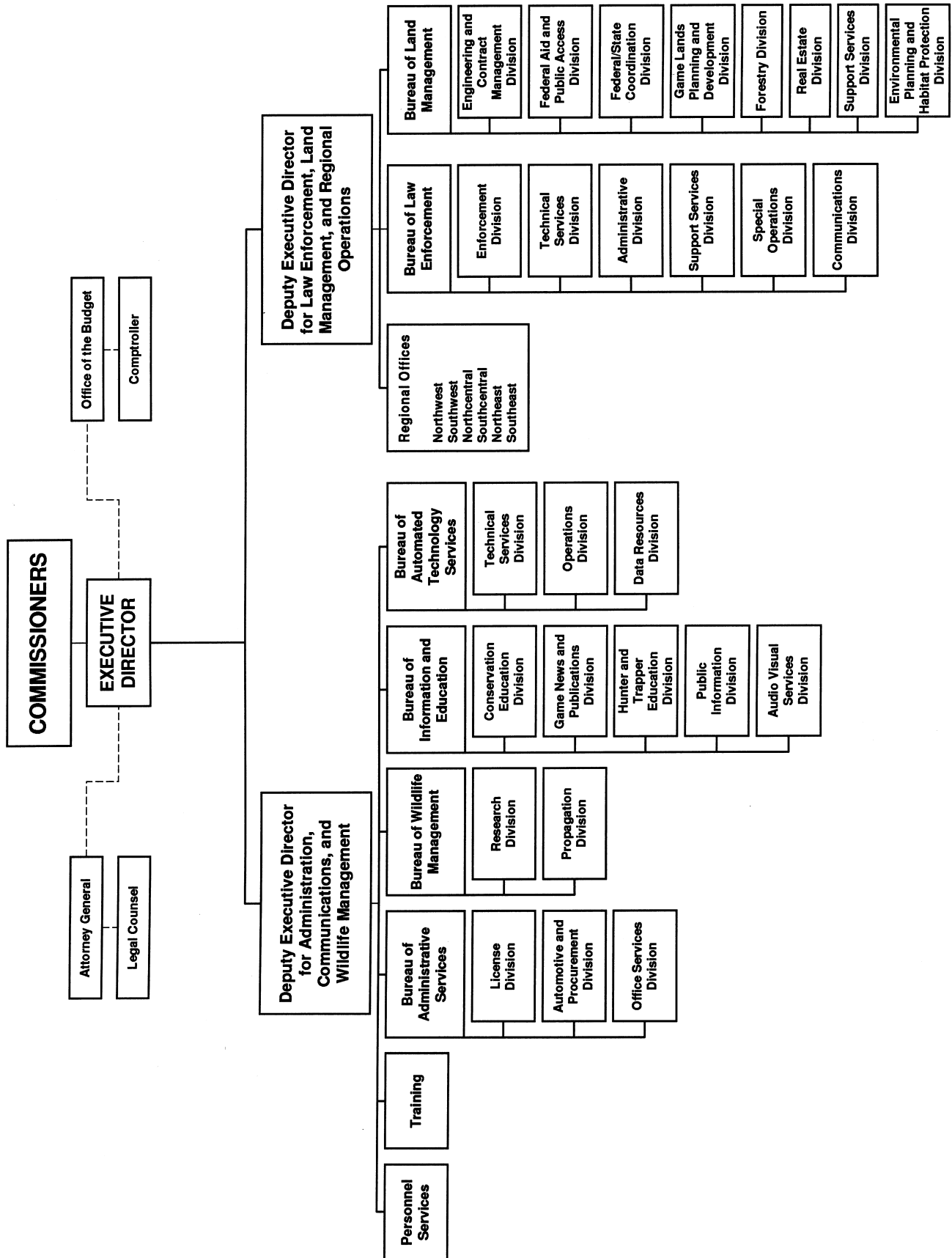
The Executive Board approved a reorganization of the State Police effective July 2, 1997.

The organization chart at 27 Pa.B. 3530 (July 19, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

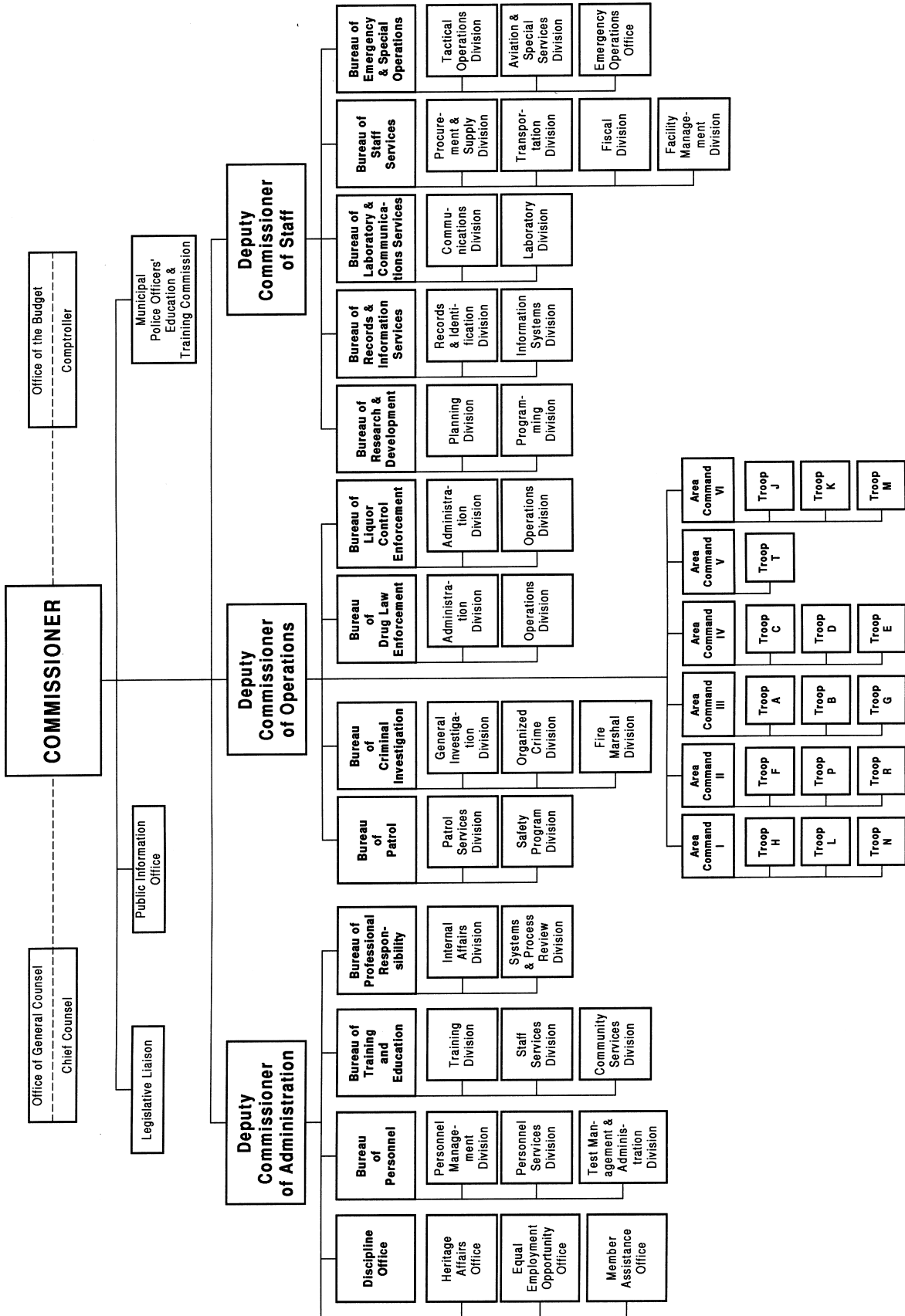
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 97-1146. Filed for public inspection July 18, 1997, 9:00 a.m.]

PENNSYLVANIA GAME COMMISSION



PENNSYLVANIA STATE POLICE





# Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 123]

### Community Revitalization Program

The Department of Community and Economic Development (Department) has adopted a statement of policy regarding the Community Revitalization Program to read as set forth in Annex A. This program provides grants for community revitalization and improvement projects under Act 4A of 1997.

In compliance with Act 4A of 1997, requiring publication of program guidelines, schedules and application procedures in the *Pennsylvania Bulletin* for the community revitalization and assistance appropriation, the Department announces the availability of funds and the following guidelines containing the schedules and application procedures for the Community Revitalization Program for the 1997-98 Fiscal Year.

#### *Fiscal Impact*

Appropriation of \$35 million provided in Act 4A of 1997.

#### *Paperwork Requirements*

The guidelines will require completion of the Department's Single Application for Assistance Form by prospective applicants.

#### *Effective Date*

The guidelines shall take effect upon publication in the *Pennsylvania Bulletin*.

SAMUEL A. MCCULLOUGH,  
*Secretary*

**Fiscal Note:** 4-64. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* The regulations of the Department are amended by adding a statement of policy at 12 Pa. Code §§ 123.1—123.8 to read as set forth in Annex A.)

#### Annex A

### TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

#### PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

#### Subpart A. STRATEGIC PLANNING AND OPERATION

#### CHAPTER 123. COMMUNITY REVITALIZATION PROGRAM—STATEMENT OF POLICY

Sec.	
123.1.	Introduction.
123.2	Definitions.
123.3.	Eligibility.
123.4.	CRP requirements and instructions.
123.5.	Application submission and approval procedure.
123.6.	Procedures.
123.7.	Limitations and penalties.
123.8.	Contact information.

#### § 123.1. Introduction.

(a) The CRP provides grants for community revitalization and improvement projects throughout this Commonwealth. CRP funds may be used for projects that are in Act 4A of 1997. Eligible projects are defined in § 123.3(b) (relating to eligibility).

(b) Assistance from the CRP is in the form of grants from the Commonwealth to eligible applicants for projects which, in the judgment of the Department, comply with Act 4A of 1997, are in accordance with the program guidelines in this chapter and meet all Department Single Application for Assistance criteria.

(c) The 1997 CRP expenditures will be charged to the State fiscal year July 1, 1997 to June 30, 1998.

#### § 123.2. Definitions.

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

*CRP*—The Community Revitalization Program.

#### § 123.3. Eligibility.

(a) *Eligible applicants.* The following applicants are eligible:

- (1) General purpose units of local government such as counties, cities, boroughs, townships and home rule municipalities.
- (2) Municipal and redevelopment authorities and agencies.
- (3) Industrial development authorities and agencies.
- (4) Nonprofit corporations incorporated under the laws of the Commonwealth.
- (5) Community organizations engaged in activities consistent with the program guidelines as determined by the Department.

(b) *Eligible projects.* CRP funds may be used for community revitalization and improvement projects that are consistent with Act 4A of 1997. These provisions include projects which:

- (1) Improve the stability of the community.
- (2) Promote economic development.
- (3) Improve existing and develop new civic, cultural, recreational, industrial and other facilities.
- (4) Assist in business retention, expansion, stimulation and attraction.
- (5) Promote the creation of jobs and employment opportunities.
- (6) Enhance the health, welfare and quality of life of Pennsylvania citizens.

#### § 123.4. CRP requirements and instructions.

The following requirements apply to CRP:

- (1) Project applications shall be submitted using the new Department's Single Application for Assistance.
- (2) The Department reserves the right to request additional information regarding proposed use of funds, to verify non-Department funding sources, to require explanation or revision of the project's budget, and to require clarification of the project's narrative.
- (3) An applicant shall follow the detailed instructions for completing the new Department Single Application for Assistance when applying for the CRP.

**§ 123.5. Application submission and approval procedure.**

(a) Applications will be accepted anytime throughout the fiscal year. Applications should be submitted to the following address:

Department of Community and  
Economic Development  
Customer Service Center  
4th Floor, Forum Building  
Harrisburg, Pennsylvania 17120

(b) CRP grant awards will be made in three rounds during the fiscal year. The Department will grant approximately 40% of the program appropriation in the first round, approximately 40% in the second round and approximately 20% during the third round. These percentages are targets. The Department will make every effort to allocate program funds in accordance with these targets.

(1) The first round consideration will include all applications received between July 1 and September 30, 1997.

(2) The second round will include applications received between October 1 and December 31, 1997, and applications not approved in the first round.

(3) The third round will include applications received between January 1 and March 31, 1998, and applications not approved in the first and second rounds.

(c) Any CRP funds remaining after the third round may be awarded by the Department up to the end of the fiscal year.

(d) Information as to the status of grant applications may be obtained at anytime by contacting:

DCED Customer Service Center  
(717) 787-3405  
DCED@doc.state.pa.us

**§ 123.6. Procedures.**

(a) CRP grant awards will be made by award letter. After the award letter has been mailed, the applicant will receive a contract document that shall be executed by the grantee and the Department on behalf of the Commonwealth.

(b) The applicant shall maintain full and accurate records with respect to the project. The Department will have free access to the records including invoices of material and other relative data and records as well as the right to inspect all project work. The applicant shall furnish upon request of the Department data, reports, contracts, documents and other information relevant to the project.

(c) Approved grants in the amount of \$25,000 or more require the grantee to provide an audit of the grant by a certified public accountant, prepared at the expense of the grantee, in compliance with State law.

(d) Approved grants under \$25,000 require the grantee to submit a detailed financial statement, and a close out report of the use of State funds consistent with the contract. An audit is recommended, although not required.

(e) Funds will be disbursed according to the provisions in the contract between the applicant and the Department.

**§ 123.7. Limitations and penalties.**

(a) This section identifies program limitations or penalties, or both, that may result from the misuse of the grant funds.

(b) An applicant may not make or authorize any substantial change in an approved project without first obtaining consent of the Department in writing.

(c) If the full amount of the grant is not required for the project, the unused portion of the grant shall be returned to the Department.

**§ 123.8. Contact information.**

(a) Program inquiries should be directed to:

The Community Revitalization Program  
Strategic Planning and Operations  
311 Forum Building  
Harrisburg, Pennsylvania 17120  
(717) 720-7352 or 7353

(b) Applications should be submitted to the following address:

Department of Community and Economic Development  
Customer Service Center  
4th Floor, Forum Building  
Harrisburg, Pennsylvania 17120

[Pa.B. Doc. No. 97-1147. Filed for public inspection July 18, 1997, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Notice of Public Hearing

The Delaware River Basin Commission will hold a public hearing on Monday, July 28, 1997, at 6 p.m. in the Jefferson Township Municipal Building, Cortez Road in Mount Cobb, Jefferson Township, PA.

The subject of the hearing is an application for approval of the following project: Jefferson Township Sewer Authority D-97-9 CP. A project to construct a 410,000 gallons per day (gpd) sewage treatment plant (STP) to serve communities in portions of Jefferson Township, Lackawanna County, PA, including Mount Cobb, Moosic Lakes and Lake Spangenberg, and the residential developments of Happy Acres, Belair Acres, Floral Estates, Jefferson Heights and High View Terrace. The STP will provide tertiary treatment prior to discharge to an unnamed tributary of the West Branch Wallenpaupack

Creek. The STP will be situated approximately 1,000 feet south of State Route 348 and just east of Mount Cobb in Jefferson Township. An importation of wastewater of approximately 21,000 gpd is projected from the Happy Acres service area which is located in the Susquehanna River Basin. This hearing continues that of June 25, 1997.

Documents relating to this application may be examined at the Commission's offices. The Commission's preliminary docket is available upon request. Contact Thomas L. Brand concerning docket-related questions.

Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing and may be asked to limit their remarks to 5 minutes to enable all who wish to speak to do so.

SUSAN M. WEISMANN,  
*Secretary*

[Pa.B. Doc. No. 97-1148. Filed for public inspection July 18, 1997, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 8, 1997.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-30-97	F.N.B. Corporation, Hermitage, to acquire up to 15.0% of the voting shares of Sun Bancorp, Inc., Selinsgrove	Hermitage	Effective

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-29-97	First Lehigh Bank Walnut Port Northampton County	1620 Pond Road Allentown South Whitehall Twp. Lehigh County	Opened
6-30-97	The Glenmede Trust Company Philadelphia Philadelphia County	25825 Science Park Drive, Suite 385 Beachwood Cuyahoga County Ohio	Opened
6-30-97	Old Forge Bank Old Forge Lackawanna County	540 Main Street Peckville Lackawanna County	Opened
7-2-97	PeoplesBank, a Codorus Valley Company Glen Rock York County	Normandie Ridge 1700 Normandie Drive West Manchester Twp. York County (Limited Service Facility)	Filed
7-3-97	The Madison Bank Blue Bell Montgomery County	100 Main Street Lansdale Montgomery County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-7-97	Mid Penn Bank Millersburg Dauphin County	Mobile Banking Services at Various Locations Throughout Dauphin and Cumberland Cos.	Filed
7-8-97	First Commonwealth Bank Indiana Indiana County	Route 220 and Stadium Dr. Altoona Blair County	Filed
7-8-97	1st Summit Bank Johnstown Cambria County	1304 William Penn Ave. Johnstown East Taylor Twp. Cambria County	Filed

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-8-97	Financial Trust Company Carlisle Cumberland County	<i>To:</i> 100 S. Spring Garden St. Carlisle Cumberland County  <i>From:</i> Carlisle Plaza Mall East High Street Carlisle Cumberland County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-1-97	Summit Bank Bethlehem Northampton County	55 Blue Valley Drive Bangor Northampton County	Filed

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-1149. Filed for public inspection July 18, 1997, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

##### [National Pollution Discharge Elimination System Program (NPDES)]

##### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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**Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.**

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Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

**PA 0050989.** Sewage, **Frederick Mennonite Community**, P. O. Box 498, Frederick, PA 19435-0498.

This application is for renewal of an NPDES permit to discharge treated sewage from the Frederick Mennonite Community Sewage Treatment Plant in Upper Frederick Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to West Swamp Creek.

The receiving stream is classified for the following uses: trout stocking fishery and aquatic life water supply and recreation.

The proposed effluent limits for Outfall 001 based on all average monthly flow of 25,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
Ammonia (as N) (5-1 to 10-31)	4.0	8.0
(11-1 to 4-30)	12.0	24.0
Phosphorus (as P) (4-1 to 10-31)	1.0	2.0
Total Residual Chlorine (Years 1 and 2)	1.2	2.0
(Years 3, 4 and 5)	0.2	0.4
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

**PA 0057185.** Sewage, **Robert and Linda Protesto**, 1941 Ridley Creek Road, Media, PA 19063.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Upper Providence Township, **Delaware County**. This is a new discharge to an unnamed tributary to Ridley Creek.

The receiving stream is classified for the following uses: high quality trout stocking fishery.

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Ammonia as N (5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus as P	1.0	2.0
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
Suspended Solids	10	20
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**PA 0070491.** Sewerage, **Mahoning Valley Nursing and Rehabilitation Center**, Michael Mickey, 397 Hemlock Drive, Lehighton, PA 18235-9640.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Stewart Creek in Mahoning Township, **Carbon County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Northampton Borough Municipal Authority on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.02 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine First Two Years	monitor and report	
Years Three through Five	1.2	2.8

The EPA waiver is in effect.

**PA 0055361.** Industrial waste, SIC: 5171, **Carlos R. Leffler, Inc.**, P. O. Box 278, Richland, PA 17087-0278.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater into an unnamed tributary to Swabia Creek in Macungie Borough, **Lehigh County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	monitor and report		

The EPA waiver is in effect.

**PA 0009911.** Industrial waste, SIC: 2020, **Papetti's Acquisition, Inc.** (Quaker State Farms, Inc.), Attention: Gregg A. Ostrander, 5353 Wayzata Boulevard, 324 Park National Bank Building, Minneapolis, MN 55416.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into Pine Creek in Upper Mahantango Township, **Schuylkill County**. Renewal includes an increase in discharge from 0.15 mgd to 0.90 mgd.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Supply, located on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.90 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	30	60	75
Total Suspended Solids	30	60	
NH <sub>3</sub> -N (5-1 to 10-31)	6	12	15
(11-1 to 4-30)	18	36	45
Oil and Grease	15	30	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Dissolved Oxygen	a minimum of 6.0 mg/l at all times		
pH	6.0—9.0 standard units at all times		

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper (Interim) (Final)	monitor and report 0.032	0.064	0.08
Total Residual Chlorine <sup>(1)</sup> 1st Month—36th Month 37th Month—Expiration	monitor and report 0.7		1.6

*Other Conditions:*

(1) This permit contains special conditions allowing the permittee to conduct site specific data collection for Total Residual Chlorine.

(2) Requirement to submit a toxics reduction evaluation (TRE).

(3) Final Water Quality based effluent limitation for copper and total residual chlorine.

The EPA waiver is in effect.

**PA 0013218.** Industrial waste, SIC: 3079, **Exxon Chemical Company**, P. O. Box 160, Maple Avenue, Marlin, PA 17951-0160, Attention: Harold Johnson.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into the West Branch of the Schuylkill River in Norwegian Township, **Schuylkill County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Authority located on the Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0255 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (lb/day)</i>
BOD <sub>5</sub>		5.50
Total Suspended Solids		4.00
Oil and Grease	15.0	6.15
pH	6.0—9.0 at all times	

Outfall 002 is permitted to discharge uncontaminated stormwater only.

The EPA waiver is in effect.

**PA 0060526.** Industrial waste, SIC: 4941, **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater into the Lackawanna River in Forest City Borough, **Susquehanna County**.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Danville Borough Water Authority on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on an existing flow of 0.115 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	60.0	
Total Aluminum	1.28	2.56	
Total Iron	2.00	4.0	
Total Manganese	1.00	2.0	
pH	6—9		

The EPA waiver is in effect.

*Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

**PA 0087530.** SIC: 6514, Sewage, **Paul McAnulty**, 3651 Waggoners Gap Road, Carlisle, PA 17013.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary, in North Middleton Township, **Cumberland County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Carlisle Borough Authority located in North Middleton Township. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	XXX		25	
Total Suspended Solids	XXX		30	
pH	from 6.0—9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	36,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0087483.** SIC: 4941, Industrial waste, **Elizabethtown Borough**, 600 South Hanover Street, Elizabethtown, PA 17022.

This application is for issuance of an NPDES permit for a new discharge of quarry water to an unnamed tributary of Conewago Creek, in West Cornwall Township, **Lebanon County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Elizabethtown Borough located in West Donegal Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.5 mgd are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	1.5	
pH (S. U.)	6.0—9.0 at all times	
Temperature (°F)		
January	40	
February	40	
March	46	
April	55	
May	66	
June	71	
July	74	
August	83	
September	81	
October	69	
November	54	
December	42	

The EPA waiver is in effect.

**PA 0087505.** SIC: 2048, Sewage, **Cooperative Milling, Inc.**, P. O. Box 26234, Richmond, VA 23260-6234.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary of Rock Creek, in Straban Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the City of Frederick, Maryland, located on the Monocacy River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.002715 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	2.5	5.0
(11-1 to 4-30)	7.5	15.0
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0—9.0 inclusive	



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 3,600/100 ml as a geometric average	
The EPA waiver is in effect.		

*Southcentral Regional Office: Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0083674	Lincoln Logs Rest. and Bar 2715 York Rd. Gettysburg, PA 17325	Adams Straban Twp.	UNT of White Run	TRC
PA0082074	Robert and Amanda Alt R. D. 3, Box 229C Bedford, PA 15522	Bedford Cumberland Valley Twp.	UNT to Oster Run	TRC

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PAS 706101.** Industrial waste, SIC: 2951, **Derry Construction Company, Inc.**, R. D. 5, Box 34, Latrobe, PA 15650.

This application is for issuance of an NPDES permit to discharge stormwater from the Delmont Facility in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, an unnamed tributary to Beaver Run, classified as a high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Westmoreland Water Authority, located at Beaver Run Dam, 10 miles below the discharge point.

*Outfall 001:* existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
C-Biochemical Oxygen Demand (CBOD <sub>5</sub> )					monitor and report
Chemical Oxygen Demand (COD)					monitor and report
Oil and Grease					monitor and report
Total Suspended Solids					monitor and report
Total Kjeldahl Nitrogen					monitor and report
Total Phosphorous					monitor and report
Dissolved Iron					monitor and report
pH					monitor and report

*Outfall 002:* existing stormwater discharge, design flow of variable mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
C-Biochemical Oxygen Demand (CBOD <sub>5</sub> )					monitor and report
Chemical Oxygen Demand (COD)					monitor and report
Oil and Grease					monitor and report
Total Suspended Solids					monitor and report
Total Kjeldahl Nitrogen					monitor and report
Total Phosphorous					monitor and report
Dissolved Iron					monitor and report
pH					monitor and report

The EPA waiver is in effect.

**PA 0004740.** Sewage, **The Nautical Mile Marina at Templeton**, P. O. Box 334, Templeton, PA 16259.

This application is for renewal of an NPDES permit to discharge treated sewage from the Nautical Mile Marina at Templeton Sewage Treatment Plant in Pine Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Kittanning Suburb Joint Water Authority.

*Outfall 001:* existing discharge, design flow of 0.005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0028452.** Sewage, **Dunkard-Bobtown Municipal Authority** P. O. Box 352, Bobtown, PA 15315.

This application is for renewal of an NPDES permit to discharge treated sewage from the Dunkard-Bobtown STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunkard Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Dunkard Valley Joint Municipal Authority.

*Outfall 001:* existing discharge, design flow of .150 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38	50
Suspended Solids	30	45	60
Ammonia Nitrogen			
(5-1 to 10-31)	5.5	8.3	11.0
(11-1 to 4-30)	16.5	24.8	33.0
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	10,000/100 ml as a geometric mean		
pH	not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

**PA 0032671.** Sewage, **Meredith Miller**, 2313 Country Place, Export, PA 15632.

This application is for renewal of an NPDES permit to discharge treated sewage from the Meadows Mobile Home Park STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company.

*Outfall 001:* existing discharge, design flow of .018 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0096733.** Sewage, **Lance L. Safran**, 5800 Steel Road, Murrysville, PA 15668.

This application is for amendment of an NPDES permit to discharge treated sewage from Pleasant View Mobile Home Park STP in Saltlick Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a high quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland Municipal Water Authority.

*Outfall 001:* proposed expanded discharge, design flow of .024 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 ml as a geometric mean			
Total Residual Chlorine	1.3			4.4
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0205664.** Sewage, **David J. D'Atri**, 1218 Kings Mill Road, Aliquippa, PA 15001.

This application is for renewal of an NPDES permit to discharge treated sewage from the Forest Brook Mobile Home Park Sewage Treatment Plant in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Arco Chemical Company, BV Plant, on the Ohio River.

*Outfall 001:* existing discharge, design flow of .0135 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.17			0.40
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0205869.** Sewage, **West Branch Sewer Authority**, P. O. Box 278, Barnesboro, PA 15714.

This application is for renewal of an NPDES permit to discharge treated sewage from the West Branch Sewer Authority STP in Susquehanna Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the West Branch Susquehanna River, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company—Milton Division.

*Outfall 001:* existing discharge, design flow of 0.9 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	35	45		60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Regional Office: Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.

**PA 0034916, Amendment No. 1.** Sewage. **Werner Co.**, 93 Werner Road, Greenville, PA 16125.

This application is for an amendment of an NPDES permit to discharge treated sewage to the Little Shenango River in Sugar Grove Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stock fisheries, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Little Shenango River and Greenville Municipal Water Authority located at Greenville, approximately 2.25 miles below point of discharge.

The proposed effluent limits, based on a design flow of 0.02 mgd, are:

*Outfall No. 002 (refer to Special Condition B in NPDES permit)*

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow	monitoring only		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30)	200/100 ml		
(10-1 to 4-30)	100,000/100 ml		
Total Phosphorus	1.0		2.0
Total Residual Chlorine	1.5		3.5
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0222321.** Industrial waste. **Venango County Humane Society**, Box 193A, Deep Hollow Road, Franklin, PA 16323.

This application is for a new NPDES permit, to discharge treated industrial waste to an unnamed tributary of Lower Two Mile Run in Cranberry Township, **Venango County**. This is a new discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Company intake on the Allegheny River located at Emlenton, approximately 30 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0012 mgd, are:

*Outfall No. 001 (Interim Limits)*

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	50	100
TSS	50	100
Ammonia-Nitrogen (5-1 to 10-31)	20	40
(11-1 to 4-30)	40	80
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	9,000/100 ml as a geometric average	
Total Residual Chlorine	0.7	1.7
pH	6.0—9.0 at all times	

*Outfall No. 001 (Final Limits)*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	50	100
TSS	50	100
Ammonia-Nitrogen (5-1 to 10-31)	10	20
(11-1 to 4-30)	30	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	9,000/100 ml as a geometric average	
Total Residual Chlorine	0.7	1.7
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**DISCHARGE OF CONTROLLED INDUSTRIAL  
WASTE AND SEWERAGE WASTEWATER  
Applications under the Pennsylvania Clean  
Streams Law  
(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan, action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

**Industrial waste and sewerage applications under  
The Clean Streams Law (35 P. S. §§ 691.1—  
691.1001).**

*Northeast Regional Office: Water Management Program  
Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790,  
(717) 826-2511.*

**A. 4597402.** Sewerage. **Brookmont Health Care Center, Inc.**, Brookmont Drive, Effort, PA 18330. Application to construct and operate a Sewage Treatment Plant with pump stations to serve the existing Brookmont Health Care Center, located in Chestnuthill Township, **Monroe County**. Application received in the Regional Office May 14, 1997.

**A. 4597403.** Sewerage. **Pleasant Valley School District**, Route 115, Middle School Building, Broadheadsville, PA 18322-2002. Application to construct and operate additional supplemental spray irrigation sites in athletic play field areas for existing Middle School, located in Chestnuthill Township, **Monroe County**. Application received in the Regional Office June 9, 1997.

**A. 4897401.** Sewerage. **Bangor Area School District**, 44 S. Third St., Bangor, PA 18013. Application to construct and operate an upgrade to the existing wastewater treatment facility, located in Upper Mount Bethel Township, **Northampton County**. Application received in the Regional Office June 11, 1997.

*Southcentral Regional Office: Water Management Program  
Manager, One Ararat Boulevard, Harrisburg, PA  
17110, (717) 657-4590.*

**A. 2297404.** Sewage. Submitted by **Mildred and John Zimmerman**, R. D. 7, Box 1388, Harrisburg, PA 17112 in East Hanover Township, **Dauphin County** to construct a single family sewage treatment plant to serve their home at 1012 Manada Bottom Road, Harrisburg, PA 17112 was received in the Southcentral Regional Office on June 23, 1997.

**A. 0597403.** Sewage. Submitted by **Broad Top Township**, P. O. Box 57, Defiance, PA 16633-0057 in Broad Top Township, **Bedford County** to construct a sewage treatment plant to serve the Town of Langdondale was received in the Southcentral Region on June 11, 1997.

**A. 2197406.** Sewage. Submitted by **John A. Romanchock**, 2810 NE 276th Avenue, Camas, WA 98607 in Upper Frankford Township, **Cumberland County** to construct a single family sewage treatment plant to replace an existing malfunctioning system at 371 Bobcat Road, Newville was received in the Southcentral Region on June 26, 1997.

**A. 3197402.** Sewage. Submitted by **Dennis and Janice McClure**, R. R. 1, Box 358, Petersburg, PA 16669 in Jackson Township, **Huntingdon County** to construct a single family sewage treatment plant was received in the Southcentral Region on June 27, 1997.

**A. 4497201.** Industrial waste. Submitted by **Standard Steel Division of Freedom Forge**, 500 North Walnut Street, Burnham, PA 17009 in Burnham Borough, **Mifflin County** to replace an existing Outfall 002 skimmer pit with a larger API-type skimmer pit was received in the Southcentral Region on June 30, 1997.

*Southwest Regional Office: Water Management Program  
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-  
4745, (412) 442-4000.*

**A. 6397401.** Sewerage. **Mon View Mining Company**, P. O. Box 606, New Eagle, PA 15067. Application for the construction and operation of a Sewage Treatment Plant located in the Township of Nottingham, **Washington County** to serve the Mathies Mine—Mingo Portal—Mon View Mining STP.

**INDIVIDUAL PERMITS  
(PAS)**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Southcentral Regional Office: Regional Water Management Program Manager; One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

*Northeast Regional Office: Regional Water Management Program Manager; Public Square, Wilkes-Barre, PA 18701, (717) 826-2553.*

*Southeast Regional Office: Regional Water Management Program Manager; 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6131.*

*Bedford County Conservation District, District Manager; 702 W. Pitt Street, Bedford, PA 15222, (814) 623-6706.*

**NPDES Permit PAS100414.** Stormwater. **Bob Foor**, R. D. 1, Chaleybeate Road, Bedford, PA 15522 has applied to discharge stormwater from a construction activity located in Bedford Township, **Bedford County** to UNT to Dunning Creek.

*Bucks County Conservation District, District Manager; 924 Town Center, New Britain, PA 18901, (215) 345-7577.*

**NPDES Permit PAS10D099.** Stormwater. **Warrington Realty Associates**, 201 Old York Road, Ste. 103, Jenkintown, PA has applied to discharge stormwater from a construction activity located in Warrington Township, **Bucks County**, to Neshaminy Creek.

**NPDES Permit PAS10D100.** Stormwater. **Ryland Homes**, 2000 Horizon Way, Mt. Laurel, NJ 08054 has applied to discharge stormwater from a construction activity located in Northampton Township, **Bucks County**, to Mill Creek.

*Juniata County Conservation District, District Manager; R. R. 3, Box 302, Mifflintown, PA 17059, (717) 436-6919.*

**NPDES Permit PAS103501.** Stormwater. **Republic Development Corporation**, P. O. Box 36, Mexico, PA 17056 has applied to discharge stormwater from a construction activity located in Milford Township, **Juniata County**, to UNT to East Licking Creek.

*Lehigh County Conservation District, District Manager; 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q142.** Stormwater. **Lutron Electronics Company Inc.**, 7200 Suter Road, Coopersburg, PA 18036 has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

## SAFE DRINKING WATER

**Application received for Operating Permits issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Regional Office: Northcentral Field Operations, Environmental Program Manager; 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. 4146292-A8.** The Department has received an application for **Aqua Penn Spring Water Company**, One Aqua Penn Drive, P. O. Box 938, Milesburg, PA 16853 (Boggs Township, **Centre County**) for construction of a new raw water pump station, new ozonator and raw water storage tank, and additional labels.

*Northwest Regional Office: Regional Manager; 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.*

**A. 2597502.** Public water supply. **Fairview Township Water Authority**, 7485 McCray Road, Fairview, PA 16415. This proposal involves the installation of water lines, pump station, storage tank and distribution system located at the Fairview Industrial Park in Fairview Township, **Erie County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDATION

**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 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an ac-

knowledge noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies 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 or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known 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 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 and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact 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 AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

*Southeast Regional Office, Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Annex Manufacturing**, Pennsburg Borough, **Montgomery County**. Richard P. Almquist, Jr., Geoenvironmental Services, OXFORD Engineers & Consultants Inc., 2605 Egypt Rd., Suite 203, Trooper, PA 19403, has submitted a Notice of Intent to Remediate site soil contaminated with lead, heavy metals and petroleum hydrocarbons; and groundwater contaminated with heavy metals and solvents. The applicant proposes to remediate the site to meet the Statewide Health Standard. A final report was simultaneously submitted.

*Northeast Regional Field Office, Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Pennsylvania Power and Light Company (PP&L)—Pole #53576N43170 (Netters Street)**, Borough of West Pittston, **Luzerne County**. PP&L, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

*Southcentral Regional Office, Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Pennsylvania Power and Light Company—Distribution Pole 48441S36519**, Sinking Spring Borough, **Berks County**, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Reading Times/Eagle* on July 10, 1997.

**Pennsylvania Power and Light Company—Distribution Pole 22199S35376**, East Pennsboro Township, **Cumberland County**, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Harrisburg Patriot News* on June 17, 1997.

**Pennsylvania Power and Light Company —Distribution Pole 23258S32835**, Lower Allen Township, **Cumberland County**, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Harrisburg Patriot News* on June 14, 1997.

*Northcentral Regional Office, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.*

**PP&L, Distribution Pole 26440N25127**, City of Sunbury, **Northumberland County**. Larry D. Rutman, Sr., Project Engineer, PP&L, 2 North Ninth Street, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sunbury Daily Item* on February 19, 1997.

**Doug Hawkins Residence**, Mayberry Township, **Montour County**. Doug Hawkins, Roaring Creek Road, R. D. 2, Box 266, Catawissa, PA 17820, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Press-Enterprise* on May 7, 1997.

## LAND RECYCLING AND ENVIRONMENTAL REMEDICATION

### Under Act 2, 1995

#### Preamble 2

**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 304 and 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 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 a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known 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 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 and 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 cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Blue Chip Products, Inc.**, Falls Township, **Bucks County**. James E. Vondracek, Ashland Chemical Company, 5200 Blazer Parkway, DA-4, Dublin, OH 43017, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with heavy metals, solvents and BTEX. The site is located in a Special Industrial Area, the Lower Bucks County Enterprise Zone. The applicant's proposed remediation will address any immediate, direct or imminent threat to public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. The Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier Times* on June 30, 1997.

**Lenape Manufacturing Co.**, Perkasio Borough, **Bucks County**. Thomas R. Severino, Integrated Environmental Solutions, Inc., 105 E. Evans St., West Chester, PA 19380, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents and petroleum hydrocarbons. The applicant proposes to remediate the site to meet Statewide health standards for soils and site specific standards for groundwater. A Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on June 30, 1997.

**Fenco Inc.—Melody Dry Cleaners**, Cheltenham Township, **Montgomery County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site specific standards. A Notice of Intent to Remediate was reported to have been published in the *Montgomery County Record* on June 19, 1997.

## SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

*Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.*

**A. 300610. Masonite Corporation** (P. O. Box 311, Towanda, PA 18848). Application for repermitting of residual waste landfill located in Wysox Township, **Bradford County** received in the Regional Office on June 6, 1997.

## PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

**Licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**NSH Network, Inc., d/b/a Resource Management Council Services**, 888 Veterans Memorial Highway, Hauppauge, NY 11788; License No. **PA-HC 0197**; license issued June 24, 1997.

## AIR POLLUTION

### OPERATING PERMITS

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

**Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **15-329-003**

Source: One Stand-by Generator

Company: **Transcontinental Gas Pipe Line Corp.**

Location: East Whiteland

County: **Chester**

Permit: **15-312-028**

Source: Gasoline Storage Tank No. 4

Company: **Sun Pipe Line**

Location: West Brandywine

County: **Chester**



Permit: **09-320-037**  
 Source: Press 16  
 Company: **Webcraft Technologies, Inc.**  
 Location: New Britain  
 County: **Bucks**

Permit: **09-320-011A**  
 Source: Graphic Arts Facility  
 Company: **Dunmore Corp.**  
 Location: Newtown  
 County: **Bucks**

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

The Department intends to issue an Air Quality Operating Permit for the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-303-011**  
 Source: Batch Asphalt Plant w/Baghouse  
 Company: **Haines & Kibblehouse Incorporated**  
 Location: Dunmore Borough  
 County: **Lackawanna**

Permit: **35-310-034**  
 Source: Stone Crushing Plant /Watersprays  
 Company: **Kaminski Brothers Incorporated**  
 Location: Moosic Borough  
 County: **Lackawanna**

Permit: **40-310-012A**  
 Source: Stone Crushing 1 and 2 /Watersprays  
 Company: **Kaminski Brothers Incorporated**  
 Location: Jenkins Township  
 County: **Luzerne**

Permit: **40-310-032A**  
 Source: Stone Crush Plant w/Watersprays  
 Company: **Barletta Materials & Construction**  
 Location: Hazle Township  
 County: **Luzerne**

Permit: **40-320-006**  
 Source: Heatset Web Printing Press  
 Company: **Quebecor Printing Incorporated**  
 Location: City of Hazleton  
 County: **Luzerne**

Permit: **45-315-003**  
 Source: Raw Materials Feed Sys w/Cyclone  
 Company: **Rock Tenn Company**  
 Location: Smithfield Township  
 County: **Monroe**

Permit: **48-000-034**  
 Source: Boilers  
 Company: **Lafayette College**  
 Location: City of Easton  
 County: **Northampton**

Permit: **48-307-057**  
 Source: Heat Treat Furnace (Natural Gas)  
 Company: **Centec Corporation**  
 Location: City of Bethlehem  
 County: **Northampton**

Permit: **48-399-040**  
 Source: Digester Gas/Flare  
 Company: **City of Bethlehem**  
 Location: City of Bethlehem  
 County: **Lehigh**

Permit: **54-399-020**  
 Source: Ash Conveyor Line  
 Company: **Schuylkill Energy Resources**  
 Location: Mahanoy Township  
 County: **Schuylkill**

*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**06-310-019A.** The Department intends to issue an Air Quality Operating Permit to **Pennsylvania Plant, Inc.** (4321 East 60th Street, Davenport, IA 52807-9735) for a limestone pelletizing plant controlled by a wet scrubber in Maxatawny Township, **Berks County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**14-310-019.** The Department intends to issue an operating permit to **Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823) for the operation of a limestone crushing and screening plant and associated air cleaning devices (a water spray dust suppression system) in Haines Township, **Centre County**. This plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

**8-313-019C.** The Department intends to issue an operating permit to **Osram Sylvania Products, Inc.** (Box 504, Towanda, PA 18848-0504) for the operation of a calcium halophosphate furnace (7C) and associated air cleaning devices (a fabric collector and a HEPA filter) in Department 015, Building 17 in North Towanda Township, **Bradford County**.

**8-313-026C.** The Department intends to issue an operating permit to **Osram Sylvania Products, Inc.** (Box 504, Towanda, PA 18848-0504) for the operation of furnace (#1 molybdenum furnace) loading, cooling and screening stations and associated air cleaning devices (a fabric collector and a absolute filter) in North Towanda Township, **Bradford County**.

*Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335.*

**10-309-058.** The Department intends to issue an Air Quality operating permit to **Armstrong Cement & Supply Co.** (100 Clearfield Road, Cabot, PA 16023) for the operation of #1 and #2 kiln and cement plant, clinker coolers and a controlled flow grate at West Winfield Township, **Butler County**.

**25-327-004.** The Department intends to issue an Air Quality operating permit to **Spectrum Control, Inc.** (6000 W. Ridge Rd., Erie, PA 16506) for the operation of vapor degreasers at Erie, **Erie County**.

**25-327-005.** The Department intends to issue an Air Quality operating permit to **Spectrum Control, Inc.** (8061 Avonia Rd., Fairview, PA 16415) for the operation of vapor degreasers at Fairview Township, **Erie County**.

**33-322-001.** The Department intends to issue an Air Quality operating permit to **Eagle Environmental, L. P.** (Happy Landing Landfill), (9 Logan Boulevard, 2nd Floor, Altoona, PA 16602) for the operation of landfill gas extraction systems at Washington Township, **Jefferson County**.

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**Notice of Intent to Issue**


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**Title V Operating Permit No. 45-00002**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to The Rock-Tenn Company for the Mill Division site, located in Smithfield Township, Monroe County. The Rock-Tenn Company contact regarding this application is Wanda M. Clossey, Assistant Superintendent, Paper Mill Road, Delaware Water Gap, PA 18327.

The Mill Division site contains two combustion boilers, two fire pumps, paperboard manufacturing and its coating operation process. As a result of the levels of nitrogen oxides, particulate matter and sulfur dioxides emitted from the above sources, the Mill Division Site is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code 127, Subchapter G. The proposed Title V Operating Permit will incorporate all applicable air quality requirements for each significant source at the facility and does not reflect any change in air emissions from the facility.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department of Environmental Protection at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #45-00002).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comment or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Michael Safko, Chief, Title V Section, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511. For additional information contact, Chinu Patel, Air Pollution Control Engineer II, Air Quality Program at the same address and phone number.

**Title V Operating Permit**
**Permit No. TV 06-05014**

The Department of Environmental Protection intends to issue a Title V Operating Permit to the Garden State Tanning, Inc. for the Fleetwood Plant located in Fleetwood, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Reading District Office may be scheduled by contacting Roger Fitterling at (610) 916-0100 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Roger Fitterling, Air Pollution Control Engineer, PA Dept. of Environmental Protection, 1005 Cross Roads Boulevard, Reading, PA 19605.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV 06-05014).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

**Title V Operating Permit**
**Permit No. TV-06-05034**

The Department of Environmental Protection intends to issue a Title V Operating Permit to the Texas Eastern Transmission Corporation for the Bechtelsville Compressor station located in Washington Township, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Roger Fitterling, Air Pollution Control Engineer, PA Dept. of Environmental Protection, 1005 Cross Roads Boulevard, Reading, PA 19605.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-06-05034).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

**Title V Operating Permit**
**Permit No. TV-06-05064**

The Department of Environmental Protection intends to issue a Title V Operating Permit to Atlantic Refining & Marketing Co. (owner) and Sun Company, Inc. (operator) for the Montello Terminal located in Spring Township, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title

V of the Federal Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-06-05064).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

#### **Title V Operating Permit**

##### **Permit No. TV-06-05075**

The Department of Environmental Protection has made a preliminary determination to issue a Title V Operating Permit to Carlos R. Leffler Inc. for the Tuckerton Terminal located in Muhlenberg Township, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Federal Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-06-05075).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30-days in advance of the hearing under 25 Pa. Code § 127.521.

#### **Title V Operating Permit**

##### **Permit No. TV-36-05046**

The Department of Environmental Protection has made a preliminary determination to issue a Title V Operating Permit to Columbia Gas Transmission Corporation for the Marietta Compressor Station located in East Donegal Township, Lancaster County. The Title V Operating Per-

mit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Federal Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-36-05046).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30-days in advance of the hearing under 25 Pa. Code § 127.521.

#### **Title V Operating Permit**

##### **Permit No. TV-44-05011**

The Department of Environmental Protection intends to issue a Title V Operating Permit to The Overhead Door Corporation, PA Division located in Granville Township, Mifflin County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Federal Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV 44-05011).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30-days in advance of the hearing under 25 Pa. Code § 127.521.

**Title V Operating Permit  
Permit No. TV-67-05023**

The Department of Environmental Protection intends to issue a Title V Operating Permit to Sullivan Graphics, Inc. located in West Manchester Township, York County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV 67-05023).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30-days in advance of the hearing under 25 Pa. Code § 127.521.

**Title V Operating Permit No. 16-00124**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Peoples Natural Gas Company (PNG). PNG is located in Redbank Township, Clarion County. PNG's representative to contact concerning this application is Sherri L. Franz, Supervisor of Environmental Services, 625 Liberty Avenue, Pittsburgh, PA 15222, (412) 497-6582.

PNG's air emission sources include three natural gas compressor engines, a methanol storage tank and miscellaneous other processes. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Nitrogen Oxides. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comments must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 16-00124)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

**Title V Operating Permit No. 16-00133**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Clarion Fiberglass Manufacturing, Inc. for its Marble facility (CFM). CFM's facility is located in Elk Township, Clarion County. CFM's representative to contact concerning this application is Steve Santus, Environmental Manager, Star Route, Box 20, Marble, PA 16334.

CFM's Marble facility is primarily used for the production of fiberglass reinforced plastic composites. The facility's air emission sources include various resin and gelcoat application areas and miscellaneous natural gas fired space heaters. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Styrene and Volatile Organic Compounds. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 16-00133).
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chest-

nut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 25-00035**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Molded Fiber Glass Company (MFG). MFG is located in the Union City Borough, Erie County. MFG's representative to contact concerning this application is Lori Schweitzer, Regulatory Compliance Manager, 55 Fourth Avenue, Union City, PA 16438, (814) 438-3841.

MFG's air emission sources include various gelcoat and resin application processes, a primer booth, curing oven and other miscellaneous sources. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Volatile Organic Compounds in the form of Styrene. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 25-00035)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 25-00326**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Foamex International, Inc. (Foamex). Foamex is located in Corry, Erie County. Foamex's representative to contact concerning this appli-

cation is Thomas Shaw, Environmental Manager, 466 Shady Ave., Corry, PA 16407, (814) 664-7771.

Foamex's air emission sources include various laminating, gluing and process stations used in the manufacture of polyurethane foam. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Methylene Chloride. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 25-00326)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 25-00501**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the McInnes Steel International, Inc. (McInnes Steel). McInnes Steel is located in Corry, Erie County. McInnes Steel's representative to contact concerning this application is David Dearborn, Plant & Safety Engineer, 441 East Main Street, Corry, PA 16407, (814) 664-9664.

McInnes Steel's air emission sources include three Car Bottom Forge Furnaces and various other processes used in the steel fabrication processes at the facility. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Nitrogen Oxides. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the

application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 25-00501)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 25-00923**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Norcon Power Partners, LP (Norcon). Norcon is located in North East Township, Erie County. Norcon's representative to contact concerning this application is Gary L. Hood, General Manager, Box 512, 10915 Ackerman Road, North East, PA 16428, (814) 725-5641.

Norcon's air emission sources include two natural gas fired steam turbines, emergency generators and an auxiliary boiler. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Nitrogen Oxides. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.

- Identification of the proposed permit (specify Permit #TV 25-00923)

- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 43-00287**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Jones Performance Products, Inc. for its West Middlesex facility (Jones). Jones' facility is located in the Borough of West Middlesex, Mercer County. Jones' representative to contact concerning this application is Gary Antus, General Manager, P. O. Box 563, West Middlesex, PA 16159, (412) 528-3569.

Jones's West Middlesex facility is primarily used for the production of fiberglass reinforced plastic composites. The facility's air emission sources include various resin and gelcoat application areas, surface coating operations and a small curing oven. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Styrene. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 43-00287)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspa-

per or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 61-00181**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Scrubgrass Power Corporation (Scrubgrass). Scrubgrass is located in Scrubgrass Township, Venango County. Scrubgrass' representative to contact concerning this application is Paul Mikolaycik, Environmental Health and Safety Coordinator, R. R. 1, Box 238, Kennerdell, PA 16374, (814) 385-6661.

Scrubgrass' air emission sources include two circulating fluidized bed boilers and various limestone and waste coal handling processes. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Nitrogen Oxides, Sulfur Oxides, Carbon Monoxide, Particulate Matter less than 10 microns in diameter and Hydrogen Chloride. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 61-00181)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Regional, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 62-00053**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Deluxe Storage Systems, Inc. (Deluxe Storage). Deluxe Storage is located in Warren, Warren County. Deluxe Storage's representative to contact concerning this application is Tom Sekelsky, Industrial Engineer, 151 Struthers Street, P. O. Box 428, Warren, PA 16365, (814) 723-3900.

Deluxe Storage's air emission sources include various surface coating booths, bake off ovens, degreasers and other miscellaneous sources. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Volatile Organic Compounds. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 62-00053)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 62-00141**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to National Fuel Gas Supply Corporation (National Fuel) for its Roystone Compressor Station. National Fuel's Roystone station is located in Sheffield Township, Warren County. National Fuel's representative to contact concerning these applications is Gary A. Young, Associate Engineer, National Fuel Gas Supply Corporation, P. O. Box 2081, Erie, PA 16512, (814) 871-8657.

National Fuel's Roystone Compressor Station is used in the transmission of natural gas along its pipeline. The air emission sources at the stations include natural gas fired compressor engines and smaller miscellaneous sources. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the potential to emit of Nitrogen Oxides. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 62-00141)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 62-00149**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Interlectric Company (Interlectric). Interlectric is located in Warren, Warren County. Interlectric's representative to contact concerning this application is Ricardo Madril, Plant Manager, 1401 Lexington Avenue, Warren, PA 16365, (814) 723-6061.

Interlectric's air emission sources include a flow coating process and miscellaneous gas usage. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of Volatile Organic Compounds in the form of MIBK (Methyl IsoButyl Ketone). The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during

normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 62-00149)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

#### **Title V Operating Permit No. 62-00151**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Pitt-DesMoines, Inc. (Pitt-DesMoines). Pitt-DesMoines is located in Warren, Warren County. Pitt-DesMoines's representative to contact concerning this application is Ann Ferguson, Personnel/Safety Director, 1420 Lexington Avenue, Warren, PA 16365, (814) 723-7500.

Pitt-DesMoines's air emission sources include various steel fabrication and surface coating processes, a cold cleaning degreaser and miscellaneous natural gas use. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of various Hazardous Air Pollutants. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.



- Identification of the proposed permit (specify Permit #TV 62-00151)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

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**Philadelphia Air Management Services Notice of the Issuance of a Plan Approval (Permit) for Construction and Operation of Kalmbach Feed Ingredients, Inc. Animal Feed Production Process**

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**Applicant: Kalmbach Feed Ingredients Incorporated**

**Plant Location:** 1620 South 49th Street, Philadelphia, PA 19143

**Source Description:** Animal Feed Process Using Food Waste

Kalmbach Feed Ingredients, Inc. has requested an Air Management Services (AMS) Permit to construct and operate an animal feed process. AMS proposed to approve, with conditions, the construction and operation of this process. Public notice of that decision appeared in the Philadelphia *Daily News* on April 2, 3 and 4, 1997 and in the *Pennsylvania Bulletin* on April 26, 1997. The public comment period was extended to May 27, 1997. One person provided comments opposing the installation. AMS decided to convene a fact finding conference (hearing). This was held on June 11, 1997.

While no agreements were reached at the hearing, there appeared to be a better understanding of the issues and concerns of all the participants. AMS finds that there is no basis to withhold granting plan approval and this will serve as notice of that action as required in the 25 Pa. Code § 127.51(c).

Copies of all documents and information concerning this plan approval are available for review in the offices of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543, during normal business hours. Persons wishing to review these documents should contact Brenda Bonner, (215) 685-7572 at the above address.

**PLAN APPROVALS**

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**Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources.**

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*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**06-10071:** Construction of two batch reheat furnaces equipped with low-NOx burners by **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) in Reading, **Berks County**.

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30-days to submit the protests or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications contact: Devendra Verma, Engineering Services Chief, (814) 332-6940.

*Northwest Regional Office, Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.*

**PA-25-052A.** The Department received a plan approval application for installation of two new cyclones to replace the old collection for sawdust by **True Temper Hardware Co.** (55 Pleasant St., Union City, PA 16438) in Union City, **Erie County**.

**MINING**

**CONDUCT COAL AND NONCOAL ACTIVITIES**

**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. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, 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 same address 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).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections 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 must contain the name, address and telephone number of requestor; 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.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Received:*

**1-00222-4074SM28-02.** Stream Encroachment Application, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), application for a stream variance to unnamed tributary to Bigby Creek, in Summit Township, **Somerset County**, application received June 27, 1997.

*McMurray District Office, 3913 Washington Rd., McMurray, PA 15317.*

**30960701. Cyprus Emerald Resources Inc.** (145 Elm Dr., Waynesburg, PA 15370), to operate the Emerald #1/CRDA #2 in Franklin Township, **Greene County**, unnamed tributary to Smith Creek. Application received June 6, 1997.

**10971301. B & L Coal Co.** (399 Ford City Rd., Freeport, PA 16229), to operate the Herman Mine in Clearfield and Summit Township, **Butler County**, unnamed tributary to Bonnie Brook. Application received April 21, 1997.

**56831602. Reitz Coal Co.** (509 15th St., Windber, PA 15963), to renew the permit for the Reitz #4 Prep Plant in Shade Township, **Somerset County**, no additional discharges. Application received June 11, 1997.

**63841302. Maple Creek Mining, Inc.** (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in Carroll Township, **Washington**

**County**, zone of influence variance, no additional discharge. Application received June 5, 1997.

**56841328. Beth Energy Mines, Inc.** (P. O. Box 29, Ebensburg, PA 15931), to renew the permit for the Windber Mine No. 78 in Paint Township, **Somerset County**, no additional discharge. Application received July 1, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**49970202. Susquehanna Coal Company** (P. O. Box 27, Nanticoke, PA 18634), commencement, operation and restoration of an Anthracite Bank Reprocessing operation in Mt. Carmel Township, **Northumberland County**, affecting 955.0 acres, received stream North Branch Shamokin Creek. Application received June 18, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Noncoal Permits Received*

**7974SM5A1C2. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474-0196), renewal of NPDES Permit #PA0612243 in Hilltown Township, **Bucks County**, receiving stream North Branch Neshaminy Creek. Application received June 18, 1997.

**36820301C2. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474-0196), renewal of NPDES Permit #PA0612171, Brecknock Township, **Lancaster County**, receiving stream unnamed tributary to Black Creek. Application received June 18, 1997.

**7974SM2A2C3. Bucks County Crushed Stone Company** (262 Quarry Road, Ottsville, PA 18942-9693), renewal of NPDES Permit #PA0611999 in Nockamixon Township, **Bucks County**, receiving stream Rapp Creek. Application received June 25, 1997.

**7773SM1A2C2. Pottstown Trap Rock Quarries, Inc.** (One Quarry Road, Douglassville, PA 19518), correction to an existing quarry operation in Douglass Township, **Berks County** affecting 162.2 acres, receiving stream unnamed tributary of Schuylkill River. Application received June 25, 1997.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments 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.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**Permit No. E40-470.** Encroachment. **Borough of Yatesville**, 33 Pittston Avenue, Yatesville, PA 18640. To remove the existing structure and to construct and maintain 155 linear feet of 6-foot-diameter CMP stream enclosure in a tributary to the Susquehanna River (CWF). The project is located on DeLuca Drive, approximately 0.1 mile south of the intersection of S. R. 2017 and S. R. 2028 (Pittston, PA Quadrangle N: 9.3 inches; W: 4.9 inches), in Yatesville Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**Permit No. E58-221.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of Mitchell Creek (CWS), consisting of a 17-foot × 10-foot precast concrete box culvert. The project is located on S. R. 1010, Section 550, Segment 0090, Offset 0000, approximately 700 feet upstream of the confluence of Mitchell Creek and the Susquehanna River (Great Bend PA-NY Quadrangle N: 15.6 inches; W: 8.6 inches), in Great Bend Township, **Susquehanna County** (Baltimore District, U. S. Army Corps of Engineers).

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**E01-181.** Encroachment. **Gettysburg Municipal Authority**, Allen Larson, 601 E. Middle St., Gettysburg, PA 17325. To construct and maintain sewer lines under the streambed of Willoughby Run and other streams and wetlands located within the boundary of Gettysburg National Military Park to convey wastewater to the Gettysburg Municipal Authority's treatment plant (Fairfield, PA Quadrangle N: 16.3 inches; W: 0.95 inch) in Cumberland Township, **Adams County**.

**E05-249.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 9-0, 1620 N. Juniata St., Hollidaysburg, PA 16648. To remove the existing two bridges and to construct and maintain a reinforced concrete box culvert across an unnamed tributary to Raystown Branch Juniata River, to relocate about 330 feet channel of same and to fill in 0.02 acre of wetland in order to relocate SR 0026, Section 01S, Segment 0250, Offset 0000 located about 0.5 mile west of Stonerstown Village (Hopewell, PA Quadrangle N: 16.3 inches; W: 2.7 inches) in Liberty Township, **Bedford County**. The amount of wetland impact is considered de minimus and wetland mitigation is not required.

**E06-496.** Encroachment. **Forgedale Pines, Inc.**, John Santarelli, 601 Tuckerton Avenue, Temple, PA 19560. To disturb 0.048 acre of wetlands with the construction of a pond and an access road near the channel of a tributary to Bieber Creek at a point along Davids Drive (Fleetwood, PA Quadrangle N: 13.3 inches; W: 2.1 inches) in Rockland

Township, **Berks County**. The amount of wetland impact is considered de minimus and wetland mitigation is not required.

**E06-497.** Encroachment. **Bally Boro**, Robert Moll, 425 Chestnut Street, P. O. Box 217, Bally, PA 19503. To place fill along the bank, to construct a 12-inch outfall pipe and associated riprap and to construct a flow monitoring weir in and along the channel of a tributary to the West Branch of Perkiomen Creek at a point downstream of Gehman Road (East Greenville, PA Quadrangle N: 3.75 inches; W: 10.2 inches) in Washington Township, **Berks County**.

**E22-369.** Encroachment. **Barry Geftman**, American Investors Realty Assoc., 608 Robinson Lane, Haverford, PA 17041. To place fill in 0.25 acre of wetland along a tributary to Paxton Creek at a point along Crums Mill Road (Harrisburg East, PA Quadrangle N: 14.4 inches; W: 12.1 inches) in Lower Paxton Township, **Dauphin County**. Wetland mitigation will be accomplished by payment to the Wetland Replacement Fund.

**E22-370.** Encroachment. **Robert Homes, Inc.**, Richard Roberts, 4400 Linglestown Rd., Harrisburg, PA 17112. To impact 0.23 acre of wetlands adjacent to a tributary to Beaver Creek at the Skyline View Extended Subdivision at a point upstream of Short Street (Hershey, PA Quadrangle N: 14.85 inches; W: 13.6 inches) in West Hanover Township, **Dauphin County**. The permittee is providing 0.32 acre of replacement wetlands.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**E02-1195.** Encroachment. **Ben Avon Borough**, 7101 Church Avenue, Ben Avon, PA 15202. To remove the existing bridge, to construct and maintain a metal arch culvert having a span of 15.7 feet and an underclearance of 8.0 feet and to construct and maintain gabion walls on the upstream and downstream sides of the culvert in Spruce Run. The project is located on Spruce Run Road at the intersection of Spruce Run and Sturgeon (Emsworth, PA Quadrangle N: 1.0 inch; W: 11.0 inches) in Ben Avon Borough, **Allegheny County**.

**E03-241-A1.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 429, Uniontown, PA 15401. To amend Permit No. E03-241 and to extend the existing 7.0' × 5.0' reinforced concrete box culvert upstream for a distance of 80.0' in Spur Run (WWF) for the purpose of supporting a retaining wall along SR 0066. The project is located along SR 0066 at its intersection with Stoney Hill Road (Leechburg, PA Quadrangle N: 12.6 inches; W: 8.6 inches) in Bethel Township, **Armstrong County**.

**E04-248.** Encroachment. **Phil's Towing Co., Inc.**, 1125 Garner Street, Monaca, PA 15061. To operate and maintain existing barge mooring facility and to construct and maintain an access walkway along the right bank and in the channel of the Ohio River approximately 2,500 feet downstream from the SR 60 Bridge (Beaver, PA Quadrangle N: 9.5 inches; W: 12.4 inches) in Vanport Township, **Beaver County**.

**E11-251.** Encroachment. **Cambria County Commissioners**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove existing structure; to construct and maintain a box culvert 1 foot depressed, 22-feet × 7.0 feet, 51.92-foot long box culvert in Little Conemaugh River (WWF); and to place and maintain fill in a de minimus area of wetlands. The project is located on T-434 Station

14+44.44 (Ebensburg, PA Quadrangle N: 10.8 inches; W: 17.1 inches) in Washington Township, **Cambria County**.

**E11-252.** Encroachment. **Cambria County Commissioners**, P. O. Box 269, Ebensburg, PA 15931. To remove existing structure; to construct and maintain a 84.55-foot span bridge with an underclearance of 11.5 feet over North Branch Blacklick Creek (CWF); and to place and maintain fill in a deminimus area of wetlands (PFO) for the purpose of improving safety and roadway standards on T-498, Station 24+42 (Colver, PA Quadrangle N: 11.1 inches; W: 15.1 inches) in Blacklick Township, **Cambria County**.

**E30-180.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridges and to construct and maintain two box culverts in Garner Run (HQ-CWF) (culvert #1 will be a reinforced concrete box culvert having a normal span of 14.0' and an effective underclearance of 4.85', invert depressed 1 foot and culvert 2 will be a reinforced concrete box culvert having a normal span of 18.0' and an effective underclearance of 7.16', invert depressed 1 foot); to relocate and maintain 62.0' of Garner Run downstream from culvert 1; to place and maintain rock riprap bank protection for 25.0' upstream from culvert 2; to place and maintain fill in deminimus area of wetlands less than or equal to 0.05 acre for the purpose of widening SR 0018. The project is located along SR 0018 at the village of White Cottage (Holbrook, PA Quadrangle) in Jackson Township, **Greene County**.

**E63-435.** Encroachment. **PA American Water Company**, 410 Cooke Lane, Pittsburgh, PA 15234. To operate and maintain an approximate 100-foot long sheet pile wall and intake structure located along the left bank of the Monongahela River near River Mile 24.8 (Glassport, PA Quadrangle N: 0.0 inches; W: 6.2 inches) in Union Township, **Washington County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E10-266.** Encroachment. **Borough of Mars**, Banks Water Treatment Facility, Box 395, Mars, PA 16046. To construct and maintain a new backwash holding tank within the Floodway/Floodplain of Breakneck Creek (WWF). This project is part of an upgrade and additions to the existing Banks Water Treatment Facility. The treatment facility is located on the west side of Breakneck Creek approximately 1,000 feet southeast of the intersection of S. R. 0228 and S. R. 3015 (Mars, PA Quadrangle N: 11.5 inches; W: 0.55 inch) located in Adams Township, **Butler County**.

**E24-200.** Encroachment. **Saint Marys Equipment Co., Inc.**, 1300 Brussels St., Saint Marys, PA 15857-1300. To maintain approximately 80 tons of fill material placed within the Floodway (within 50 feet top of Bank) of Elk Creek (CWF). The fill was placed adjacent to the Saint Marys Equipment Company without a permit (NOV 8/22/96). The fill is located on the south side of S. R. 0120 adjacent to Elk Creek approximately 1.5 miles east of the intersection of S. R. 0120 and S. R. 0255 in the City of Saint Marys (Saint Marys, PA Quadrangle N: 9.3 inches; W: 4.3 inches) located in the City of Saint Marys, **Elk County**.

**E25-552.** Encroachment. **Pennsylvania Department of Transportation, District 1-0**, 1140 Liberty St., Franklin, PA 16323-1289. To place one foot of concrete one foot below the stream bed underneath the existing bridge which crosses an unnamed tributary of West Branch

French Creek (WWF). This submerged concrete pad will extend from wingwall to wingwall, with additional stream bottom rock inlet and outlet structures extending 5 feet beyond the wingwalls. The project is located on S. R. 0089 approximately 2,400 feet south of Colts Station, the intersection of S. R. 0089 and S. R. 0430, (Wattsburg, PA Quadrangle N: 20.3 inches; W: 10.0 inches) located in Greenfield Township, **Erie County**.

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments 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.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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#### **Initial Notice of Request for Certification under Section 401 of the Federal Water Pollution Control Act**

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The following requests have been made to the Department of Environmental Protection for certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)), that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of that act, and that the construction will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30-days of the date of this notice. Comments should be submitted to the Department of Environmental Protection at the address indicated above each of the following requests for certification. All comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments are addressed and a concise statement of comments, objections or suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a. m. and 4 p. m. on each working day.

*Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Certification Request Initiated by:* U. S. Army Corps of Engineers, Pittsburgh District, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186.

*Location:* Lock and Dam No. 2, River Mile 11.2, Left bank of the Monongahela River.

*Project Description:* To construct and maintain a reinforced concrete caisson retaining wall, two permanent cofferdam cells, a temporary bench and the placement of filter material and rip rap along the left bank of the Monongahela River located at Lock and Dam No. 2, River Mile 11.2 in the City of Duquesne, Allegheny County.

#### ENVIRONMENTAL ASSESSMENT

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments 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.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA38-003C0.** Environmental assessment. **Izaak Walton League** (21 Countryside Lane, Lititz, PA 17543). To construct and maintain a nonjurisdictional dam across a tributary to Hammer Creek (HQ-CWF) for the purpose of recreation located approximately 2,700 feet west of the intersection of Canaan Grove Road and Sheep Hill Road (Richland, PA Quadrangle N: 7.15 inches; W: 4.65 inches) in Heidelberg Township, **Lebanon County**.

### ACTIONS

#### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

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

#### Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

##### Permits Issued

*Southeast Regional Office: Regional Water Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**NPDES Permit No. PA0054909.** Industrial waste. **North Penn/North Wales Water Authorities**, Forest Park Water, P. O. Box 317, Chalfont, PA 18914-0317 is authorized to discharge from a facility located in Plumstead Township, **Bucks County** into the North Branch Neshaminy Creek.

**NPDES Permit No. PA0052159.** Industrial waste. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489 is authorized to discharge from a facility located in Middletown Township, **Delaware County** into Ridley Creek.

**NPDES Permit No. PA0025488.** Sewerage. **Avondale Borough Sewer Authority**, P. O. Box 247, Avondale, PA 19311 is authorized to discharge from a facility located in Avondale Borough, **Chester County** into an unnamed tributary to East Branch White Clay Creek (Indian Run).

**NPDES Permit No. PA0022420.** Sewerage. **North Division—Naval Facilities Engineering Command**, Warminster CSO, P. O. Box 2609, Warminster, PA 18974-2061 is authorized to discharge from a facility located in Warminster Township, **Bucks County** into an unnamed tributary to Little Neshaminy Creek.

**NPDES Permit No. PA0056774.** Industrial waste. **City of Philadelphia, Department of Commerce, Division of Aviation, Northeast Philadelphia Airport, Terminal E**, Philadelphia International Airport, Philadelphia, PA 19153 is authorized to discharge from a facility located in City of Philadelphia, **Philadelphia County** into 001: Walton Run, 002 and 003: Wooden Bridge Run.

**NPDES Permit No. PA0056634.** Industrial waste. **Pennsylvania Department of Transportation Engineering District 6-0**, 200 Radnor-Chester Road, St. Davids, PA 19087 is authorized to discharge from a facility located in City of Philadelphia, **Philadelphia County** into 001: Poquessing Creek; 002: Pennypack Creek.

**NPDES Permit No. PA0056766.** Industrial waste. **City of Philadelphia, Department of Commerce, Division of Aviation, Philadelphia International Air-**

port, **Terminal E**, Philadelphia, PA 19153 is authorized to discharge from a facility located in Tinicum Township, **Delaware** and **Philadelphia Counties** into 001: Mingo Creek to Delaware River; 007: Darby Creek; 003, 004, 005: Delaware River.

**NPDES Permit No. PA0056804, Amendment No. 1.** Industrial waste. **Forest Park Water**, 144 Park Avenue, P. O. Box 317, Chalfont, PA 18914-0317 is authorized to discharge from a facility located in Chalfont Borough, **Bucks County** into Pine Run.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**Permit No. 3597402.** Sewerage. **Thomas E. Little**, R. R. 4, Box 89A, Dalton, PA 18414. Permit to construct and operate a single family residence sewage treatment plant, located in Benton Township, **Lackawanna County**.

**NPDES Permit No. PA-0063631.** Sewerage. **Parkland School District**, 1210 Springhouse Road, Allentown, PA 18104-2119 is authorized to discharge from a facility located in South Whitehall Township, **Lehigh County** to the Jordan Creek.

**NPDES Permit No. PA-0062944.** Sewerage. **Robert Barker/Charles Rice**, 618 Quaker Plain Road, Bangor, PA 18013 is authorized to discharge from a facility located in Upper Mt. Bethel Township, **Northampton County** to an unnamed tributary to Martins Creek.

**NPDES Permit No. PA-0029807.** Sewerage. **New Jersey Federation of YMHA and YWHA**, 21 Plymouth Street, Fairfield, NJ 07004-1615 is authorized to discharge from a facility located in Dingman Township, **Pike County** to Sawkill Pond.

**NPDES Permit No. PA-0061221.** Sewerage. **Elk Lake School District**, P. O. Box 100, Dimock, PA 18816 is authorized to discharge from a facility located in Dimock Township, **Susquehanna County** to West Creek.

**NPDES Permit No. PA-0060372.** Sewerage. **Factoryville Borough**, P. O. Box 277, Factoryville, PA 18419 is authorized to discharge from a facility located in Clinton Township, **Wyoming County** to South Branch Tunkhannock Creek.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**NPDES Permit No. PA0001759.** Industrial waste, **GenCorp, Inc.**, 175 Ghent Road, Fairlawn, OH 44333 is authorized to discharge from a facility located at Designed Products Manufacturing Division, Jeannette, **Westmoreland County** to Brush Creek.

**NPDES Permit No. PA0004260.** Industrial waste, **The O. Hommel Company**, 235 Hope Street, Carnegie, PA 15106 is authorized to discharge from a facility located at Scott Township, **Allegheny County** to Chartiers Creek.

**NPDES Permit No. PA0035246.** Industrial waste, **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601 is authorized to discharge from a facility located at Indian Creek Water Filtration Plant, Dunbar Township, **Fayette County** to Youghiogheny River.

**NPDES Permit No. PA0090379.** Industrial waste, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701 is authorized to discharge

from a facility located at Jacksonville Water Plant, Black Lick Township, **Indiana County** to unnamed tributary to Aultmans Run.

**NPDES Permit No. PA0090395.** Industrial waste, **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701 is authorized to discharge from a facility located at Iselin Water Treatment Plant, Young Township, **Indiana County** to Harpers Run.

**NPDES Permit No. PA0095737.** Industrial waste, **Pittsburgh Tube Company**, Cherrington Corporate Center, 600 Clubhouse Drive, Suite 200, Moon Township, PA 15108-3195 is authorized to discharge from a facility located at Darlington Plant, Darlington Township, **Beaver County** to unnamed tributary to North Fork Little Beaver Creek.

**Permit No. 6371406, Amendment No. 1.** Sewerage, **Pigeon Creek Sanitary Authority**, 508 Main Street, Bentleyville, PA 15314. Construction of Sewage Treatment Plant Aeration System Modifications located in the Township of Fallowfield, **Washington County** to serve the Pigeon Creek Sewage Treatment Plant.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 2597406.** Sewerage. **Fairview Township Sewer Authority**, P. O. Box U, Fairview, PA 16415. This project is for the installation of a gravity sanitary sewer along with all required manholes and appurtenant activities encompassing 2.0 acres more or less in Fairview Township, **Erie County**.

**WQM Permit No. 2597412.** Sewerage. **Honey Estates, Inc.**, 1209 Ponderosa Drive, Erie, PA 16509. This project is for the construction and operation of a non-municipal sewage treatment facility to serve the proposed 13-dwelling Honey Estates on South Hill Road in Summit Township, **Erie County**.

**WQM Permit No. 2597413.** Sewerage. **Lovett's Manufactured Home Park**, 411 Waterford Street, Apt. 117, Edinboro, PA 16412. This project is for the construction and operation of a sewage treatment facility to serve the 30-unit Lovett Manufactured Home Park in Washington Township, **Erie County**.

**WQM Permit No. 4397406.** Sewerage. **Audie Yeager**, SRSTP, 38 Wise Rd., Greenville, PA 16125. Construction of Audie Yeager SRSTP located in West Salem Township, **Mercer County**.

**WQM Permit No. 4397407.** Sewerage. **Melvin Webb**, SRSTP, 815 Linn-Tyro Rd., Hadley, PA 16130. Construction of Melvin Webb located in Shenango Township, **Mercer County**.

**WQM Permit No. 2097406.** Sewerage. **Eugene F. Jr. and Leslie K. Soltesz**, SRSTP, 19525 Bear Rd., Venango, PA 16440. Construction of Eugene F. Jr. and Leslie K. Soltesz located in Cussewago Township, **Crawford County**.

**WQM Permit No. 2597411.** Sewerage. **Gerry J. Stubenhofer**, SRSTP, 1021 West Sixth St., Erie, PA 16507. Construction of Gerry J. Stubenhofer located in Washington Township, **Erie County**.

**NPDES Permit No. PA 0028487.** Sewerage. **Hermitage Municipal Authority**, Box 1046, 800 North Hermitage Road, Hermitage, PA 16148 is authorized to discharge from a facility located in the City of Hermitage, **Mercer County** to receiving waters named Shenango River.

**NPDES Permit No. PA 0028223.** Sewage. **Municipal Authority of the City of Corry**, 100 South Center Street, Corry, PA 16407 is authorized to discharge from a facility located in the City of Corry, **Erie County** to receiving waters named Hare Creek.

**NPDES Permit No. PA 0102296.** Sewage. **Erie Petroleum, Inc.**, P. O. Box 6345, Erie, PA 16512 is authorized to discharge from a facility located in Springfield Township, **Erie County** to unnamed tributary to Raccoon Creek.

**NPDES Permit No. PA 0021792.** Sewage. **Municipal Authority of the Borough of Edinboro**, 124 Meadville Street, Edinboro, PA 16412 is authorized to discharge from a facility located in the Borough of Edinboro, **Erie County** to Conneaut Creek.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**NPDES Permit No. PA0209872.** Sewage, **Arthur Eaton**, New Horizons Recycling, Rt. 18, Box 19A, Adamsville, PA 16110 is authorized to discharge from a facility located in Sugar Grove Township, **Mercer County** to an unnamed tributary to Crooked Creek.

**INDIVIDUAL PERMITS (PAS)**

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30-days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G261	DHR Limited Partnership 600 Fletcher Road Wayne, PA 19087	Tredyffrin Twp. and Charlestown Twp. Chester County	Valley Creek
PAS10-G255	Franklin Township P. O. Box 118 Kemblesville, PA 19347	Franklin Twp. Chester County	Unnamed Tributary to West Branch White Clay Crk.
PAS10-J039	Conchester Joint Venture 717 Constitution Drive, Eagleview Corporate Center Exton, PA 19341	Concord Twp. Delaware County	Delaware Basin
PAS10-T069	Plymouth Industrial Center, Inc. 839 East Germantown Pike Norristown, PA 19401	Plymouth Twp. Montgomery County	Plymouth Creek

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**PAS-10-0614.** Individual NPDES. **The Degol Organization**, 3229 Pleasant Valley Boulevard, Altoona, PA 16601. To Implement an Erosion and Sedimentation Control Plan for the construction of roadways and utilities associated with the development of Fairway Estates Residential Development on 33.45 acres in Frankstown Township, **Blair County**. The project is located along the east side of SR 1011 about 1.7 miles north of its intersection with US Route 22 (Frankstown, PA Quadrangle N: 21.3 inches; W: 6.5 inches). Drainage will be to unnamed tributary to New Creek.

**PAS-10-0023.** Individual NPDES. **Klein Family Limited Partnership**, 5220 Klees Mill Road, Sykesville, MD 21784. To Implement an Erosion and Sedimentation Control Plan for a proposed golf course on 305.6 acres in

Mount Joy Township, **Adams County**. The project is located on Mason Dixon Road 1 mile west of Route 134 (Taneytown, MD-PA Quadrangle N: 18.1 inches; W: 14.5 inches). Drainage will be to Rock Creek.

**PAS-10-3004.** Individual NPDES. **Pa. Dept. of Transportation District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To Implement an Erosion and Sedimentation Control Plan for the construction of 1.6 miles of highway around the Borough of Mount Union on 35.8 acres in Mount Union Borough and Shirley Township, **Huntingdon County**. The project is located along the west bank of the Juniata River from SR 0522 at Allenport north to the Huntingdon/Mifflin County boundary lines (Newton Hamilton, PA Quadrangle N: 1.7 inches; W: 17.3 inches). Drainage will be to the Juniata River.

*Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10F050-1	Pa. State University 416 Old Main University Park, PA 16802	Centre County Benner, College, Patton	Spring Creek



**INDIVIDUAL PERMITS  
(PAR)**

**APPROVALS TO USE NPDES GENERAL PERMITS**

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of this Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and

reporting requirements and other conditions set forth in the respective General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by Department of Environmental Protection:

*NPDES*

*General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

*Facility Location*

*County and Municipality*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Adams Co. Mt. Joy Twp.	PAR100045	Stanley Wolf 714 Black Horse Tavern Road Gettysburg, PA	UNT to White Run	Adams CD (717) 334-0636
Adams Co. Hamiltonban Twp.	PAR100048	Quebecor Printing 100 N. Miller St. Fairfield, PA	Spring Run	Adams CD (717) 334-0636
Adams Co. New Oxford Boro.	PAR100053	Adams Co. Housing Authority 139 Carlisle Street Gettysburg, PA 17325	S. Br. Conewago Cr.	Adams CD (717) 334-0636
Adams Co. Hamilton Twp.	PAR100049	Harry Ramage 135 Tyler Run Rd. York, PA 17403	Conewago Creek	Adams CD (717) 334-0636
Allegheny Co. Leetsdale Boro.	PAR10A203	Leetsdale Indus. Park 100 Hickory Grade Rd. Bridgeville, PA 15017	Ohio River	Allegheny CD (412) 921-1999
Allegheny Co. N. Fayette Twp.	PAR10A207	IHC Realty Corp—Foster Plz. Pittsburgh, PA 15220	Montour Run	Allegheny CD (412) 921-1999
Allegheny Co. Kennedy Twp.	PAR10A213	The Estates of Forest Grove 772 Pine Valley Drive Pittsburgh, PA 15239	Ohio River	Allegheny CD (412) 921-1999
Bedford Co. Broad Top Twp.	PAR100427	Broad Top Township Municipal Bldg. Defiance, PA 16633	Sandy Run	Bedford CD (814) 623-6706
Berks Co. Ontelaunee and Perry Twps. Leesport and Shoemakersville Boroughs	PAR10C181	Pa. Dept. of Transportation 1713 Lehigh St. Allentown, PA 18103	UNT to Schuylkill River and Pigeon Cr.	Berks CD (610) 372-4657
Blair Co. City of Altoona	PAR100654	Blair County Commissioners 423 Allegheny St. Hollidaysburg, PA	Brush Run	Blair CD (814) 696-0877
Blair Co. Boro of Tyrone	PAR100656	Tyrone Area School District 1317 Lincoln Avenue Tyrone, PA	Hutchison and Schell Runs	Blair CD (814) 696-0877



<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Bucks Co. Tinicum Twp.	PAR10D217	Pipersville Realty P. O. Box 320 Pipersville, PA 18947	Tohickon Creek	Bucks CD (215) 345-7577
Bucks Co. Doylestown Twp.	PAR10D296	Doylestown Twp. Mun. Authority 425 Wells Road Doylestown, PA	Neshaminy Creek	Bucks CD (215) 345-7577
Bucks Co. Middletown Twp.	PAR10D298	Robert Curuso Sesame Place 100 Sesame Rd. Langhorne, PA	UNT to Queen Anne	Bucks CD (215) 345-7577
Bucks Co. Tullytown Boro.	PAR10D300	DEE CEE Jay Inc. River Road Tullytown, PA 19007	Delaware River	Bucks CD (215) 345-7577
Bucks Co. Buckingham Twp.	PAR10D301	Buckingham Township 4613 Hughesian Drive Buckingham, PA	UNT to Pine Creek	Bucks CD (215) 345-7577
Bucks Co. Middletown Twp.	PAR10D302	David Ervin 405 E. Ravine Avenue Langhorne, PA 19047	Neshaminy Creek	Bucks CD (215) 345-7577
Bucks Co. Doylestown Twp.	PAR10D303	Board of Commissioners County of Bucks New Britian, PA	Neshaminy Creek	Bucks CD (215) 345-7577
Butler Co. Cranberry Twp.	PAR10E064	Allegheny Metalworking Corp. 17 Leonburg Road Cranberry Twp, PA	UNT to Brush Creek	Butler CD (412) 284-5270
Butler Co. Fairview and Parker Twps.	PAR10E065	National Fuel Gas Distribution Corp. 1100 State Street Erie, PA 16512	Bear Creek	Butler CD (412) 284-5270
Butler Co. Cranberry Twp.	PAR10E066	Madison Heights Assocs. 215 Executive Drive Cranberry Township, PA 16066	UNT to Brush Creek	Butler CD (412) 284-5270
Cambria Co. Blacklick and Cambria Twps.	PAR10I033	DEP—BAMR P. O. Box 149 Ebensburg, PA 15931	N. Br. Blacklick	Cambria CD (814) 472-7425
Cambria Co. Richland Twp.	PAR10I034	DEP—BAMR P. O. Box 149 Ebensburg, PA 15931	Ltl. Paint Creek	Cambria CD (814) 472-7425
Centre Co. Ferguson Twp.	PAR10F057	Science Park Road Storage 501 Rolling Ridge Drive State College, PA 16801	UNT to Big Hollow Run	Centre CD (814) 355-6817
Centre Co. Gregg Twp.	PAR10F058	Gregg Twp. Sewer Authority P. O. Box 87 Spring Mills, PA 16875	Sinking Crk./ Penns Crk.	Centre CD (814) 355-6817
Cumberland Co. Boro of Shippensburg	PAR10H122	Senior Cottages of Shippensburg Baltimore Road Shippensburg, PA	Burd Run	Cumberland CD (717) 240-7812
Cumberland Co. Hampden Twp.	PAR10H126	Keeley and Company P. O. Box 7100 Mechanicsburg, PA 17055	Conodoguinet Cr.	Cumberland CD (717) 240-7812
Dauphin Co. W. Hanover Twp.	PAR10I118	Robert Wolfgang and Martha Wolfgang 7709 Althea Avenue Harrisburg, PA 17112	Beaver Creek	Dauphin CD (717) 921-8100
Dauphin Co. Swatara Twp.	PAR10I116	Robert Mumma II 614 N. Front St. Harrisburg, PA 17110	Spring Crk. West	Dauphin CD (717) 921-8100

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Dauphin Co. Derry Twp.	PAR10I120	Housing Development Corporation 308 E. King Street Lancaster, PA	Spring Creek	Dauphin CD (717) 921-8100
Erie Co. Millcreek Twp.	PAR10K039-1	D'Angelo Family LP 801 State Street Erie, PA 16538	Drainage Ditch	Erie CD (814) 796-4203
Erie Co. Girard Twp.	PAR10K063	Rodney Dale 8600 Ridge Road Girard, PA 16417	N/A	Erie CD (814) 796-4203
Fulton Co. Belfast Twp.	PAR102806	Turkey Hill Subdivision 19700 Barnesville Road Dickerson, MD	Palmer and Barnett Runs	Fulton CD (717) 485-3547
Lackawanna Co. Abington Twp.	PAR10N050	Richard Lewis 127 Old Orchard Road Clarks Green, PA 18411	Ackerly Creek	Lackawanna CD (717) 587-2607
Lancaster Co. Denver Boro.	PAR10-O-243	Cocalico School District S. 4th Street Denver, PA 17517	Cocalico Creek	Lancaster CD (717) 299-5361
Lancaster Co. Warwick Twp.	PAR10-O-244	Lititz Area Mennonite School 1050 E. Newport Road Lititz, PA	UNT to Lititz Run	Lancaster CD (717) 299-5361
Lebanon Co. Bethel Twp.	PAR10P051	George Steiner Auto Sales P. O. Box 251 Fredericksburg, PA	Ltl. Swatara Crk.	Lebanon CD (717) 272-3377
Lebanon Co. Jackson Twp.	PAR10P054	Enviroquip Systems Inc. 341 King Street Myerstown, PA	Tulpehocken Crk.	Lebanon CD (717) 272-3377
Lebanon Co. Swatara Twp.	PAR10P058	Rudolph Townhouse Development 304 S. Mill St. Jonestown, PA 17042	Swatara Creek	Lebanon CD (717) 272-3377
Luzerne Co. Exeter Borough	PAR10R113	Dennis Brislin 100 Aster Ct. Exeter, PA 18643	Hicks Creek	Luzerne CD (717) 674-7991
Luzerne Co. Pittstown Twp.	PAR10R114	Mericle Properties 600 Baltimore Drive Wilkes-Barre, PA 18702	Collins Creek	Luzerne CD (717) 674-7991
Luzerne Co. Newport Twp.	PAR10R115	Foster Wheeler Perryville Corp. Park Clinton, NJ 08809	Newport Creek	Luzerne CD (717) 674-7991
Mercer Co. City of Sharon	PAR104330	Consumer Pa. Water Company 665 S. Dock Street Sharon, PA	Shenango River	Mercer CD (814) 662-2242
Franklin County Southampton Township	PAR223533	Union Tools, Inc. 400 Means Hollow Road P. O. Box 69 Shippensburg, PA 17257	Conodoguinet Creek	SCRO (717) 657-4590
York County York City	PAR213545	York Concrete Co., Inc. 400 Girard Avenue York, PA 17403	Poorhouse Run Encased Storm Sew.	SCRO (717) 657-4590
Lancaster County Lancaster City	PAR603509	Angelini and Groff, Inc. 1039 S. Duke St. Lancaster, PA 17602	Conestoga River	SCRO (717) 657-4590
Berks County Muhlenberg Township	PAR123545	JMH Inc. Premium Beverage Packers Inc. 1055-1101 Cross Roads Blvd. Reading, PA 19605	Retention Pond Storm Sewer	SCRO (717) 657-4590

## NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Cumberland County Camp Hill Borough	PAR123546	Consolidated Nutrition LC 2000 Hummel Ave. P. O. Box 398 Camp Hill, PA 17001-0398	Cedar Run Basin	SCRO (717) 657-4590
Sugar Creek Boro. Venango County	PAR708311	IA Construction Corp. Franklin Batch Plant P. O. Box 8 Concordville, PA 19331	Allegheny River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Paint Township Clarion County	PAR708312	IA Construction Corp. Clarion Batch Plant P. O. Box 8 Concordville, PA 19331	Unnamed Tributary of Clarion River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Mercer Township Butler County	PAR708317	IA Construction Corp. Harrisville Batch Plant P. O. Box 8 Concordville, PA 19331	Unnamed Tributary of McMurray Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Port Allegheny Boro. McKean County	PAR708314	IA Construction Corp. Port Allegheny Batch Plant P. O. Box 8 Concordville, PA 19331	Allegheny River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Conewango Township Warren County	PAR708313	IA Construction Corp. Warren Batch Plant P. O. Box 8 Concordville, PA 19331	Allegheny River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Jackson Township Butler County	PAR708315	IA Construction Corp. Zelienople Batch Plant P. O. Box 8 Concordville, PA 19331	Likens Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie County	PAR508304	Waste Management of PA, Inc. Greater Erie Transfer and Recycling Center 1154 W. 16th St. Erie, PA 16502	Tributary to Cascade Crk. Lake Erie Watershed	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Cranberry Township Butler County	PAR208354	Allegheny Metalworking Corp. 17 Leonburg Rd. Cranberry Township, PA 16066	Unnamed Tributary Brush Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Pittsfield Township Warren County	PAR228309	Tony L. Stec Lumber Co., Inc. P. O. Box 117 Garland, PA 16416	Gar Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Union Township Lawrence County	PAR238310	West Penn Plastic, Inc. R. D. 8, Box 801 Route 422 West New Castle, PA 16101	Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie County	PAR608311	Marc E. Olgin Liberty Iron and Metal Co., Inc. P. O. Box 1391 Erie, PA 16512	Garrison Run Unnamed Tributary to Lake Erie, Garrison Run and Mill Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Huntingdon County Jackson Township	PAG043576	Dennis and Janice McClure R. R. 1, Box 358 Petersburg, PA 16669	Standing Stone Creek	Southcentral Regional Office (717) 657-4590
Mead Township Warren County	PAG048436	Jeffrey Hoffman P. O. Box 463 Clarendon, PA 16313	Tionesta Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Greene Township Erie County	PAG048442	Thomas F. Gorniak 11111 West Greene Rd. Waterford, PA 16441	Unnamed Tributary to East Branch LeBoeuf Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Washington Township Erie County	PAG048441	Gerry J. Stubenhofer 1021 West Sixth St. Erie, PA 16507	Unnamed Tributary of Conneauttee Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Cussewago Township Crawford County	PAG048444	Eugene F. Jr. and Leslie K. Soltesz 19525 Bear Road Venango, PA 16440	Unnamed Tributary of French Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Shenango Township Mercer County	PAG048448	Melvin Webb 815 Linn-Tyro Rd. Hadley, PA 16130	Tributary to Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
West Salem Township Mercer County	PAG048446	Audie Yeager 38 Wise Road Greenville, PA 16125	Tributary to Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Deer Creek Township Mercer County	PAG048437	Robert P. Ziegler R. D. 3, Box 102 Cochranton, PA 16314	Unnamed Tributary of Sandy Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Washington Township Clarion County	PAG048440	Jeffrey L. Groft P. O. Box 45 Venus, PA 16364-0045	Unnamed Tributary to East Sandy Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Berks County Birdsboro Borough	PAG053512	Exxon Company USA Lionfield Building, Suite 200 140 South Village Avenue Exton, PA 19341	Hay Creek	Southcentral Region (717) 657-4590

**SEWAGE FACILITIES ACT**

**PLAN APPROVAL**

**Plan revision approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Regional Office: Water Management Program Manager, Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110.*

*Location: Clark J. Miller Subdivision, Single Family Residence, West St. Clair Township, Bedford County.*

*Project Description:* Approval of a revision to the Official Plan of West St. Clair Township, Bedford County. Project involves construction of a small flow treatment facility to serve one proposed residential dwelling, with sewage flows of 400 gpd. Located north on Route 96, from the intersection of Route 56 and Route 96, the parcel lies on the east side of Route 96 approximately 1.5 miles from the intersection. Treated effluent is to be discharged into an unnamed tributary into Dunning's Creek. Dunning's Creek is listed as Warm Water Fisheries under Chapter 93.

Any required NPDES Permits or Water Management Permits must be obtained in the name of owner. Approval granted July 2, 1997.

*Location: Southwest Madison Township, Perry County, R. D. 1, Loysville, PA 17047.*

The approved plan revision (Edna J. Bishop, **DEP Code No. A3-50924-041-3S**) provides for the installation of an individual residence sewage treatment plant to replace an existing, malfunctioning onlot system. Discharge will be to an unnamed tributary of Shermans Creek. The project is located on the south side of SR 0274 about 1.8 miles west of Loysville.

Any required NPDES Permits or WQM permits must be obtained in the name of the applicant. Approval granted June 30, 1997.

*Location: Upper Frankford Township, Cumberland County, 500 North Mountain Road, Newville, PA 17241.*

The approved plan revision (Justin Carpenter, **DEP Code No. A3-21930-069-3S**) provides for the installation of an individual residence sewage treatment plant on a 1.3 acre lot with discharge to an unnamed tributary of the Conodoguinet Creek. The project is located on the north side of Pearl Lane about 1,000 feet east of the intersection with SR 4021.

Any required NPDES Permits or WQM permits must be obtained in the name of the applicant. Approval granted June 30, 1997.

*Location: Douglass Township, Berks County, R. D. 2, Box 503, Boyertown, PA 19512.*

The approved plan provided a new implementation method for phasing construction of a previously approved sewage collection system to serve Douglasstown area of the Township, completion of Pennvest planning requirements and additional sewage disposal needs documentation. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Location: New Oxford Borough, Adams County, 101 Berlin Rd., New Oxford, PA 17350.*

The approved plan provided for expansion and upgrade of an existing wastewater treatment facility. The process will be converted from a low load counter current (LLCC) and an extended aeration activated sludge system to two LLCCs aeration. The flow will be increased to 1.788 mgd. The new facility will serve New Oxford Borough and neighboring townships. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEAN-UP**

**Under the act of October 18, 1988**

**Proposed Consent Order and Agreement**

**Dupont/New Castle Junk Site**

**City of New Castle and Union Township,  
Lawrence County**

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) notice is hereby provided that the Department of Environmental Protection (Department) has settled with E. I. du Pont de Nemours and Company (Dupont) for the DuPont/New Castle Junk Site (site) located in the City of New Castle and Union Township, Lawrence County.

In the past, wastes containing hazardous substances were disposed at the site. These hazardous substances have contaminated the environment at the site, including the Shenango River. The Department has incurred over \$1 million in response costs at the site, and it estimates that it will cost between \$11 million and \$14 million more to clean up the site.

DuPont owned a portion of the site from approximately 1936 to 1950. In settlement of DuPont's share of responsibility for the site, DuPont shall pay to the Hazardous

Sites Cleanup Fund its share of the Department's past costs, and DuPont shall do work (valued at over \$1 million) to help clean up the site.

The specified terms of this settlement are set forth in the Consent Order and Agreement between the Department and DuPont. The Department will receive and consider comments relating to this Consent Order and Agreement for 60 days from the date of this Public Notice. The Department may withdraw its consent if the comments disclose facts or considerations which indicate that this settlement is inappropriate, inadequate, or not in the public interest. This settlement shall become final upon the filing of the Department's responses to any significant comments to the Consent Order and Agreement.

Copies of the Consent Order and Agreement are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Harold Nye, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Harold Nye at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

**Allied Chemical Corporation Site  
Ridgway Township, Elk County**

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) notice is hereby provided that the Department of Environmental Protection (Department) has settled with Allied Signal, Inc. (Allied), and the Area Transportation Authority of North Central Pennsylvania (ATA) for the Allied Chemical Corporation Site located on the east side of U. S. Route 219 in Ridgway Township, Elk County. The Site is adjacent to and south of the Borough of Johnsonburg, and it includes a portion of Powers Run which flows into the Clarion River approximately 800 feet northwest and downstream of the site.

In the past, alum sludge wastes containing hazardous substances were disposed at the Allied Chemical Corporation Site. These hazardous substances have been released into the environment at the site, including into Powers Run. Under the Department's settlement with Allied and ATA, Allied shall clean up the alum sludge wastes at the site, ATA shall provide Allied access for this cleanup, and ATA shall pay \$15,000 to Allied towards the cost of this cleanup.

The specific terms of this settlement are set forth in the Consent Order and Agreement between the Department and Allied and ATA. The Department will receive and consider comments relating to this Consent Order and Agreement for 60 days from the date of this Public Notice. The Department may withdraw its consent if the comments disclose facts or considerations which indicate that this settlement is inappropriate, inadequate, or not in the public interest. This settlement shall become final upon the filing of the Department's responses to any significant comments to the Consent Order and Agreement.

Copies of the Consent Order and Agreement are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Christine Dougherty, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Christine Dougherty at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

**Presque Isle Chemical Site and Schiller Site  
Washington Township, Erie Co.; Richmond  
Township, Crawford Co.**

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) notice is hereby provided that the Department of Environmental Protection (Department) has settled with Murata Electronics North America, Inc., Basic, Inc., and Combustion Engineering, Inc. (collectively Settlers) for the Presque Isle Chemical Site and the Schiller Site. The Presque Isle Chemical Site is located along U. S. Route 6N in Washington Township, Erie County. The Schiller Site is located along State Route 77 in Richmond Township, Crawford County.

In the past, waste containing hazardous substances was disposed at the Presque Isle Chemical Site and the Schiller Site. The Department has investigated the conditions at both the sites and has remediated some of the hazardous substances at the sites. To date, the Department has incurred approximately 7 million dollars to remediate the Presque Isle Chemical Site, and approximately \$1 million to remediate the Schiller Site. The Department will incur more costs in the future to complete the remediation of the hazardous substances at both sites.

Some of the waste that was disposed at the sites was generated by companies that were affiliated with the Settlers. Under the terms of the Consent Order and Agreements, the Settlers shall pay a total of \$804,000 to the Hazardous Sites Cleanup Fund in settlement of the Settlers' shares of responsibility for the cleanup of the Presque Isle Chemical Site and the Schiller Site.

The specific terms of these settlements are set forth in the Consent Order and Agreements between the Department and Settlers. The Department will receive and consider comments relating to these Agreements for 60 days from the date of this Public Notice. The Department may withdraw its consent if the comments disclose facts or considerations which indicate that these settlements are inappropriate, inadequate or not in the public interest. These settlements shall become final upon the filing of the Department's responses to any significant comments to the Consent Order and Agreements.

Copies of the Consent Order and Agreements are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Harrison Beavers or Edward Orris, Project Managers, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Harrison Beavers or Edward Orris at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**Under Act 2, 1995**

**Preamble 3**

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

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in

the *Pennsylvania Bulletin* a notice of submission of any final 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 methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following final report:

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Annex Manufacturing**, Pennsburg Borough, **Montgomery County**. Richard P. Almquist, Jr., Geoenvironmental Services, OXFORD Engineers & Consultants, Inc., 2605 Egypt Rd., Suite 203, Trooper, PA 19403, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals and petroleum hydrocarbons; and groundwater contaminated with heavy metals and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Bethlehem Steel Corporation Highspire—Lower Swatara Site**, Highspire Borough and Lower Swatara Township, **Dauphin County**. Bethlehem Steel Corporation, c/o Pennsylvania Steel Technologies, Inc., 215 South Front Street, Steelton, PA 17113-2594 has submitted a Final Report concerning remediation of site soils contaminated with heavy metals. The report is intended to document remediation of the site to meet the background standard.

**Former Kilgore Facility**, Armagh Township, **Mifflin County**. Infoswitch, Inc., 2100 New River Center, 200 East Las Olas Boulevard, Fort Lauderdale, FL 33301 has submitted a Final Report concerning remediation of site soils contaminated with BTEX and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northcentral Regional Office: Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.*

**Doug Hawkins Residence**, Mayberry Township, **Montour County**. Doug Hawkins, Roaring Creek Road, R. D. 2, Box 266, Catawissa, PA 17820 has submitted a Final Report addressing soil and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

**Applications denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**John Feher, Inc.**, 46 Wildrose Lane, Levittown, PA 19054; application denied June 26, 1997.

**License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Marcor Remediation, Inc.**, 246 Cockeysville Road, Hunt Valley, MD 21030; License No. **PA-AH 0568**, license issued July 2, 1997.

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Bellman Truck Co.**, P. O. Box 305, St. Libory, IL 62282; License No. **PA-AH 0363**; renewal license issued June 24, 1997.

**Canal Sanitation, Inc.**, 99 Chapel Street, Newark, NJ 07105; License No. **PA-AH 0492**; renewal license issued June 26, 1997.

**MacDermid Inc.**, 526 Huntingdon Avenue, Waterbury, CT 06708; License No. **PA-AH 0438**; renewal license issued June 26, 1997.

**Radiological Imaging Services of Pennsylvania, Inc.**, 328 South Third Street, Hamburg, PA 19526; License No. **PA-AH 0494**; renewal license issued June 26, 1997.

**Hazardous Waste Transporter License voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Maryland Liquid Waste, Inc.**, 3814 Maple Grove Road, Manchester, MD 21102; License No. **PA-AH 0321**; license terminated June 18, 1997.

### BENEFICIAL USE DETERMINATIONS

**Suspension of beneficial use approval under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

On June 30, 1997, the Department suspended the beneficial use approval for **National Roll Company**, Avonmore, PA 15618 for the use of foundry sand as a structural fill material. The beneficial use was originally granted to National Roll Company on August 23, 1989 under the requirements of the Interim Policy for the Beneficial Use of Residual Waste dated September 11, 1987.

This approval was suspended by the Department because the sand is not used in accordance with the conditions of the August 23, 1989 approval and the sand is not being utilized in a manner protective of the environment.

**HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.**

*Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.*

**Permit No. PAD003043353. Cherokee Plant, Merck & Company, Inc.** (100 Avenue C, Riverside, PA 17868-0367). Renewal of RCRA Part B permit for a hazardous treatment, storage or disposal facility located in Riverside Borough, **Northumberland County** issued in the Regional Office on June 26, 1997.

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

**Closure plan approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations for closure of a solid waste disposal area or site.**

*Southwest Regional Office: Regional Solid Waste Manager, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.*

**Permit No. 300001. Occidental Chemical Corporation**, Occidental Tower, 5005 LBJ Freeway, P. O. Box 809050, Dallas, Texas 75380-9050. A major modification consisting of a closure plan for the existing residual waste landfill for the Pottstown, PA Facility. Permittee chose to close the landfill rather than re-permit under the residual waste regulations. Closure plan permit modification approved in the Southeast Regional Office on June 30, 1997.

**Permit No. 300852. Stanley G. Flagg and Company, Inc., d/b/a Flagg Brass**, 1020 West High Street, Stowe, PA 19464. A major modification consisting of a closure plan for the existing residual waste landfill was approved. Permittee chose to close the landfill rather than re-permit under the residual waste regulations. Closure plan permit modification approved in the Southeast Regional Office on June 30, 1997.

**Permits issued 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 Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.*

**Permit No. 100930. City of Philadelphia Department of Streets Northwest Transfer Station**, 1401 JFK Boulevard, Room 730, Municipal Services Building, Philadelphia, PA 19102. This permit renewal is for the continuing operation of the City of Philadelphia's Streets Department Northwest Transfer Station located at Umbria Street and Domino Lane in the City of Philadelphia. Permit was issued in the Southeast Regional Office on June 30, 1997.

**Closure plan issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) for closure of a residual waste landfill.**

*Southcentral Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**Permit No. 100739. Western Berks Refuse Authority** (455 Poplar Neck Road, Birdsboro, PA 19508). Application for a residual waste landfill section closure plan for a site in Cumru Township, **Berks County**. Permit issued in the Regional Office June 30, 1997.

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.*

**Permit No. 301300. Brunner Island, PP&L** (Two North Ninth Street, Allentown, PA 18101-1179). Application for modification for residual waste disposal impoundment site in East Manchester Township, **York County**. Permit issued in the Regional Office June 30, 1997.

**Permit No. 100739. Western Berks Refuse Authority** (230 N. 6th Street, Reading, PA 19601). Application for modification for a revision to the groundwater monitoring plan at a site in Cumru Township, **Berks County**. Permit issued in the Regional Office June 30, 1997.

**Permit No. 301029. Three Mile Island, GPU Nuclear Corporation** (One Upper Pond Road, Parsippany, NJ 07054). Application for re-permitting of a residual waste landfill located in Londonderry Township, **Dauphin County**. Permit issued in the Regional Office June 30, 1997.

**Permit No. 301297. Holtwood SES Ash Basin No. 2, PP&L** (Two North Ninth Street, Allentown, PA 18101-1179). Application for major modification for residual waste disposal impoundment site in Martic Township, **Lancaster County**. Permit issued in the Regional Office June 30, 1997.

**Permit No. 300742. Quaker Alloy, Inc.** (200 Richland Avenue, Myerstown, PA 17067). Application for re-permitting of a residual waste landfill for a site in Jackson Township, **Lebanon County**. Permit issued in the Regional Office June 30, 1997.

*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit ID No. 301071. Yukon Plant—Impoundment No. 6, Mill Service, Inc.**, 1815 Washington Road, Pittsburgh, PA 15241. Major modification to satisfy the re-permitting requirement of 25 Pa. Code § 287.115 for



the operation of a residual waste disposal impoundment in South Huntingdon Township, **Westmoreland County**. Permit issued in the Regional Office on June 30, 1997.

**PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE**

**INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

**Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**York Hospital**, 1001 South George Street, York, PA 17405; Richard A. Falke, Director of Engineering; License No. **PA-HC 0017**; renewal application received on June 19, 1997.

**AIR POLLUTION**

**OPERATING PERMITS**

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **48-000-008**

Source: Web/Sheet Fed Printing Operations  
Company: **Mack Printing Company**  
Location: Wilson Borough  
County: **Northampton**

Permit: **48-302-085A**

Source: Three Boilers  
Company: **Mack Printing Company**  
Location: Wilson Borough  
County: **Northampton**

Permit: **48-309-092**

Source: Two Glass Bead Ovens w/Baghouse  
Company: **Todd Heller Incorporated**  
Location: Northampton Borough  
County: **Northampton**

Permit: **48-310-028A**

Source: Stone Crushing Plant/Water Sprays  
Company: **Chrin Brothers Sanitary Landfill**  
Location: Williams Township  
County: **Northampton**

Permit: **48-313-078**

Source: Polyurethane Foam Manufacturing  
Company: **Crain Industries Incorporated**  
Location: Williams Township  
County: **Northampton**

Permit: **48-318-118**

Source: Spray Booth  
Company: **Praxair Distribution Incorporated**  
Location: Bethlehem Township  
County: **Northampton**

Permit: **48-320-003E**

Source: Bind/Stitch/Trim w/Cyclones and Baghs  
Company: **Mack Printing Company**  
Location: Wilson Borough  
County: **Northampton**

Permit: **35-323-018G**

Source: Pyrolysis Furnace w/Afterburner  
Company: **Powder Tech Incorporated**  
Location: City of Scranton  
County: **Lackawanna**

Permit: **35-323-019G**

Source: Pyrolysis Furnace w/Afterburner  
Company: **V M F Incorporated**  
Location: City of Scranton  
County: **Lackawanna**

Permit: **39-308-002**

Source: Foundry Operations w/Baghouses  
Company: **Bridesburg Foundry Company**  
Location: Whitehall Township  
County: **Lehigh**

Permit: **39-313-039**

Source: TME Porcupine Dryer w/Condenser  
Company: **Mallinckrodt Chemical Inc.**  
Location: South Whitehall Township  
County: **Lehigh**

Permit: **40-303-009A**

Source: Asphalt Plants 1 and 2 w/ Baghouses  
Company: **Kaminski Brothers Incorporated**  
Location: Jenkins Township  
County: **Luzerne**

Permit: **45-315-001**

Source: Paper Processing Sys w/Baghouse  
Company: **Mack Printing Company**  
Location: East Stroudsburg Borough  
County: **Monroe**

Permit: **45-320-003A**

Source: 5 Printing Lines w/Incinerator  
Company: **Mack Printing Company**  
Location: East Stroudsburg Borough  
County: **Monroe**

Permit: **54-302-061G**

Source: Cleaver Brooks Boiler (12.5MMBTU)  
Company: **Quaker State Farms Incorporated**  
Location: Upper Mahantango Township  
County: **Schuylkill**

*Northwest Regional Office: Air Quality Program, 230 Chestnut St., Meadville, PA 16335.*

**20-313-020.** The Department has issued an air quality operating permit to **Lord Corporation** (Saegertown), (P. O. Box 556, Saegertown, PA 16433) for the operation of a 3000 reactor and hold tank and condensor in Saegertown, **Crawford County**.

**General Plan Approval and permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

General Plan Approval and Operating Permit No. BAQ-GPA/GP-4 for Burn Off Ovens were issued to the following:

**GP 2-62-017. United Refining Co.**, Box 780, Warren, PA 16365.

**Belden & Blake Corp.**, 22811 Titusville Rd., Pleasantville, PA 16341.

**GP 5-62-155.** Lamoree

**GP 5-61-196.** Windy Hills.

**GP 1-42-095. Georgia Pacific Corp.**, One Owens Way, Bradford, PA 16701.

#### PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

A Plan Approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-303-011**  
Source: Batch Asphalt Plant w/Baghouse  
Issued: June 16, 1997  
Company: **Haines & Kibblehouse Incorporated**  
Location: Dunmore Borough  
County: **Lackawanna**

Permit: **35-310-034**  
Source: Stone Crushing Plant w/Watersprays  
Issued: June 23, 1997  
Company: **Kaminski Brothers Incorporated**  
Location: Moosic Borough  
County: **Lackawanna**

Permit: **35-322-005**  
Source: Landfill w/Gas Extraction System  
Issued: June 16, 1997  
Company: **Keystone Sanitary Landfill Inc.**  
Location: Dunmore Borough  
County: **Lackawanna**

Permit: **35-323-018G**  
Source: Pyrolysis Furnace w/Afterburner  
Issued: June 19, 1997  
Company: **Powder Tech Incorporated**  
Location: City of Scranton  
County: **Lackawanna**

Permit: **40-310-012A**  
Source: Stone Crushing 1 & 2 w/Watersprays  
Issued: June 23, 1997  
Company: **Kaminski Brothers Incorporated**  
Location: Jenkins Township  
County: **Luzerne**

Permit: **40-310-032A**  
Source: Stone Crush Plant w/Watersprays  
Issued: June 25, 1997  
Company: **Barletta Materials & Construction**  
Location: Hazle Township  
County: **Luzerne**

Permit: **40-320-006**  
Source: Heatset Web Printing Press  
Issued: June 16, 1997  
Company: **Quebecor Printing Incorporated**  
Location: City of Hazleton  
County: **Luzerne**

Permit: **45-315-003**  
Source: Raw Materials Feed Sys w/Cyclone  
Issued: June 17, 1997  
Company: **Rock Tenn Company**  
Location: Smithfield Township  
County: **Monroe**

Permit: **54-304-002A**  
Source: Grey Iron Cupola w/Baghouse  
Issued: June 16, 1997  
Company: **Leed Foundry Incorporated**  
Location: Saint Clair Borough  
County: **Schuylkill**

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources or air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**36-304-050E.** On July 2, 1997, the Department issued a Plan Approval to **Donsco, Inc.** (P. O. Box 2001, Wrightsville, PA 17368) for the construction of a shot blast and hot saw controlled by a settling chamber and fabric collector at their Mount Joy Foundry Division in Mount Joy Borough, **Lancaster County**.

**67-310-007C.** On June 27, 1997, the Department issued a Plan Approval to **County Line Quarry, Inc.** (P. O. Box 99, Wrightsville, PA 17368) for the modification of a stone crushing and screening operation controlled by fabric collectors and wet suppression in Wrightsville Borough, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335.*

Plan Approval extensions were issued on May 31, 1997, to **Allegheny MDF, Ltd. Partnership** (R. D. 1, Box 226, Kane, PA 16735) for the following sources:

**42-399-025.** Press line, unloader and board cooler.

**42-309-025.** Thermal fluid heat plant.

## MINING

### CONDUCT COAL AND NONCOAL ACTIVITIES

#### Mining Activity Actions

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 request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable 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).

*Ebensburg District Office*

*Coal Mining Permits Issued:*

**11970101. E. P. Bender Coal Company, Inc.** (P. O. Box 594, Carrolltown, PA 15722), to operate the 72 Job—Fulkerson site in Reade Township, **Cambria County**, new surface mine site, Powell Run receiving stream. Permit issued July 3, 1997.

*McMurray District Office*

**26961601. Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012), to operate the Labelle site in Luzerne Township, **Fayette County**, new tippel site, unnamed tributaries to Monongahela River and the Monongahela River. Permit issued June 25, 1997.

**32921302. Helvetia Coal Co.** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Marshall Run Mine in Young Township, **Indiana County** to add 4" vent borehole, no additional discharge. Permit issued July 1, 1997.

**03831305. Keystone Coal Mining Corp.** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Jane Mine in Plumcreek Township, **Armstrong County**, post mining land use change at the No. 9 shaft, no additional discharge. Permit issued July 1, 1997.

**30841312. Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville No. 2 Mine in Wayne Township, **Greene County** to add 2,532 subsidence control plan acres and delete 2,509 subsidence control plan acres, no additional discharges. Permit issued July 1, 1997.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**19930101C. Burnrite Coal Company** (325 Mulberry Street, Atlas, PA 17851), correction to an existing surface mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 556.1 acres, receiving stream none. Correction issued July 3, 1997.

*Noncoal Permits Issued*

**6575SM5C. Lehigh Portland Cement Company** (7660 Imperial Way, Allentown, PA 18195), correction to an existing quarry operation in Ross Township, **Monroe County** affecting 37.4 acres, receiving stream none. Correction issued July 2, 1997.

**4975SM5A1C2. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit #PA0612430 in Oxford Township, **Adams County**, receiving stream unnamed tributary to South Branch Conewago Creek. Renewal issued July 3, 1997.

**7575SM1A1C4. Hempt Bros., Inc.** (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit #PA0594296 in Silver Spring Township, **Cumberland County** receiving stream unnamed tributary to Hoges-town Run. Renewal issued July 3, 1997.

**8275SM5C. Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit #PA0595381 in East Cocalico Township, **Lancaster County** receiving stream Stoney Run. Renewal issued July 3, 1997.

**8275SM2A3C. Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit #PA0593885 in Earl and Ephrata Township, **Lancaster County** receiving stream Conestoga Creek. Renewal issued July 3, 1997.

*General Small Noncoal Authorizations Granted*

**58970816. R & M Stone** (R. R. 5, Box 206, Montrose, PA 18801), commencement, operation and restoration of a small bluestone quarry operation in Middletown Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted June 30, 1997.

**58970817. Trynoski and Sons** (227 Washington Street, Susquehanna, PA 18847), commencement, operation and restoration of a small bluestone quarry operation in Oakland Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted June 30, 1997.

**ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS**

The Department of Environmental Protection (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 (33 U.S.C.A. § 1341(a)).

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

**Actions on applications filed 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 sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)**

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-747.** Encroachment Permit. **Bristol Borough**, 250 Pond Street, Bristol, PA 19007. To restore and maintain a lagoon which will connect to the existing Delaware Canal. Work will include grading and the construction of reinforced concrete retaining walls. The site is located at the former Grundy Park just east of the intersection of the Delaware Canal and Jefferson Avenue (Bristol, PA-NJUSGS Quadrangle N: 19.2 inches; W: 14.2 inches) in Bristol Borough, **Bucks County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**Permit No. E40-457.** Encroachment. **Rosellen Verastro**, 126 North Broad Street, West Hazleton, PA 18201. To excavate and to place fill, including a commercial building and parking lot, in approximately 0.50 acre of wetlands in the drainage basin of Black Creek, for the purpose of developing a 2.5-acre parcel (the Royal Plaza Mall Site). The project is located northeast of the intersection of S. R. 0940 and S. R. 2053 (Freeland, PA Quadrangle N: 3.1 inches; W: 2.0 inches), in Foster Township, **Luzerne County**. The permittee is required to provide 0.50 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project.

**Permit No. E45-317.** Encroachment. **Rock Tenn Company**, Paper Mill Road, Delaware Water Gap, PA 18327. To construct and maintain a building addition to the existing Rock Tenn Company paper milling facility consisting of a 640 S.F. building superstructure supported by a 12-inch x 12-inch concrete column in the floodway of Brodhead Creek. The project is located along the southern stream bank, approximately 0.5 mile east of the intersection of S. R. 0209 and S. R. 0080 (Stroudsburg, PA Quadrangle N: 22.6 inches; W: 4.0 inches) in Smithfield Township, **Monroe County**.

**Permit No. E52-147.** Encroachment. **Dingman Township Supervisors**, 961 Fischer Lane, Milford, PA 18337. To construct and maintain a 42-inch RCP culvert alongside an existing 42-inch by 27-inch CMP arch culvert in Swale Brook and 800 feet downstream alongside an existing 72-inch by 42-inch CMP arch culvert to alleviate existing flooding of the roadway. This project is located along Fischer Lane (T-379) between S. R. 2001 and S. R. 2011 (Milford, PA-NJ Quadrangle N: 11.1 inches; W: 13.7 inches and N: 10.9 inches; W: 13.7 inches) in Dingman Township, **Pike County**.

**Permit No. E54-228.** Encroachment. **Pennsylvania Power & Light Company**, Two North Ninth Street N-4, Allentown, PA 18101-1179. To construct and maintain 1,000 linear feet of aerial electric line along and across the Little Schuylkill and Schuylkill Rivers to provide three phase electric service to an existing business. This project is located along Broad Street, 400 feet east of SR 0061 (Auburn, PA Quadrangle N: 14.3 inches; W: 3.8 inches) in Port Clinton Borough, **Schuylkill County** and Tilden Township, **Berks County**.

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**E01-175.** Encroachment. **Bryn Eldridge**, P. O. Box 357, Unionville, PA 19375. To construct and maintain a private bridge having a clear span of 26 feet with a minimum underclearance of 5 feet across a tributary to

Beaver Creek at a site located east of SR 0194 approximately 1 mile south of Abbottstown Square (Hanover, PA Quadrangle N: 21.2 inches; W: 15.0 inches) in Berwick Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**Permit No. E08-313.** Encroachment. **Pa. Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove an existing structure and to construct and maintain a 15 foot by 5 foot precast concrete box culvert with 1 foot depression in the streambed, with an overall length of 30 feet with a cartway width of 24 feet on a 90 degree skew in an unnamed tributary to Roaring Run Creek on SR 4034 approximately 400 feet east of Rt. 834 (Gillett, PA Quadrangle N: 19.7 inches; W: 8.0 inches) in South Creek Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**Permit No. E59-342.** Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To construct and maintain reinforced concrete streambed paving approximately 7 inches thick between the ends of the inlet and outlet wingwalls of a bridge over a tributary to Hammond Creek. The project is located on SR 1022 approximately 1.5 miles north of the intersection of Rt. 328 and SR 1022 (Millerton, PA Quadrangle N: 21.8 inches; W: 12.1 inches) in Jackson Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

## DAM SAFETY

**Actions on applications filed 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 sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

### *Permits Issued and Actions on 401 Certification*

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D09-233.** Dam. **309 Venture Partners** (c/o The Wolfson Group, Inc., 621 East Germantown Pike, Suite 305, Norristown, PA 19401). To construct, operate and maintain a stormwater detention dam located across a Tributary to Beaver Run in Richland Township, **Bucks County**. The proposed facility is part of the stormwater management plan and will also be a roadway crossing for the Richland Crossing Retail Center.

## ENVIRONMENTAL ASSESSMENT

### *Environmental Assessment Approvals and Actions on 401 Certification*

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA08-001C0.** Environmental assessment. **Richard Gulyas** (R. R. 2, Box 273B, Ulster, PA 18850). To construct and maintain a nonjurisdictional dam across a Tributary to Browns Creek (WWF) for the purpose of recreation located approximately 400 feet west of the intersection of Ulster Road and S. R. 4003 (Ulster, PA Quadrangle N: 18.1 inches; W: 6.6 inches) in Ulster Township, **Bradford County**.

**EA59-005C0.** Environmental assessment. **Alvin Stoltzfus** (120 East Avenue, Wellsboro, PA 16901). To construct and maintain a nonjurisdictional dam across a Tributary to Mutton Lane Creek (WWF) for the purpose of recreation located approximately 3,400 feet southeast of the intersection of T-772 and S. R. 1024 (Jackson Summit, PA-NY Quadrangle N: 8.50 inches; W: 5.65 inches) in Jackson Township, **Tioga County**.

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of June 1997 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joseph Alvarez Air Chek, Inc.	570 Butler Bridge Road Fletcher, NC 28732	Laboratory
Karen Amspacker Aspen Enterprises, Inc.	3262 Reeve Drive East Bethlehem, PA 18017	Testing
Ron Bruno Boro Environmental, Inc.	501 Sharp Avenue Glenolden, PA 19036	Testing
Willis Bortmas, III	370 Red Dog Road Butler, PA 16001	Testing
Delta Inspection Service, Inc.	49 South Main Street Yardley, PA 19067	Testing
Jean See Express Analytical Services, Inc.	P. O. Box 306 Chambersburg, PA 17201	Testing Laboratory
Ronald Fridley	3838 Yerkes Road Collegeville, PA 19426	Testing
Joseph Sulima HomePro Resource Center, Inc.	2042 Cedar Avenue Scranton, PA 18505	Testing
Raymond Johnson Key Technology, Inc.	1730 North Highway 72 Lebanon, PA 17046	Laboratory
Jerry Petrill	R. D. 9, Box 423-A Greensburg, PA 15601	Mitigation
Jeffrey Saulsbury Saulsbury Environmental Consultants, Inc.	307 Lucilla Street Pittsburgh, PA 15218	Testing
Carl Distenfeld Jacquelyn Distenfeld TCA Industries, Inc.	4326 Crestview Road Harrisburg, PA 17112	Testing Laboratory

[Pa.B. Doc. No. 97-1150. Filed for public inspection July 18, 1997, 9:00 a.m.]

### Availability of Technical Guidance

#### *Governor's Office List*

Once a year on the first Saturday in August, the Governor's Office publishes a list of the non-regulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The next publication of this list will be in the August 2, 1997, *Pennsylvania Bulletin*.

#### *DEP's Technical Guidance Document Inventory*

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. DEP will place the June 1997 edition of the Inventory on DEP's World Wide Web site soon. DEP's Web address is <http://www.dep.state.pa.us>. To go to the

location of the Inventory once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance Document/Inventory.

Bound paper copies of the June 1997 Inventory will become available in July for those who do not have access to the Web site. DEP automatically mails a paper copy of the June 1997 Inventory to persons who received a bound paper copy of the December 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

#### *DEP's Technical Guidance Documents on the World Wide Web*

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the

Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

*Help Protect the Environment: Use the Web and Save Trees*

DEP encourages members of the public who read these announcements in the *Pennsylvania Bulletin* and DEP's UPDATE and who have access to the World Wide Web to avoid the needless duplication of paper copies of DEP's technical guidance documents. Persons can download those DEP documents which are posted on DEP's Web site onto their computers and read them electronically. This method saves both paper and money.

#### *Ordering Paper Copies of DEP Technical Guidance*

Although DEP promotes the use of electronic copies of its technical guidance rather than paper copies, there are still reasons for DEP to continue to provide members of the public with paper copies: 1) It may be more convenient to use some documents in a paper form, 2) Not everyone has access to the World Wide Web and 3) Not all DEP documents are on DEP's Web site yet. Persons can order an unbound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

#### *Final Technical Guidance*

DEP ID: 700-5600-001 Title: Guidance for Pollution Prevention and Energy Efficiency Site Visits Description: DEP will provide, upon request, multi-media pollution prevention, energy efficiency site visits to encourage pollution prevention, energy efficiency best management practices within DEP and the regulated community. Page Length: 6 pages Location: Volume 1, Tab 20 Contact: Robert Zaccano at (717) 657-4121.

#### *Draft Technical Guidance*

DEP ID: 150-2302-001 Title: Critical Elements for Certification of Drinking Water Laboratories for Chemistry Background: As part of the Safe Drinking Water Act, DEP must maintain a laboratory certification program. This document is a necessary part of the certification program. A revision is needed based on EPA's revision of their Certification Manual. Deadline for Submittal of Comments: August 22, 1997 Contact: P. Ted Lyter at (717) 783-7050.

DEP ID: 150-2302-002 Title: Critical Elements for Certification of Drinking Water Laboratories for Microbiology Background: As part of the Safe Drinking Water Act, DEP must maintain a laboratory certification program. This document is a necessary part of the certification program. A revision is needed based on EPA's revision of their Certification Manual. Deadline for Submittal of Comments: August 22, 1997 Contact: P. Ted Lyter at (717) 783-7050.

DEP ID: 563-2000-208 BMR PGM: II:02:08 Title: Right of Entry Background: This guidance establishes criteria for review of right of entry requirements for surface mining activities. This guidance includes the proposed amendments to 25 Pa. Code, Chapter 86. Final rule-making is scheduled for January 1998. Although this guidance cannot be put into effect until the final rule-making for Chapter 86 is effective, the program seeks comments on the current draft. Deadline for Submittal of Comments: August 27, 1997 Contact: Thomas L. Whitcomb at (717) 787-6834.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-1151. Filed for public inspection July 18, 1997, 9:00 a.m.]

#### **Cleanup Standards Scientific Advisory Board; Notice of Meeting Change**

The July 21st meeting of the Cleanup Standards Scientific Advisory Board (CSSAB) has been rescheduled to July 29, 1997. The meeting will be held at 400 Market Street, Rachel Carson State Office Building, Room 105.

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 783-7509 or e-mail to Wooding. Marilyn@a1.dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding directly at (717) 783-7509 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-1152. Filed for public inspection July 18, 1997, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Laboratories Approved to Determine Urine Controlled Substance Content Under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC". Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability may also submit questions to Dr. Shoemaker in alternative formats, such as audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille) contact Dr. Shoemaker so that he may make the necessary arrangements.

Abington Memorial Hospital-S  
1200 Old York Road  
Abington, PA 19001  
215-576-2350

ACT Lab Services, Inc.-SC  
270 Commerce Drive  
Fort Washington, PA 19034  
215-283-6370

Albert Einstein Medical Center North-SC  
5500 Old York Road  
Philadelphia, PA 19141  
215-456-6100

Allegheny County Department of Labs., Toxicology Section-S  
10 County Office Building  
Pittsburgh, PA 15219  
412-355-6873

Allegheny General Hospital Dept. Lab. Med.-S  
320 East North Avenue  
Pittsburgh, PA 15212  
412-359-3521

Allegheny University Hospital-Center City-S  
Broad and Vine Streets, MS 113  
Philadelphia, PA 19102  
215-448-7154

Allegheny University Hospital-East Falls-S  
3300 Henry Avenue  
Philadelphia, PA 19129  
215-842-6615

Allegheny University Hospital-Graduate-S  
1 Graduate Plaza-Pepper Pavilion, 4th Floor  
Philadelphia, PA 19146  
215-893-2240

Allegheny University STAT-TOX-SC  
Broad and Vine Streets, Mail Stop 431  
Philadelphia, PA 19102-1192  
215-762-7828

Allegheny University Hospitals-Bucks County Division-S  
225 Newtown Road  
Warminster, PA 18974  
215-441-6700

Altoona Hospital-S  
620 Howard Avenue  
Altoona, PA 16601  
814-946-2340

American Medical Laboratories-SC  
14225 Newbrook Drive  
Chantilly, VA 20153  
703-802-6900

Analytic Biochemistries, Inc.-SC  
1680-D Loretta Avenue  
Feasterville, PA 19053  
215-322-9210

Associated Clinical Laboratories-SC  
1526 Peach Street  
Erie, PA 16501  
814-453-6621

Associated Regional & Univ. Path.-SC  
500 Chipeta Way  
Salt Lake City, UT 84108  
800-242-2787

Ayer Clinical Lab-Penn Hospital-S  
Eighth and Spruce Streets  
Philadelphia, PA 19107  
215-829-3541

Bendiner & Schlesinger, Inc.-SC  
47 Third Avenue  
New York, N.Y. 10003  
212-254-2300

Bon Secours-Holy Family Reg. Health-S  
2500 Seventh Avenue  
Altoona, PA 16602  
814-949-4495

Bradford Hospital-S  
116-156 Interstate Parkway  
Bradford, PA 16701  
814-834-8282

Brandywine Hospital and Trauma Center-S  
Route 30 Bypass  
Coatesville, PA 19320  
610-383-8000

Brownsville General Hospital-S  
125 Simpson Road  
Brownsville, PA 15417  
412-785-7200

Canonsburg General Hospital-S  
R. D. 1, Box 147, Route 519  
Canonsburg, PA 15317  
412-745-6100

Carlisle Hospital-S  
245 Parker Street  
Carlisle, PA 17013  
717-249-1212

Cedar Crest Emergicenter-S  
1101 South Cedar Crest Blvd.  
Allentown, PA 18103  
610-433-4260

Centre Community Hospital-S  
1800 East Park Avenue  
State College, PA 16803  
814-234-6117

Chambersburg Hospital-S  
112 North Seventh Street  
Chambersburg, PA 17201  
717-267-7152

Charles Cole Memorial Hospital-S  
R. D. 3, U. S. Route 6  
Coudersport, PA 16915  
814-274-9300

Chester County Hospital-S  
701 East Marshall Street  
West Chester, PA 19380  
610-431-5182

Chestnut Hill Hospital-S  
8835 Germantown Avenue  
Philadelphia, PA 19118  
215-248-8630

Children's Hospital of Philadelphia-S  
One Children's Center, 34th & Civic Center Blvd.  
Philadelphia, PA 19104  
215-590-1000

Clarion Hospital-S  
1 Hospital Drive  
Clarion, PA 16214  
814-226-9500

Clinical Science Laboratory, Inc.-S  
51 Francis Avenue  
Mansfield, MA 02048  
508-339-6106

Clintox Laboratories-SC  
601 Gay Street  
Phoenixville, PA 19460  
610-933-6550

Community General Hospital-S  
145 North 6th Street  
Reading, PA 19603  
610-378-8350

Community General Osteopathic Hospital-S  
4300 Londonderry Road, P. O. Box 3000  
Harrisburg, PA 17109  
717-657-7214

Community Hospital of Lancaster-S  
1100 East Orange Street  
Lancaster, PA 17604  
717-397-3711

Community Medical Center-S  
1822 Mulberry Street  
Scranton, PA 18510  
717-969-8000

CompuChem Laboratories, Inc.-SC  
1904 Alexander Drive  
Research Triangle Park, NC 27709  
919-549-8263

Conemaugh Valley Memorial Hospital-S  
1086 Franklin Street  
Johnstown, PA 15905  
814-534-9000

Crozer-Chester Medical Center-SC  
1 Medical Center Blvd.  
Chester, PA 19013  
215-447-2000

Delaware County Memorial Hospital-S  
501 North Lansdowne Avenue  
Drexel Hill, PA 19026  
610-284-8100

Delaware Valley Medical Center-S  
200 Oxford Valley Road  
Langhorne, PA 19047  
215-949-5275

Department of Pathology & Lab Med-HUP-SC  
3400 Spruce Street  
Philadelphia, PA 19104  
215-662-3435

Divine Providence Hospital-S  
1100 Grampian Blvd.  
Williamsport, PA 17701  
717-326-8167

Doylestown Hospital-S  
595 West State Street  
Doylestown, PA 18901  
215-345-2250

DrugScan, Inc.-SC  
1119 Mearns Road, P. O. Box 2969  
Warminster, PA 18974  
215-674-9310

DrugScan, Inc.-Limerick Division-S  
Sanatoga & Evergreen Roads  
Sanatoga, PA 19464  
610-327-1200

DrugScan, Inc.-Peach Bottom Division-S  
1848 Lay Road (Atom Road)  
Delta, PA 17314  
717-456-3026



Easton Hospital-S  
250 South 21st Street  
Easton, PA 18042  
610-250-4140

Elk County Regional Medical Center-S  
94 Hospital Street  
Ridgway, PA 15853  
814-776-6111

Episcopal Hospital-S  
100 East Lehigh Avenue  
Philadelphia, PA 19125  
215-427-7333

Fitness for Duty Center-S  
Pennsylvania Power and Light Company  
Berwick, PA 18603  
717-542-3336

Forbes Regional Health Center-S  
2570 Haymaker Road  
Monroeville, PA 15146  
412-858-2560

Frankford Hospital-Torresdale Division-S  
Knights and Red Lion Roads  
Philadelphia, PA 19114  
215-612-4000

Frankford Hospital-Frankford Campus-S  
Frankford Avenue and Wakeling Street  
Philadelphia, PA 19124  
215-831-2068

Frick Hospital and Community Health Center-S  
508 S. Church Street  
Mount Pleasant, PA 15666  
412-547-1500

Geisinger Medical Center-SC  
North Academy Road  
Danville, PA 17822  
717-271-6338

Geisinger Wyoming Valley Medical Center-S  
1000 E. Mountain Drive  
Wilkes-Barre, PA 18711  
717-826-7830

Germantown Hospital & Medical Center-S  
One Penn Blvd.  
Philadelphia, PA 19144  
215-951-8800

GHS-Parkview Hospital-S  
1331 E. Wyoming Avenue  
Philadelphia, PA 19124  
215-537-7430

GHS-City Avenue Hospital-S  
4150 City Avenue, Dept. of Pathology  
Philadelphia, PA 19131  
215-871-1000

Gnaden Huetten Memorial Hospital-S  
11th and Hamilton Streets  
Lehighton, PA 18235  
610-377-1300

Good Samaritan Hospital-S  
4th and Walnut Streets, P. O. Box 1281  
Lebanon, PA 17042  
717-270-7500

Good Samaritan Medical Center-S  
1020 Franklin Street  
Johnstown, PA 15905  
814-533-1906

Good Samaritan Regional Medical Center-S  
700 East Norwegian Street  
Pottsville, PA 17901  
717-622-3400

GPU Nuclear Corp., TMI Med. Dept.-S  
P. O. Box 480  
Middletown, PA 17057  
717-948-8189

Harrisburg Hospital-S  
South Front Street  
Harrisburg, PA 17101  
717-782-3131

Hazleton General Hospital-S  
East Broad Street  
Hazleton, PA 18201  
717-454-2441

Health Network Laboratories-SC  
2024 Lehigh Street  
Allentown, PA 18103  
610-402-8150

Health Quest Medical Laboratories, Inc.-S  
1503 Sunset Drive, Suite 4  
Pottstown, PA 19464  
610-327-2520

Holy Redeemer Hospital-S  
1648 Huntingdon Pike  
Meadowbrook, PA 19046  
215-947-3000

Holy Spirit Hospital-SC  
503 North 21st Street  
Camp Hill, PA 17011  
717-763-2206

Horizon Hospital System-Greenville Campus-S  
110 North Main Street  
Greenville, PA 16125  
412-588-2100

Horizon Hospital System-Shenango Campus-S  
2200 Memorial Drive  
Farrell, PA 16121  
412-981-3500

Indiana Hospital Dept. Lab. Med.-S  
P. O. Box 788  
Indiana, PA 15701  
412-357-7166

Jeanes Hospital-S  
7600 Central Avenue  
Philadelphia, PA 19111  
215-728-2347

Jersey Shore Hospital-S  
1020 Thompson Street  
Jersey Shore, PA 17740  
717-398-0100

John F. Kennedy Memorial Hospital-S  
Cheltenham and Langdon Streets  
Philadelphia, PA 19124  
215-831-7203

Kensington Hospital-S  
136 West Diamond Street  
Philadelphia, PA 19122  
215-426-8100

Lab Corp of America Holdings-SC  
1447 York Court  
Burlington, NC 27216  
800-334-5161

Lab Corp of America Holdings-SC  
69 First Avenue - P. O. Box 500  
Raritan, NJ 08869  
201-526-2400

LabOne, Inc.-SC  
8915 Lenexa Drive  
Overland Park, KS 66214  
913-888-1770

Laboratory Corp of America-SC  
13900 Park Center Road  
Herndon, VA 22071  
703-742-3100

Lancaster General Hospital-S  
555 North Duke Street-P. O.Box 3555  
Lancaster, PA 17603  
717-299-5511

Lancaster General Hospital-Susquehanna Division-S  
631 Poplar Street  
Columbia, PA 17512  
717-684-2841

Latrobe Area Hospital-S  
West Second Avenue  
Latrobe, PA 15650  
412-537-1550

Lee Hospital-S  
320 Main Street  
Johnstown, PA 15901  
814-533-0130

Lewistown Hospital-S  
Highland Avenue  
Lewistown, PA 17044  
717-248-5411

Lock Haven Hospital-S  
24 Cree Drive  
Lock Haven, PA 17745  
717-893-5000

Lower Bucks Hospital-S  
501 Bath Road  
Bristol, PA 19007  
215-785-9200

Magee Women's Hospital-S  
Forbes Avenue and Halket Street  
Pittsburgh, PA 15213  
412-647-4651

Main Line Clinical Laboratories-Bryn Mawr CP-S  
Bryn Mawr Avenue  
Bryn Mawr, PA 19010  
610-526-3554

Main Line Clinical Laboratories-Lankenau CP-S  
100 East Lancaster Avenue  
Wynnewood, PA 19096  
215-645-2615

Main Line Clinical Laboratories-Paoli Memorial CP-S  
255 West Lancaster Avenue  
Paoli, PA 19301  
610-648-1000

Meadville Medical Center-Liberty Street-S  
751 Liberty Street  
Meadville, PA 16335  
814-336-3121

MedExpress/National Lab Center-SC  
3955 Vantech Drive  
Memphis, TN 38115  
901-795-1515

Medlab Clinical Testing, Inc.-SC  
212 Cherry Lane  
New Castle, DE 19720  
800-633-5221

MedTox Laboratories, Inc.-SC  
402 West County Road D  
New Brighton, MN 55112  
612-636-7466

Mercy Health Lab-Mercy Fitzgerald Hospital-S  
Lansdowne Avenue and Bailey Road  
Darby, PA 19023  
610-237-4175

Mercy Health Lab-Mercy Hospital/Phila.-S  
5301 Cedar Avenue  
Philadelphia, PA 19143  
215-748-9170

Mercy Hospital Laboratory-S  
Pride and Locust Streets  
Pittsburgh, PA 15219  
412-232-7831

Methodist Hospital Div./TJUH, Inc.-S  
2301 South Broad Street  
Philadelphia, PA 19148  
215-952-9059

Miner's Hospital of N. Cambria-S  
2205 Crawford Avenue  
Spangler, PA 15775  
814-948-7171

Montgomery Hospital-S  
Powell and Fornance Streets  
Norristown, PA 19401  
610-270-2173

Nason Hospital-S  
Nason Drive  
Roaring Spring, PA 16673  
814-224-6215

National BioStudios-S  
5846 Distribution Drive  
Memphis, TN 38141  
901-795-1700

National Medical Services, Inc.-SC  
3701 Welsh Road  
Willow Grove, PA 19090  
215-657-4900

Nazareth Hospital-S  
2601 Holme Avenue  
Philadelphia, PA 19152  
215-335-6245

North Penn Hospital-S  
100 Med Campus Drive  
Lansdale, PA 19446  
215-368-2100

Northwest Medical Center-Oil City Campus-S  
174 E. Bissell Avenue  
Oil City, PA 16301  
814-677-1711

Omega Medical Laboratories, Inc.-SC  
2001 State Hill Road, Suite 100  
Wyomissing, PA 19610  
610-378-1900

Penna. Dept. of Health, Bureau of Labs.-SC  
P. O. Box 500  
Exton, PA 19341-0500  
610-363-8500

Pharmchem Laboratories, Inc.-SC  
1505-A O'Brien Drive  
Menlo Park, CA 94025  
415-328-6200

Phoenixville Hospital-S  
140 Nutt Road  
Phoenixville, PA 19460  
610-933-9281

Pittsburgh Criminalistics-SC  
1320 5th Avenue  
Pittsburgh, PA 15219  
412-391-6118

Pocono Medical Center Lab.-S  
206 East Brown Street  
East Stroudsburg, PA 18301  
717-476-3544

Polyclinic Hospital-S  
2601 North Third Avenue  
Harrisburg, PA 17110  
717-782-4141

Pottstown Memorial Medical Center-S  
1600 East High Street  
Pottstown, PA 19464  
610-327-7111

Pottsville Hospital and Warne Clinic-S  
420 South Jackson Street  
Pottsville, PA 17901  
717-622-6120

Premier Research Worldwide-S  
124-34 South 15th Street  
Philadelphia, PA 19102  
215-972-0420

Presbyterian Medical Center of UPHS-S  
51 North 39th Street  
Philadelphia, PA 19104  
215-662-6000

Princeton Biomedical Laboratories, Inc.-S  
2000-B Hartel Complex  
Levittown, PA 19057  
215-943-0700

Psychomedics Corporation-SC  
5832 Uplander Way  
Culver City, CA 90230  
800-522-7424

Quest Diagnostics, Inc.-SC  
4444 Giddings Road  
Auburn Hills, MI 48326  
800-444-0106

Quest Diagnostics, Inc.-SC  
1901 Sulphur Spring Road  
Baltimore, MD 21227  
301-247-9100

Quest Diagnostics, Inc.-S  
900 Business Center Drive  
Horsham, PA 19044  
215-957-9300

Quest Diagnostics, Inc.-SC  
875 Greentree Road, 4 Parkway Center  
Pittsburgh, PA 15220-3610  
412-920-7600

Quest Diagnostics-SC  
7470-A Mission Valley Road  
San Diego, CA 92108-4406  
800-446-4728

Quest Diagnostics, Inc.-SC  
One Malcolm Avenue  
Teterboro, NJ 07608  
201-288-0900

Quintiles Laboratories, Ltd.-SC  
5500 Highlands Parkway, Suite 600  
Smyrna GA 30082  
710-434-8492

Reading Hospital & Medical Center-S  
6th and Spruce Streets  
Reading, PA 19603  
610-378-6080

Robert Packer Hospital-S  
200 S. Wilbur Avenue  
Sayre, PA 18840  
717-888-6666

Roxborough Memorial Hospital-S  
5800 Ridge Avenue  
Philadelphia, PA 19128  
215-483-9900

Sacred Heart Hospital-S  
Fourth and Chew Streets  
Allentown, PA 18102  
610-776-4727

Saint Clair Memorial Hospital-S  
1000 Bower Hill Road  
Pittsburgh, PA 15243  
412-561-4900

Saint Francis Hospital of New Castle-S  
1000 South Mercer Street  
New Castle, PA 16101  
412-658-3511

Saint Joseph Hospital-S  
250 College Avenue, P. O. Box 3509  
Lancaster, PA 17604  
717-291-8022

Saint Mary Hospital-S  
Langhorne and Newtown Roads  
Langhorne, PA 19047  
215-750-2162

Scientific Testing Labs, Inc.-SC  
463 Southlake Boulevard  
Richmond, VA 23236  
800-977-9130

Shadyside Hospital-S  
5230 Centre Avenue  
Pittsburgh, PA 15232  
412-622-2315

Sharon Regional Health System-S  
740 East State Street  
Sharon, PA 16146  
412-983-3911

Sierra Analytical Laboratories-SC  
625 East Drinker Street  
Dunmore, PA 18512  
717-341-2224

Skippack Medical Laboratory-S  
3887 Skippack Pike  
Skippack, PA 19474  
610-584-1669

SmithKline Beecham Clinical Laboratories, Inc.-SC  
400 Egypt Road  
Norristown, PA 19403  
610-631-4200

SmithKline Bio-Science Laboratories-SC  
7600 Tyrone Avenue  
Van Nuys, CA 91405  
818-376-6259

Somerset Hospital-S  
225 South Center Avenue  
Somerset, PA 15501  
814-443-2626

South Hills Health System - Jefferson-S  
575 Coal Valley Road  
Pittsburgh, PA 15236  
412-469-5723

Southern Chester County Medical Center-S  
1015 West Baltimore Pike  
West Grove, PA 19390  
610-869-1080

Specialty Laboratories-S  
2211 Michigan Avenue  
Santa Monica, CA 90404  
310-828-6543

St. Francis Central Hospital-S  
1200 Centre Avenue  
Pittsburgh, PA 15219  
412-562-3060

St. Francis Medical Center-SC  
400-45th Street  
Pittsburgh, PA 15201  
412-622-4838

St. Joseph Quality Medical Laboratory-SC  
215 North 12th Street, Box 316  
Reading, PA 19603  
610-378-2000

St. Joseph's Hospital-Div. NPHS-S  
16th Street and Girard Avenue  
Philadelphia, PA 19130  
215-787-9000

St. Margaret's Memorial Hospital-S  
815 Freeport Road  
Pittsburgh, PA 15215  
412-784-4000

St. Mary's Regional Medical Center-S  
763 Johnsonburg Road  
St. Mary's, PA 15857  
814-834-8519

Suburban General Hospital-S  
100 South Jackson Avenue  
Bellevue, PA 15202  
412-734-6000

Suburban General Hospital-S  
2701 DeKalb Pike  
Norristown, PA 19404  
610-278-2075

Taylor Hospital-S  
175 E. Chester Pike  
Ridley Park, PA 19078  
610-595-6450

TechNow-S  
2710 Township Line Road  
Havertown, PA 19083  
610-449-5039

Temple University Hospital-S  
3401 North Broad Street  
Philadelphia, PA 19140  
215-221-3453

The Medical Center-Beaver, PA, Inc.-S  
1000 Dutch Ridge Road  
Beaver, PA 15009  
412-728-7000

Thomas Jefferson University Hospital-S  
125 South 11th Street-204 Pavilion  
Philadelphia, PA 19107  
215-955-6374

Toxi-Con-SC  
120 Monahan Avenue-Suite 101  
Dunmore, PA 18512  
717-963-0722

University Hospital-Milton S. Hershey Medical Center-S  
500 University Avenue  
Hershey, PA 17033  
717-531-8353

University of Pittsburgh Medical Center/Beaver Valley-S  
2500 Hospital Drive-Pathology Department  
Aliquippa, PA 15001  
412-857-1238

University of Pittsburgh Medical Center-CLSI-SC  
Room 5929 Main Tower/CLSI  
200 Lothrop Street  
Pittsburgh, PA 15213-2582  
412-647-7813

Valley Forge Medical Center and Hospital-S  
1033 W. Germantown Pike  
Norristown, PA 19403  
610-539-8500

Waynesboro Hospital-S  
East Main Street  
Waynesboro, PA 17268  
717-765-4000

The Western Pennsylvania Hospital-S  
4800 Friendship Avenue  
Pittsburgh, PA 15224  
412-578-5779

Western Reserve Care System-SC  
North Side Medical Center-500 Gypsy Lane  
Youngstown, OH 44504  
216-740-3794

Westmoreland Hospital-S  
532 W. Pittsburgh Street  
Greensburg, PA 15601  
412-832-4365

Wilkes-Barre General Hospital-SC  
Corner North River and Auburn Streets  
Wilkes-Barre, PA 18764  
717-829-8111

Williamsport Hospital and Medical Center-S  
777 Rural Avenue  
Williamsport, PA 17701  
717-321-2300

York Hospital-S  
1001 South George Street  
York, PA 17405  
717-771-2696

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 97-1153. Filed for public inspection July 18, 1997, 9:00 a.m.]

# DEPARTMENT OF LABOR AND INDUSTRY

## Voluntary Submission of Wage Rate Data

Under authority contained in The Administrative Code of 1929 (71 P.S. § 563), the Pennsylvania Prevailing Wage Act (43 P.S. §§ 165-1—165-17), and regulations adopted under the latter statute (34 Pa. Code § 9.105), the Department of Labor and Industry (Department) invites the voluntary submission of wage rate data or information pertinent to the determination of prevailing minimum wage rates from contractors, contractor associations, labor organizations, public officials and other interested parties to establish a data base which may be used in setting wage rates for public work projects. This information is requested as part of a continuing program for obtaining and compiling wage rate data and information. The information, in turn, may be consulted by the Department when issuing wage determinations for individual projects on a locality-by-locality basis.

To facilitate the orderly submission and analysis of information, the Department recommends use of the following form to report and certify wage data. This form may be photocopied for further distribution, and returned to the Department by mail or FAX. The returned, completed forms, however, must be signed. The Department requests that submissions be confined to the first full calendar week of July, 1997 (July 6—12, 1997).

Furthermore, the Department asks that the completed forms be returned to its Bureau of Labor Law Compliance as quickly as possible, and no later than August 15, 1997.

Questions about this program or the enclosed form can be directed to Robert E. Moore, Director, or Mark Flitton, Assistant Director, Bureau of Labor Law Compliance at (800) 932-0665 or (717) 787-4763. All responses may be subject to public inspection and copying under the Commonwealth's Right-to-Know Law.

JOHNNY J. BUTLER,  
*Secretary*

### VOLUNTARY SUBMISSION OF WAGE RATE DATA

Pursuant to regulations promulgated under the Pennsylvania Prevailing Wage Act, the undersigned voluntarily submits this statement as part of the Department of Labor and Industry's continuing program for obtaining and complying wage rate data and information pertinent to the determination of prevailing minimum wage rates, and certifies that the,

\_\_\_\_\_ (Name of Contractor or Subcontractor)  
of \_\_\_\_\_ (Address)  
performed work for the \_\_\_\_\_ (Project Name and Owner's Name)  
of \_\_\_\_\_ (Owner's Address)

This job was located at \_\_\_\_\_, (City, town, etc.) (County) Pennsylvania

This job started \_\_\_\_\_, 19\_\_ and ( ) was completed \_\_\_\_\_, 19\_\_ ( ) is on-going (check one)  
The contractor/subcontractor was party to a collective bargaining agreement. ( ) YES ( ) NO (Check one)

The following wage rates were paid by the above contractor/subcontractor for the first full calendar week of July (July 6—12, 1997).

Type of project/construction: \_\_\_\_\_

Approximate Project cost: \_\_\_\_\_

Classification(s)	Hourly Rate(s)	Fringe Benefit Total(s)	Total Hours	Number of Workers

(Attach additional sheets as needed or use reverse side)

As representative of the contractor/subcontractor/union/other (circle one), I certify the above information to be accurate.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Telephone number \_\_\_\_\_

Local Union No. / International \_\_\_\_\_ (If applicable)

Submitting organization (other than contractor/subcontractor/union) \_\_\_\_\_

Return to: Bureau of Labor Law Compliance, 1301 Labor & Industry Bldg., Harrisburg, PA 17120 FAX (717) 787-0517  
Telephone (800) 932-0665 or (717) 787-4763

Submit one form per project. This form may be reproduced to submit information for additional projects.

[Pa.B. Doc. No. 97-1154. Filed for public inspection July 18, 1997, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding

### Lawrence County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the McCartney Hollow Bridge in Lawrence County.

The proposed project is located in Perry Township along Township Road 311 across a tributary to Slippery Rock Creek.

Prior to the demolition of the McCartney Hollow Bridge, the Department of Transportation will ensure that the bridge is recorded to the standards of the Pennsylvania Historical and Museum Commission. The Department of Transportation will also ensure that a permanent plaque commemorating the history and significance of the bridge be placed near the site of the historic bridge within the right-of-way of Township Road 311 within one year after construction of a replacement bridge has been completed.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1155. Filed for public inspection July 18, 1997, 9:00 a.m.]

## Finding

### Montgomery County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Montgomery County Bridge 221 which carries Metz Road over Towamencin Creek in Towamencin Township, Montgomery County. The existing Montgomery County Bridge 221 is a single span Pratt pony truss bridge which was constructed in 1896. The bridge has been determined eligible for listing on the National Register of Historic Places. The bridge has been closed to vehicular and pedestrian traffic since 1992. The proposed new structure will be a single span structure constructed on the same alignment as the existing bridge. The project will require the acquisition of 340 square meters (0.084 acres) of right-of-way from the Montgomery County Bridge 221.

The effect of this project on the Montgomery County Bridge 221 will be mitigated by the following measures to minimize harm to the resource.

1. A Historic American Engineering Record (HAER) documentation package will be prepared as a permanent record of Montgomery County Bridge 221.

The existing Montgomery County Bridge 221 will be given to Towamencin Township for an adoptive re-use in the Towamencin Township Park. The existing bridge will

be dismantled and relocated to the park to process access to the sections of the park located on both sides of Towamencin Creek.

I have considered the environmental, economic, social and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1156. Filed for public inspection July 18, 1997, 9:00 a.m.]

## Retention of Engineering Firms

### Schuylkill County

#### Project Reference No. 08430AG2088

The Department of Transportation will retain a consulting firm to conduct environmental studies and preliminary engineering, final design and services during construction for S. R. 0081, Section SDC, the proposed interchange on Interstate Route 0081 in Schuylkill County. The estimated construction cost for this project is \$25 million.

The proposed interchange is located between mileposts 118 and 119 where S. R. 0081 crosses over the Gordon Mountain Road (S. R. 4007) in Butler Township, Schuylkill County. S. R. 0081 in the project area is a four-lane, divided, rural interstate highway which extends north and south through Schuylkill County. S. R. 4007 is a two-lane undivided rural highway which extends east and west and connects the Borough of Gordon and the Village of Heckscherville. The project study limits extend along S. R. 0081 from approximately 2.7 miles (Segment 1160/0000) south of the S. R. 4007 to approximately 2.8 miles (Segment 1215/0000) north of S. R. 4007, and along S. R. 4007 from approximately 1.0 mile (Segment 40/0000) east of S. R. 0081 to approximately 1.1 miles (Segment 80/0000) west of S. R. 0081.

Another firm will have completed a Point of Access Study and interchange configuration study. The firm selected for this contract will be expected to assimilate the results of those studies and prepare a Level 4 Categorical Exclusion Evaluation within six (6) months from the Notice to Proceed, final right-of-way plans within ten (10) months from the Notice to Proceed and a final PS&E package within twenty-two (22) months from the Notice to Proceed.

The firm selected should be experienced in environmental studies and highway design, with the ability to expedite the project. The District will shortlist the interested firms based on past performance, project team composition and experience.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Walter E. Bortree, P.E., District Engineer, Engineering District 5-0, 1713 Lehigh Street, Allentown, Pennsylvania 18103, Attention: Mr. David A. Earp, P.E.

Any technical questions concerning the requirements for this project should be directed to Mr. Donald E. Lerch, P.E., District 5-0, at (610) 791-6019 or Mr. David A. Earp, P.E., District 5-0, at (610) 791-6021.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

### Statewide

#### Project Reference No. 08430AG2089

The Department of Transportation will retain one (1) engineering firm for an Open-End Contract to provide the necessary resource and technical expertise to assist managers in making decisions required to successfully complete environmental studies and to manage the preliminary design and the final design phases of major highway and other transportation projects. The Contract will be for a period of three (3) years with a maximum cost of \$3 million with projects being assigned on an "as needed" basis.

The selected firm will be required to provide all necessary professional services through a team of highly qualified environmental, engineering, public/agency involvement and automation technologies professionals to guide and assist Department and other consultant staff through the preliminary and final design phases of project development with emphasis on utilization of modern business practices, insuring consistency and compliance with all applicable state and federal environmental laws, regulations, and procedures; sensitivity to local, state and federal environmental goals and issues; consistency among transportation projects and local/regional (LDD/MPO) and statewide planning goals; responsiveness to public and agency needs and concerns; adherence to established project schedules; project management of preliminary design and environmental studies; technical assistance in preparing policy and project development materials for Department use; follow-through on design and mitigation commitments; facilitation of the final design to construction; quality control/assurance for the preparation, review and tracking of engineering and environmental documents; timely permit application during the Transportation Project Development Process; utilization of cost effective and state-of-the-art analysis and documentation methods; and timely communication such that Department management is kept well informed and properly involved in the project development process.

At a minimum, providing guidance and assistance will be accomplished through strategically planned activities such as assisting project teams with the development of project scopes of work; monitoring and reviewing needs analyses during the planning and prioritization/programming phases; participating in and reporting on project scoping, status, document review, public and agency meetings; reviewing project scopes of work, technical proposals, and project schedules; monitoring data collection, data management, and technical analyses activities; reviewing preliminary data and analyses; monitoring public and agency involvement activities; assisting project teams in developing engineering plans and documents in the preliminary and final design phases; reviewing environmental reports and related documents, includ-

ing mitigation plans; monitoring and reviewing key steps in the Section 404 permit processes including preapplication, application, public notice, evaluation, and special conditions to insure adequacy, timeliness, and completeness; monitoring the development and submission of permits required by state agencies including those which may be required for erosion and sedimentation control, stormwater discharge, earth disturbance, placement of fill in controlled areas, and waterway and floodplain involvements; reviewing permit applications; briefing project study teams on applicable policies and procedures; briefing management on project study progress and problems; preparing briefing materials, minutes of meetings, and technical articles as required; suggesting cost effective and innovative approaches to study development, review and coordination procedures; reviewing project designs to ensure that adequate avoidance, minimization, and other mitigation measures are incorporated; assisting in the writing of policy and procedure memoranda; identifying and evaluating tools for more effectively and efficiently managing the design phases of specific projects; initiating, chairing, and documenting special meetings with local interest groups, agencies, and/or Department and consultant personnel; identifying and evaluating important research topics; managing agency/consultant coordination when environmental, design, or mitigation activities are carried out during construction; and developing and conducting training associated with implementation of policies and procedures.

Areas of specialized experience and technical skills required for this Contract are project study team management; intimate knowledge of the state and federal laws, regulations, policies and procedures affecting transportation project development, particularly the National Environmental Policy Act and related requirements; demonstrated experience in managing and conducting transportation environmental analyses on the subjects of air, noise, energy, vibration, waste management, geology, hydrogeology, floodplain management, stormwater management, socio-economic/land use, historic, archaeology, surface and ground water quality, wildlife, wetlands, erosion and sediment pollution control, wild and scenic rivers, aesthetics, radon, farmlands, endangered plants, and animals, hazardous waste, etc.; experience in preparing plans in accordance with established design criteria; experience in the preparation of Environmental Impact Statements, Environmental Assessments and Categorical Exclusion Evaluations and all related environmental and engineering documents; experience in developing and conducting training programs involving environmental policies and procedures, experience with automation technologies applications and experience in designing and conducting public and agency involvement programs.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating one (1) Open-Ended Contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Wayne Kober, Bureau of Environmental Quality, Bureau of Design, at (717) 787-1024.

Any technical questions concerning the requirements for this project should be directed to Ms. Sue McDonald, Bureau of Environmental Quality, Bureau of Design, at

(717) 772-3086 or Mr. Kash Batra, P.E., Consultant Agreement Division, Bureau of Design, at (717) 783-9457.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Allegheny, Beaver, and Lawrence Counties  
Project Reference No. 08430AG2090**

The Department of Transportation will retain an engineering firm for an Open-end Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 11-0, that is Allegheny, Beaver and Lawrence Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of one million (\$1,000,000) dollars.

It is anticipated that a maximum supplementary construction inspection staff of twenty-seven (27) inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, drainage, computer documentation skills, climbing ability, and bridge painting experience.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Understanding of the specific needs of the project.
- d. Past Performance.
- e. Number of NICET certified inspectors in each payroll classification.
- f. Location of the consultant.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Insp. Super. (TCIS) NICET Highway Construction Level 3 or equivalent)	7 (6)

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	14 (7)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$43.61
(TCIS)	\$38.21
(TCI)	\$33.44
(TA)	\$22.98

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 3 Nuclear Densometer Gauges/License
- 2 Paint Test Kits



- 3 Vehicles for the Transportation of Nuclear Gauges
- 3 Base Radio Station
- 16 Two-way Radios
- 6 Camera (type data-back)
- 3 Fax Machine
- 3 Copiers

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	9
TCI	17

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Henry M. Nutbrown, P.E., District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2853.

Any technical questions concerning the requirements for this project should be directed to Mr. Bob Collins, District 11-0, at (412) 429-4928.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

#### **General Requirements and Information**

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the Letter of Interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm or corporation may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from

being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information *must be* packaged and presented in the following order:

1. Transmittal Letter (Maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional engineer License Number of individuals who are directing heads or employes of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be

indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graph should be submitted for the office(s) where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided pages or five (5) double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY, Secretary

[Pa.B. Doc. No. 97-1157. Filed for public inspection July 18, 1997, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulations for review. The regulations will be considered within 30 days of its receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Reg. No.	Agency/Title	Received
11-132	Insurance Department	7/08/97
	Disclosure of Material Transaction	
15-352	Department of Revenue	7/09/97
	Sales and Use Tax; Lawn Care Services	
15-384	Department of Revenue	7/09/97
	General Explanation and Issuance of Certificate (Form REV-1601)	
54-50	Liquor Control Board Numerous Revisions	7/09/97

JOHN R. MCGINLEY, Jr., Chairperson

[Pa.B. Doc. No. 97-1158. Filed for public inspection July 18, 1997, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Agency Contract Termination of The Robert E. Faust Agency, Inc. under Act 143; Erie Insurance Group; Doc. No. AT97-06-029

The request for review is granted and the scheduled day for review shall be held on August 20, 1997 at 11

a.m., in the Administrative Hearing Office, 901 North Seventh Street, Suite 200, Harrisburg, PA 17102.

Erie Insurance Group shall provide this office within 15 days the loss ratio for agencies located in the same territory as The Robert E. Faust Agency, Inc. for the past 5 years. The parties are advised that under 40 P. S. § 24 any information or documents exchanged under this order are absolutely privileged and may not be disclosed to any outside party. Failure to maintain the confidentiality of such information or documents may result in enforcement action or other civil penalty.

The agency contract at issue shall remain in force and effect pending the issuance of a decision in this matter.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1159. Filed for public inspection July 18, 1997, 9:00 a.m.]

### Application and Request for Conversion of a Mutual Insurance Corporation to a Stock Insurance Corporation and Subsequent Merger

On June 24, 1997, Hanover Mutual Fire Insurance Company filed an application to convert from a mutual insurance corporation to a stock insurance corporation, under the Mutual-to-Stock Conversion Act, 40 P. S. § 911 et seq., Integral to this filing is an application for the converted company to merge with and into Fire and Casualty Insurance Company of America, made under 40 P. S. § 991.1402 et seq., Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving the conversion and subsequent acquisition are invited to submit a written statement to the Insurance Department within 15 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 Insurance Department of the exact basis of the statement. Written statements should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-1879.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1160. Filed for public inspection July 18, 1997, 9:00 a.m.]

### Repeal of Outdated Notices

The Insurance Commissioner hereby formally repeals the following Bulletin Notices. The notices were issued to provide general information, guidance in advance of the promulgation of a regulation, or announce a change in law or Insurance Department practice. The insurance industry is now familiar with the information contained

in these Notices or the information is outdated and no longer relevant or necessary for the proper regulation of the insurance industry in this Commonwealth.

1992-02	4/24/92	Joint State/Federal Statement on Regulation of MEWAs
1996-02	3/20/96	Lloyd's of London Notice
1996-04	4/8/96	Risk-Based Capital Reporting Requirements
1996-06	5/4/96	Amendments to Unfair Insurance Practices Act Prohibiting Insurance Companies from Denying Coverage to Victims of Domestic Abuse
1996-07	5/25/96	Limited Liability Companies
1996-08	5/14/96	Department Mailing of Surplus Lines Notices
1996-09	7/6/96	Requirement to File Loss Cost Statistical Data for Workers' Compensation Insurers
1996-10	7/20/96	Repeal of Outdated Bulletins, Notices and Statements of Policy
1996-11	7/16/96	Addition to Pennsylvania Insurance Department Eligible Surplus Lines Insurer List
1996-12	8/7/96	Restitution in Act 205 Cases
1996-14	9/7/96	Changes to Pennsylvania Insurance Department Eligible Surplus Lines Insurers List
1996-15	9/7/96	Repeal of Outdated Bulletins, Notices and Statements of Policy
1996-16	9/7/96	List of Approved Peer Review Organizations
1996-17	9/28/96	Provisions of Act 115

Questions regarding this notice may be addressed to the Senior Advisor to the Commissioner, 1326 Strawberry Square, Harrisburg, PA 17120; (717) 705-0009.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1161. Filed for public inspection July 18, 1997, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Crittenden, Lula; file no. 97-198-03440; Fidelity & Guaranty Ins. Co.; doc. no. P97-07-004; August 12, 1997, at 1 p.m.;

Appeal of Raymond, Arthur J., Jr.; file no. 97-264-33490; Allstate Insurance Company; doc. no. PH97-07-002; August 12, 1997, at 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured

may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1162. Filed for public inspection July 18, 1997, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. §§ 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing room, Harrisburg, Pa 17102.

Appeal of Gordon, Conrad H.; file no. 97-267-32580; State Farm Fire & Casualty Insurance Co.; doc. no. PH97-06-008; August 6, 1997, at 10 a.m.;

Appeal of Yackimowski, Barbara and John; file no. 97-121-03257; Tuscarora Wayne Mutual Insurance Co.; doc. no. P97-06-032; August 6, 1997, at 10 a.m.;

Appeal of Jubilee, Preston and Thelma; file no. 97-280-33243; State Farm Insurance Companies; doc. no. PH97-06-033; August 6, 1997, at 1 p.m.;

Appeal of Von Lumm, Edward and Shirley, file no. 97-198-03596; Liberty Mutual Group; doc. no. P97-06-030; August 7, 1997, at 10 a.m.

Appeal of Pihakis, Michael and Karen; file no 97-308-70263; State Farm Fire & Casualty Insurance Company; doc. no. PI97-07-005; August 7, 1997, 1 p.m.;

Appeal of Mason, Major A. and Ann F.; file no 97-303-71022; Allstate Insurance Company; doc. no. PI97-07-003; August 12, 1997, 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conform-

ance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-reference administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1163. Filed for public inspection July 18, 1997, 9:00 a.m.]

### Kathleen Teti; Catastrophic Loss Trust Fund; Doc. No. CF92-10

The hearing is scheduled for 2 p.m. on August 26, 1997, in the Administrative Hearing Office, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by the Administrative Agency Law, 2 Pa.C.S. §§ 501—508, 701—704 and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. The Claimant may appear with or without counsel and offer relevant testimony or evidence to support her position. The representative of the CAT Fund must bring relevant claim files and any other necessary evidence. The claimant must bring all documents, photographs, drawings, witnesses, and the like necessary to substantiate the case.

Pending hearing, parties shall informally attempt to resolve undisputed facts by stipulation, exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness.

All documents, motions and pleadings shall be filed with Heidi L. Barry, Assistant Docket Clerk, Administrative Hearing Office, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before August 15, 1997. Any such filing shall indicate the other party was contacted and whether the other party concurs in the relief sought.

A request for continuance or change of hearing location shall include the reason for the request and at least three alternative dates.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

GREGORY S. MARTINO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1164. Filed for public inspection July 18, 1997, 9:00 a.m.]

# LEGISLATIVE REFERENCE BUREAU

## Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

### *Executive Board*

Resolution #CB-97-149, June 23, 1997. The Commonwealth of Pennsylvania entered into a Memorandum of Understanding with the Pennsylvania Nurses Association, on April 10, 1997; the Memorandum encompasses approximately 360 professional employees in the first-level supervisory Nursing and Supportive Medical Services Unit, certified by the Pennsylvania Labor Relations Board on November 30, 1971, PERA-R-1206-C.

### *Governor's Office*

Management Directive No. 210.11—Acceptance of Imaged Documents—Dated June 16, 1997.

Management Directive No. 305.8—Commonwealth Bank Accounts and Special Banking Services—Amended June 11, 1997.

Management Directive No. 315.14—Charges for State Employees Residing or Subsisting in Commonwealth Facilities—Amended May 29, 1997.

Management Directive No. 325.9—Processing Audits of Federal Pass-Through Funds—Amended June 18, 1997.

Management Directive No. 505.15—Exit Information Program—Amended May 22, 1997.

Management Directive No. 505.21—Office Hours—Amended May 28, 1997.

Management Directive No. 505.26—HIV/AIDS in the Workplace—Amended June 17, 1997.

Management Directive No. 515.15—Identification, Employment, and Education Verification Checks—Amended June 13, 1997.

Management Directive No. 615.3—Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet—Amended June 18, 1997.

Management Directive No. 580.21—Veterans' Preference on Classified Service Employment Lists—Amended June 5, 1997.

Management Directive No. 625.9—Agency Funded Construction Projects Exceeding \$25,000—Amended June 4, 1997.

Administrative Circular 97-18—Inventory of General Services' Commodity Distribution Centers—May 22, 1997.

Administrative Circular 97-19—State Employees Purchasing Vehicles at the Commonwealth Auction—June 2, 1997.

Administrative Circular 97-20—Use of Seat Belts in Commonwealth Fleet Vehicles—June 2, 1997.

Administrative Circular 97-21—Submission of Construction Requisitions by Lapsing Funds—June 11, 1997.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 97-1165. Filed for public inspection July 18, 1997, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Northumberland County, Wine & Spirits Shoppe #4902, 53 E. Independence Street, Shamokin, PA 17872-6830.

*Lease Expiration Date:* August 31, 1998.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,900 net useable square feet of new or existing retail commercial space within 2 miles of the intersection of Independence and Market Streets, City of Shamokin.

*Proposals due:* August 15, 1997 at 12 noon.

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 97-1166. Filed for public inspection July 18, 1997, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing

The Milk Marketing Board (Board) will conduct a hearing in *In re: License Application of Fleming Companies, Inc.*, Doc. No. CC-97-014, on September 10, 1997, commencing at 9 a.m. in Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA. The purpose of the hearing is to determine whether the applicant's license classification should be changed from Dealer Type 4—Importing Retailer to Dealer Type 3—Retailer.

Petitions to intervene conforming to the requirements of 1 Pa. Code § 35.29 (relating to form and contents of petitions to intervene) may be filed with the Board at the above address, with a copy served on the applicant, on or before August 1, 1997. Service shall be directed to Jeffrey F. Champagne, Esquire, McNees, Wallace & Nurick, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

LUKE F. BRUBAKER,  
*Executive Secretary*

[Pa.B. Doc. No. 97-1167. Filed for public inspection July 18, 1997, 9:00 a.m.]

# PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

## Participation and Interest Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice that the rates published at 27 Pa.B. 3123 (June 28, 1997) for MID MON VALLEY—Fayette, Washington and Westmoreland Counties, LOWER MON VALLEY—Allegheny County, SHENAGO RIVER VALLEY—Lawrence and Mercer Counties, BEAVER VALLEY—Beaver County and MOSHANNON VALLEY—Centre and Clearfield Counties, were published in error. There are no separate rates for these valleys.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

SAMUEL A. MCCULLOUGH,  
*Chairperson*

[Pa.B. Doc. No. 97-1168. Filed for public inspection July 18, 1997, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Interconnection Agreement

**A-310545. GTE North Incorporated and Nextel Communications of the Mid-Atlantic, Inc.** Joint application for approval of an interconnection agreement between GTE North Incorporated and Nextel Communications of the Mid-Atlantic, Inc. for the State of Pennsylvania.

GTE North Incorporated and Nextel Communications of the Mid-Atlantic, Inc., by its counsel, filed on July 3, 1997, at the Public Utility Commission, joint application 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 with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the GTE North Incorporated and Nextel Communications of the Mid-Atlantic, Inc. Joint Application are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1169. Filed for public inspection July 18, 1997, 9:00 a.m.]

## 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. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before August 11, 1997 as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00114106. Tropical Limousine Services, Inc.** (2020-2040 Napfle Street, Philadelphia, Philadelphia County, PA 19152), a corporation of the Commonwealth of Pennsylvania—(1) persons, attending funerals and flowers for funerals, in limousine service, between points in the city and county of Philadelphia and within an airline distance of 30 statute miles of the City Hall in the said city; (2) persons attending weddings and christening parties, to or from the homes of weddings and christening parties and churches or places at which marriage ceremonies or christening service are performed, in limousine service, in the city and county of Philadelphia; and (3) funeral accessories between points in the city and county of Philadelphia and within an airline distance of 30 statute miles of the City Hall in the said city; which is to be a transfer of all of the rights issued to Bundy Limousine Service, Inc., under the certificate issued at A-00107911, subject to the same limitations and conditions. *Attorney:* Charles J. Hardy, The Wellington Building, 135 South 19th Street, Philadelphia, PA 19103.

**Applications of the following for amendment to the contract carrier permit approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00109546. F. 3, Am-C. D & T Limousine Service, Inc.** (P. O. Box 790, Columbia Station, OH 44028), a corporation of the State of Ohio—employees, their baggage and equipment for CSX Transportation, Inc.; and Consolidated Rail Corporation, between points in Pennsylvania; subject to the following conditions: (a) that no right, power or privilege is granted to provide service for Consolidated Rail Corporation from or between points in the borough of Latrobe, Westmoreland County; (b) that no right, power or privilege is granted to provide service for CSX Transportation, Inc., and Consolidated Rail Corporation from or between points in the borough of Somerset, Somerset County, and within an airline distance of 10 statute miles of the limits of said borough; and (c) that no right, power or privilege is granted to originate transportation in the counties of Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia: *so as to permit* the transportation of rail carrier employees and their equipment and baggage, as a contract carrier, for Norfolk Southern Corporation, between points in Pennsylvania. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Motor Carrier Applications—Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before August 4, 1997.

- A-00114066 Thomas Kearns, t/d/b/a Thomas Kearns Trucking & Supply  
104 Evergreen Road, Level Green, PA 15085
- A-00112881, F. 2 S. J. Falbo Italian Cheese Co.  
9 Empire Boulevard, Moonachie, NJ 07074
- A-00113182, F. 2 Montana Enterprises, Inc.  
R. R. 8, Box 8266, Hahn Road, Moscow, PA 18444
- A-00113523, F. 2 S & S Processing, Inc.  
P. O. Box 32, Ellwood City, PA 16117
- A-00113672, F. 2 R. L. Phillips Hauling, Inc.  
1920 Rockvale Road, Lancaster, PA 17602: Kennelm L. Shirk, III, Esquire, 115 South State Street, Ephrata, PA 17522-2412
- A-00114107 Mountainside Excavating, Inc.  
2692 Salco Road, Berlin, PA 15530: Douglas Bell, Esquire, 629 Fletcher Street, Berlin, PA 15530
- A-00114108 Daniel A. Pryse, t/d/b/a Pryse Trucking Company  
R. D. 4, Box 4052, East Stroudsburg, PA 18301
- A-00114109 David E. Stutzman  
242 Maple Avenue, Johnstown, PA 15901
- A-00114110 Denny H. McCullough Trucking, Inc.  
260 Centerville Road, Newville, PA 17241
- A-00112449 Charles Day, t/d/b/a C. S. Day Trucking  
335 Bodine Avenue, Honesdale, PA 18431
- A-00113395, F. 2 Dutch Run Coal, Inc.  
R. D. 2, Box 366, Shelocta, PA 15774
- A-00114111 Harold Raymond Cunningham  
R. D. 3, Box 146, Indiana, PA 15701
- A-00114112 Teron, Inc.  
6042 Admiral Perry Highway, Ebensburg, PA 15931
- A-00114113 Jackson Miller, t/d/b/a Jackson Miller Trucking  
R. D. 1, Box 422, Mahaffey, PA 15757
- A-00114114 Lee Trucking, Inc.  
2798 Munster Road, Ebensburg, PA 15931
- A-00114116 Robert G. Sprout, t/d/b/a Sprout Delivery Service  
267 Snyder Road, Halifax, PA 17032: Peter Speaks, 6140 Piccabilly Court, Harrisburg, PA 17112

A-00114117

L. M. Kleynowski, Inc.  
145 North Stanton Street, Wilkes-Barre, PA 18702

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1170. Filed for public inspection July 18, 1997, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Tuesday, July 29, 1997 for Project #97-182-001, (Furnish and Install Flag Poles), Pier 78 South Annex, Columbus Blvd. and Snyder Ave. The bid documents can be obtained from the Procurement Administrator, Phila. Regional Port Authority (PRPA), 210 W. Washington Square, 13th Floor, Phila., PA 19106, (215) 928-9100 and will be available July 21, 1997. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held July 24, 1997, 10 a.m. at Pier 78 South Annex. The PRPA will consider only those bids received from parties who attended the prebid meeting.

JAMES T. McDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 97-1171. Filed for public inspection July 18, 1997, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

- |                 |   |           |
|-----------------|---|-----------|
| August 06, 1997 | Linda G. Yarnell<br>(Disability Eligibility)        | 1 p.m.    |
|                 | Alfreda J. Armstrong<br>(Change of Retirement Plan) | 2:30 p.m. |
| August 20, 1997 | Daniel V. Paisley<br>(Disability Eligibility)       | 1 p.m.    |

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Arthur J. Granito, Assistant Executive

Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES A. PERRY,  
*Secretary*

[Pa.B. Doc. No. 97-1172. Filed for public inspection July 18, 1997, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### Common Level Ratios

The State Tax Equalization Board (Board) has established a Common Level Ratio for each county in the Commonwealth for the calendar year 1996. The ratios were mandated by Act 267-1982.

The law requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 1996 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 1996.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the State Tax Equalization Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the Board has utilized the valid sales, rejecting those sales which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the Common Level Ratio for each county for 1996.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 1996 of 100% will utilize valid sales from 1% to 200%.

The Common Level Ratios for 1996 follow.

MARTHA BELL SCHOENINGER,  
*Chairperson*

#### 1996 COMMON LEVEL RATIOS

<i>County</i>	<i>Ratio</i>
Adams	40.9
Allegheny	20.5
Armstrong	13.7
Beaver	40.9
Bedford	9.8
* Berks	100.2

<i>County</i>	<i>Ratio</i>
Blair	12.5
Bradford	45.2
Bucks	4.9
Butler	13.8
Cambria	18.2
Cameron	42.0
Carbon	8.7
Centre	47.8
Chester	6.2
Clarion	11.0
Clearfield	22.8
Clinton	33.5
Columbia	38.9
Crawford	46.2
Cumberland	7.0
* Dauphin	57.7
Elk	19.0
Erie	8.7
Fayette	11.8
Forest	32.1
Franklin	7.4
Fulton	20.8
Greene	32.1
Huntingdon	22.1
Indiana	11.1
Jefferson	21.2
Juniata	15.2
* Lackawanna	20.7
* Lancaster	16.2
Lawrence	16.0
Lebanon	9.4
Lehigh	52.9
Luzerne	7.4
Lycoming	53.8
McKean	15.8
Mercer	12.0
Mifflin	13.9
Monroe	23.3
Montgomery	5.3
Montour	10.2
Northampton	55.9
Northumberland	6.9
Perry	9.9
Philadelphia	30.3
Pike	30.3
Potter	13.5
Schuylkill	14.2
Snyder	6.2
Somerset	10.9
Sullivan	35.6
Susquehanna	52.3
Tioga	36.9
Union	20.5
Venango	22.1
Warren	45.1
Washington	22.1
Wayne	9.5
* Westmoreland	28.5
Wyoming	12.2
* York	69.6

\* Counties With a Predetermined Assessment Ratio of 100%.

[Pa.B. Doc. No. 97-1173. Filed for public inspection July 18, 1997, 9:00 a.m.]



# TURNPIKE COMMISSION

## Request for Expanded Letters of Interest

### REF. NO. 3-095

The Turnpike Commission is seeking interested firms to submit Expanded Letters of Interest for the retention of two mechanical, electrical, plumbing (MEP) engineering firms on an Open End Contract basis to perform final design and construction inspection for various facilities-related renovation, addition, modification and analysis projects of relatively small scale, as required by the Turnpike Facilities Department. The consultant will be required to prepare construction documents suitable for bidding, review shop drawing submissions, and conduct periodic construction inspections for multiple projects simultaneously under short completion schedules.

The engineering firms selected must have previous experience in commercial applications of electrical, mechanical, and utility system design and analyses. The MEP engineering firm must have a minimum of 10 years of experience and, at least 10 design projects for facilities-related renovations, additions and modifications of \$1 million or more each.

Each contract will be for a period of 2 years or \$500,000, whichever occurs first.

Direct inquiries to Carl Mittereder, at (717) 939-9551, Extension 5620.

### REF. NO. 3-096

The Turnpike commission is seeking interested firms to submit Expanded Letters of Interest for the retention of an Architectural Design and Consulting Firm on an Open End Contract basis to perform final design and construction inspection for various facilities-related renovation, addition, modification and analysis projects of relatively small scale, as required by the Turnpike Facilities Department. The consultant will be required to prepare construction documents suitable for bidding, review shop drawing submissions, and conduct periodic construction inspections for multiple projects simultaneously under short completion schedules.

The Architectural Design and Consulting firm selected must have previous experience in facilities-related renovation, addition, modification and analysis projects.

The contract will be for a period of 2 years or \$500,000, whichever occurs first.

Direct inquiries to Carl Mittereder, at (717) 939-9551, Extension 5620.

### General Requirements and Information

Firms interested in performing the above services are invited to submit expanded letters of interest to Don Santostefano, Facilities Manager, at the Turnpike Commission Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The expanded letters of interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each expanded letter of interest. Explanation that the firm has successfully completed similar type projects,

of the same magnitude is required. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporation not incorporated in Pennsylvania must include with each expanded letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Turnpike Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The following factors should be identified by the Consultant in their submission:

(A) Specialized experience and technical competence of firm. The firm must clearly demonstrate their capabilities of completing this project by identifying similar projects that have been completed, the magnitude of the project, and the client.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded letters of interest must include an indication of the prime consultant's and subconsultant's current workload to include current public and private sector workload, in addition to listing all Department of Transportation and Turnpike Commission projects. Expanded letters of interest not including the consultants workload are subject to nonconsideration by the Selection Committee.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultant's intended. Any deviation from the subconsultant's listed in the expanded letter of interest will require written approval from the Commission.

(F) Special requirements of the project.

(G) Other factors, if any, specific to the project.

Each firm should demonstrate in their expanded letter of interest their ability to perform the specific requirements indicated for this project.

The expanded letter of interest and required forms must be received by 12 noon, Friday, August 1, 1997. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable expanded letters of interest received in response to this solicitation, the order of selection will be established for the purpose of entering into an agreement with the highest selected firms. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all expanded letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for these services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-1174. Filed for public inspection July 18, 1997, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

- ③ Contract Information
- ④ Department

⑦

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑤ Location

⑥ Duration

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET THAT COMPETITIVE EDGE—FOR FREE!**

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,  
State Treasurer

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

**Commodities**

**1086147** Communication equipment—1 each Hewlett Packard K250 server hardware and software.

**Department:** Attorney General  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1087147** Communication equipment—1 each peripheral tape drive equip item No. 900053; 1 each peripheral tape drive equipment item No. 637-0091-8-3490E-M2488CA3 tape drive E/A; 1 each peripheral tape drive equipment item No. 637-0101-5-ACL-MAG base for M2488; 1 each peripheral tape drive equipment item No. 637-0018-1-10 cartridge magazine; 1 each peripheral tape drive equipment item No. 646-0012-5 cleaning cartridge 3480/90.

**Department:** Attorney General  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8148760** Construction and building materials—1922 tons bituminous FB-3 wearing complete in place.

**Department:** Transportation  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970440** Construction, mining, excavating and highway maintenance equipment—4 each latest model sweeper hyd towed; 12 each latest model sweeper hyd towed with remote.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970550** Construction, mining, excavating and highway maintenance equipment—6 each latest model rake, stone, hyd towed.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970570** Construction, mining, excavating and highway maintenance equipment—2 each sprayer, concrete w/2 guns (2915).

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970580** Construction, mining, excavating and highway maintenance equipment—4 each trailer, roadway debris.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970650** Construction, mining, excavating and highway maintenance equipment—5 each latest model kettle BTM 400 gal. double boiler w/conveyor.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1077117** Food preparation and serving equipment—1600 case trays—polystyrene 5 compartment school trays.

**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1098157** Food preparation and serving equipment—2 each work table—Metal Masters Model T2460B-BS stainless top 24" wide top, splash at rear only 60" long; 2 each wall-mounted cabinet—Metal Masters Model No. WCS-48 enclosed design w/sliding doors, 48" long with single intermediate shelf all stainless steel construction; 48 each store room wire shelving—Metal Masters Model No. 1848Z; shelving wire 18" wide, 48" long Eaglebrite (zinc) finish; 40 each wire shelving—Metal Masters Model No. 1848BL 18" wide, 48" long, black epoxy finish; 2 each work table—Metal Masters Model No. T30305B stainless steel top 30" wide top without splash 30" long w/adjustable undershelf, stainless steel frame and shelf; 1 each two compartments sing—Metal Masters Model No. 414-24-2-30; 2 each hand sink—Metal Masters Model No. HSA-10-FDPS; 1 each three compartment sink—Metal Masters Model No. FN 2860-3-24R; 1 each wall mounted shelf—Metal Masters Model No. WS 12120-16/3.

**Department:** Scotland School for Veterans Children  
**Location:** Scotland, Franklin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970480** Motor vehicles, trailers and cycles—8 each 1998 model van, compact, heavy duty gray exterior paint color; 12 each 1998 model van, compact, heavy duty blue exterior paint color; 12 each 1998 model van, compact, heavy duty white exterior color; 11 each 1998 model van compact, heavy duty yellow exterior paint.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1122127** Paper and printing—750M UC-44FR/F3 EM request for relief from charges notice of financial determination easy mailer.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970470** Tractors—2 each latest model mower 6' flail, right and rear.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**0020-07** Annual contract—DCS negatives and plates.

**Department:** General Services  
**Location:** Various Locations  
**Duration:** 11/1—10/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**0032-01** annual contract—Angler magazine and Boater.

**Department:** Fish Commission  
**Location:** Various Locations  
**Duration:** 12/1—11/30  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**0054-07** Annual contract—PA Marketing Bulletin.

**Department:** Conservation and Natural Resources  
**Location:** Various Locations  
**Duration:** 11/1—10/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

<b>0065-07</b> Annual contract—Forest Warden News. <b>Department:</b> Conservation and Natural Resources <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	<b>7111-02</b> Annual contract—diskettes, SD, DD, SS, DS. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/01—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
<b>5630-01</b> Annual contract—pipe and end sections, concrete. <b>Department:</b> Transportation <b>Location:</b> Various Locations <b>Duration:</b> 12/1—11/30 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	<b>7370-01</b> Annual contract—disposable dietary prod./aprons, bibs, etc. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
<b>5660-01</b> Annual contract—deer/elk deterrent fence components. <b>Department:</b> Game Commission <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	<b>7420-01</b> Annual Contract—machines, calculating. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
<b>6505-08</b> Annual contract—infant feeding and food supplements. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	<b>7910-02</b> Annual contract—floor polishers vac. cleaners and rel. equip and acc. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
<b>6510-01</b> Annual contract—surgical dressings and miscellaneous hospital supplies. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	<b>7930-07</b> Annual contract—laundry products without service. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
<b>6675-01</b> Annual contract—drafting equipment and supplies. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/15—11/14 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	<b>8010-04</b> Annual contract—white and yellow traffic line paint/lowheat/rapid dry. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 12/1—11/30 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
<b>6850-03</b> Annual contract—chemicals, water treatment—air conditioner. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	<b>8305-05</b> Annual contract—fabric, upholstery, Cl. <b>Department:</b> Correctional Industries <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
	<b>8540-01</b> Annual contract—paper towels, tissues, dietary napkins. <b>Department:</b> All Using Agencies <b>Location:</b> Various Locations <b>Duration:</b> 11/1—10/31 <b>Contact:</b> Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

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## SERVICES

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### Advertising—01

**7039027-001** Thaddeus Stevens State School of Technology will be issuing an RFP to contractors interested in designing and printing a viewbook and poster for the college.  
**Department:** Education  
**Location:** Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602  
**Duration:** August 1, 1997 to June 30, 1998  
**Contact:** Betty Tompos, (717) 299-7749

### Barber/Cosmetology—05

**Inquiry No. 100-0002** Contractor to supply barber services for Southwestern Veterans Center. Specifications available upon request.  
**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

### Computer Related Services—08

**25-1644382.** Integrated Medical Malpractice Claims/Coverage Applications. The Medical Professional Liability Catastrophe Loss Fund is issuing an RFP for a turnkey medical malpractice insurance administration management system solution for processing and handling all claims and coverage data. The selected vendor must provide software, hardware, networking infrastructure and services to satisfy the requirements as outlined in the RFP. The services include, but are not limited to: database conversion; software customization; installation; system training; application training; and post-implementation support. Interested vendors must request a copy of the RFP in writing from: Jean-Paul A. Rebillard, Executive Assistant to the Director, Medical Professional Liability Catastrophe Loss Fund, 10th Floor, Suite 1000, 30 North Third Street, P. O. Box 12030, Harrisburg, PA 17108. Questions are due, in writing, at the above address no later than 4:00 p.m. on July 30, 1997. A preproposal conference will be held at the above address at 9:00 a.m. on August 5, 1997. Proposals are due at the above address no later than 4:00 p.m. on August 29, 1997. This Notice supersedes the Notice published in the *Pennsylvania Bulletin*, Vol. 27, No. 26 on June 28, 1997.  
**Department:** Medical professional Liability Catastrophe Loss Fund  
**Location:** 10th Floor, 30 N. Third Street, Ste. 1000, P. O. Box 12030, Harrisburg, PA 17108  
**Duration:** December 1, 1997 through December 31, 1998  
**Contact:** Jean-Paul A. Rebillard, (717) 783-3770, ext. 212

**Construction Maintenance—09**

**030002** Montour County, State Route 4001, Section 019.

**Department:** Transportation  
**Location:** District 3-0, 715 Jordan Avenue, Montoursville, PA 17754  
**Duration:** FY 1997/98  
**Contact:** Paul W. Beaver, Contract Mgt. Sup., (717) 368-4263

**030003** Lycoming County, State Route 180, Section 037, Tioga County, State Route 49, Section 40M.

**Department:** Transportation  
**Location:** District 3-0  
**Duration:** FY 1997/98  
**Contact:** Paul W. Beaver, Contract Mgt. Sup., (717) 368-4263

**080983** Schuylkill County, Group 5-97-POC6C; Huntingdon County, SR 522(04B); Allegheny County, SR 130(12M); Allegheny County, SR 22(A13)/60(A22); Centre County, SR 45(N01); Clinton County, SR 220(000); Lackawanna County, SR 247(290); Berks County, Group 5-97-POC1D; Delaware County, SR 291(A10); Montgomery County, Allendale Road; Philadelphia County SR 95(WAL); York County SR 83(832); Perry County SR 1007(008); Bedford County SR 99(001); District Wide 10-0, Group 110-97-7624-1; Allegheny County Guide Rail Retrofit; Allegheny County Group 111-97-7135-2, Fayette County, Group 12-97-SR1; Chester County, Group 6-97-SP1; Delaware County, Group 6-97-SP6.

**Department:** Transportation  
**Location:** Districts 5-0, 9-0, 11-0, 2-0, 4-0, 6-0, 8-0, 12-0  
**Duration:** FY 97-98  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**080984** Erie County, SR 79(AC4); Pike County, Group 4-97-MC9; Mercer County, SR 358(409); District Wide (5-0) Group 5-97-RPM1.

**Department:** Transportation  
**Location:** Districts 1-0, 4-0, 5-0  
**Duration:** FY 97-98  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**Demolition—11**

**1997-KNIGHT-01** Demolition and removal of a two-story, asbestos-sided, wood frame dwelling having a stone foundation along with related on site improvements at PA Fish and Boat Commission's North East Marina property specifically located along Township Road 766, 11941 Seitzinger Road, formerly known as the Margaret Knight House, North East Township, Erie County, PA. All debris including asbestos must be hauled to a DEP approved landfill. Any party interested in submitting a bid must attend public showing of the property. Date will be specified in bid documents.

**Department:** Fish and Boat Commission  
**Location:** North East Township, 11941 Seitzinger Road, Erie County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Kathi Tibbott, (814) 359-5131

**Engineering Services—14**

**08430AG2088** To provide environmental studies and preliminary engineering for the proposed interchange on S. R. 0081, which crosses over S. R. 4007, (Gordon Mountain) in Butler Township, Schuylkill County, Engineering District 5-0.

**Department:** Transportation  
**Location:** Engineering District 5-0  
**Duration:** Twelve (12) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2089** An Open-End contract to provide the necessary resources and technical expertise to manage the preliminary design and the final design phases of major transportation projects on an as-needed basis.

**Department:** Transportation  
**Location:** Statewide  
**Duration:** Thirty-six (36) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2090** Open-End contract to provide construction inspection services for Engineering District 11-0, that is, Allegheny, Beaver, and Lawrence Counties.

**Department:** Transportation  
**Location:** Engineering District 11-0  
**Duration:** Sixty (60) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Firefighting Services—18**

**SP 328104** Design and installation of fire suppression sprinkler system in Garment Plant (F-Black Basement) at State Correctional Institution Waymart.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution, Route 6, Waymart, PA 18742  
**Duration:** 8-1-97 to 12-31-97  
**Contact:** Joseph P. Kanjorski (717) 773-2158, ext. 560

**Food—19**

**9553** Soda, Postmix, bag in box system.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 405, Box 180, Muncy, PA 17756  
**Duration:** 8/1/97—6/30/2000  
**Contact:** William Voeckler, Purchasing Agent, (717) 546-3171

**Fuel Related Services—20**

**Project No. 103** Repair (maintain) annual inspection of 10 petroleum pumps at Federal buildings, Ft. Indiantown Gap. Emergency and routine services on an on-call basis at 4 buildings. Contractor must have 24 hour service.

**Department:** Military and Veterans Affairs  
**Location:** Federal Buildings, Ft. Indiantown Gap, Lebanon County, PA  
**Duration:** 1 October 97—30 September 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Hazardous Material Services—21**

**DRM-0400** Perform identification, removal, recycling, and disposal of hazardous and non-hazardous waste within Engineering District 4-0. A non-mandatory pre-bid meeting will be held on Monday, July 28, 1997, at 10:00 a.m. in the Luzerne County Maintenance Office located on State Route 115, Bear Creek, PA 18602 to discuss contract specifications. Bid opening, Friday, August 8, 1997, at 11:00 a.m. in Engineering District 4-0, Keystone Industrial Park, O'Neill Highway, Dunmore, PA 18512.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne, and Wyoming Counties  
**Duration:** 2 years with option for (2) 1 year renewals  
**Contact:** Gregory Augustine, (717) 963-3144 or 963-4070

**HVAC—22**

**FY-97-02** Heating, ventilation, air conditioning repair and services: The awarded contractor must provide emergency technical support and routine repair work for the heating and air conditioning system. The contractor must respond within 4 hours of receiving an emergency call. Replacement parts must be equivalent to original equipment. Bids must list hourly rate and parts discount.

**Department:** Corrections  
**Location:** State Correctional Institution at Greene  
**Duration:** Indeterminate 1996-97  
**Contact:** Patrick Nichols, (412) 852-5533

**SP 295227** Plumbing installation and repairs to buildings and facilities at Caledonia State Park, as called for by the Park Manager. Service shall include the following: plumbing repairs, replacement of worn or defective parts, and plumbing installation. Service will be requested as needed.

**Department:** Conservation and Natural Resources  
**Location:** Caledonia State Park, 40 Rocky Mountain Road, Fayetteville, PA 17222-9610  
**Duration:** Through December 31, 2001  
**Contact:** R. Bruce McFate, (717) 352-2161

**Janitorial—23**

**5434** Cleaning windows/screens—all windows, and security/detention screens will be cleaned throughout the hospital twice a year. The contractor agrees to furnish all labor, material and equipment to satisfactorily clean windows, glass door panels, screens and casements. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, Various Buildings, 3500 Darby Road, Haverford, Delaware County, PA 19041  
**Duration:** July 1, 1997—June 30, 1999  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2627

**467001** Provide weekly janitorial service that includes sweeping and wet mopping all floors, emptying trash receptacles, dusting, cleaning bathroom, and performing other work as required to maintain facility at professional standards. Also includes semiannually stripping and waxing tile floors using electrical floor scrubbing/buffing machine and cleaning windows. All vendors bidding for this contract must have prior janitorial experience and must view site prior to bidding. All requests for bids must be faxed to Shannon M. Opperman at (717) 787-9890.

**Department:** Transportation  
**Location:** Central Sign Shop, Building 5, 21st and Herr Streets, Harrisburg, PA 17103  
**Duration:** One-year contract with 3 one-year renewal options  
**Contact:** Lance G. McAfee, (717) 783-8776

**JC-31-97** Janitorial services. Services include: daily sweeping and dry mopping or scrubbing of all tile surface floors, baseboards to be wiped clean after mopping. Daily vacuuming of all carpeted floors. Mopping, cleaning and sanitizing restrooms completely including sinks, bowls and urinals, mirrors and floors. Furnish paper towels and toilet paper. Weekly dusting all desk tops, metal cabinets and chairs; buffing of tile floors, and etc. Monthly replacement of fluorescent light bulbs in high ceiling work area, wiping clean and treating all wood doors, bookcases and wall paneling, washing metal partitions in all restrooms, and etc. Services provided above are not inclusive and do not include semi-annual and annual required services. 18,205 sq. ft.

**Department:** Labor and Industry  
**Location:** ES, 1316 State Street, Erie, Erie County, PA 16501  
**Duration:** October 1, 1997 through September 30, 1999  
**Contact:** Patty Morehouse, (814) 871-4229

**JC-32-97** Janitorial services: To be provided on a daily basis, Monday through Friday, except State holidays, after 5:00 p.m. Involves 3,900 square feet of office space.

**Department:** Labor and Industry  
**Location:** Tamaqua Job Center, 217 Center Street, Tamaqua, Schuylkill County, PA 18252-0391  
**Duration:** October 1, 1997 through September 30, 2001 (four years)  
**Contact:** Ronald L. Newton, Manager, (717) 668-4300

**WT0847-48** Janitorial maintenance services required at Rest Area Sites 47 and 48, located along Interstate 81 North and South within Dauphin County, East Hanover Township, near the Village of Grantville. Performance and payment bonds required of the successful bidder. Specification for this work furnished on request.

**Department:** Transportation  
**Location:** Interstate 81 North and Southbound Rest Areas, Sites 47 and 48, Dauphin County, PA  
**Duration:** 1 year with four (4) renewals  
**Contact:** Bill Tyson, (717) 787-7600

**Laboratory—24**

**Inquiry No. 100-0008** Contractor to provide pathology and laboratory services to Southwestern Veterans Center. Specifications of proposal available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**Laundry/Dry Cleaning—25**

**Inquiry No. 100-0011** Contractor to provide for rental and maintenance of uniforms for Southwestern Veterans Center. Specifications of service available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**Inquiry No. 100-0005** Contractor to provide laundry services for Southwestern Veterans Center. Specification of proposal available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**Medical Services—29**

**5435** Nursing services—contractor shall agree to provide general and psychiatric nursing services. Registered nurses hired for the psychiatric/units must have a minimum of 12 months experience in psychiatric/mental health nursing. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Haverford, Delaware County, PA 19041  
**Duration:** July 1, 1997—June 30, 2000  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2627

**5436** Optometry services—the contractor agrees to provide a licensed optometrist to provide eye glasses as needed for clients at Haverford State Hospital. Fittings for eyeglasses will take place at Haverford State Hospital in the clinic designed for the optometrist consultant. More detailed information can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby, Building No. 4, Haverford, Delaware County, PA 19041  
**Duration:** July 1, 1997—June 30, 1999  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2627

**RFP No. 14-97** The Pennsylvania Department of Public Welfare is issuing a Request for Proposal to solicit technical assistance in the implementation of its Statewide mandatory managed care program. The selected contractor will assist in the planning and implementation of the program. Specifically, areas of assistance include provision of technical and policy support in the development of physical health and independent enrollment assistance programs. The Department is seeking organizations with expertise in the inner workings of managed care companies.

**Department:** Public Welfare  
**Location:** Department Headquarters, Harrisburg, PA  
**Duration:** 24 months  
**Contact:** Polly Hahn, (717) 787-7585

**Inquiry No. 100-0001** Contractor to supply audiology and speech pathology services for Southwestern Veterans Center. Specification of proposal available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10-1-97 to 9-30-99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**Inquiry No. 1000-0004** Contractor to supply dental services to Southwestern Veterans Center. Specifications of proposal available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**Inquiry No. 100-0006** Contractor to provide medical services of licensed physicians for Southwestern Veterans Center. Specifications of proposal available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**Inquiry No. 100-0007** Contractor to provide the services of a licensed board certified psychiatrist to Southwestern Veterans Center. Specifications of service available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**Inquiry No. 100-0009** Contractor to provide pharmaceutical services to Southwestern Veterans Center. Specifications of service available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**Inquiry No. 100-0010** Contractor to provide radiology/diagnostic services, to Southwestern Veterans Center. Specifications of service available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/01/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**0882-127** Mobile x-ray unit shall provide portable x-ray and EKG service to residents of the South Mountain Restoration Center between the hours of 7:30 a.m. and 4:30 p.m., and at such other times as reasonably requested by the Center, only on the order of a duly licensed and authorized physician. All x-rays will be interpreted by a duly licensed and qualified radiologist subcontracted by the mobile unit. All EKG's will be read by a duly licensed and qualified cardiologist subcontracted by the mobile unit. The radiologist will dictate a report for each examination. The mobile unit, however, will be responsible for promptly telephoning an abbreviated verbal report to the Center, and transcribe the full written report, and mail or telecopy a copy to the Center and the attending physician. Upon request of the Center, the mobile unit will deliver or mail x-rays to the Center and/or the attending physician. The mobile unit will perform EKGs and have an interpretive written report issued. The billing of the professional component (interpretation and reading fees) will be collected from Medicare, Medical Assistance, or supplemental or other third party carriers, and will be stipulated in billing instructions.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** September 1, 1997—August 31, 2000  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030

**Personnel Temporary—31**

**OVR-02-97** Interpreter for the Deaf for the OVR State Coordinator for the Deaf and Hard of Hearing (an employee who is deaf). Contractor must possess the required interpreter skills: utilization of manual communication consisting of American Sign Language (ASL), Signed English, Manual Alphabet, gestures and other visual modes approved by, and at a level of proficiency required by the National Registry of Interpreters for the Deaf, Inc. (RID). It is recommended that contractor have RID Sign Language certification or a Bachelor's Degree in Sign Language Interpreting. Interpreter will be required to demonstrate skills. We estimate 1800 interpreting hours.

**Department:** Labor and Industry  
**Location:** 1300 Labor and Industry Building, Harrisburg, PA 17120  
**Duration:** 10/1/97—9/30/98  
**Contact:** Sandy Pace, (717) 787-8504 or 1-800-442-6351

**Property Maintenance—33**

**Project No. 21** Repair services of dock levelers, Buildings 11-62 and 11-68, Ft. Indiantown Gap. Emergency and routine on-call services on an on-call basis. Contractor must have 24 hour service.

**Department:** Military and Veterans Affairs  
**Location:** Buildings 11-62 and 11-68, Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 1 October 97—30 September 2000  
**Contact:** Emma Schroff, (717) 861-8518

**120R-009** Tree trimming/removal along various routes in Fayette County according to contract specifications. Contract will be bid on a per mile basis, payment will be made lump sum per line item.

**Department:** Transportation  
**Location:** Various routes in Fayette County  
**Duration:** 10 months  
**Contact:** Michael D. Maurer, (412) 439-7374

**120R-010** Tree trimming/removal along various routes in Westmoreland County according to contract specifications. Contract will be bid on a per mile basis, payment will be made lump sum per line item.

**Department:** Transportation  
**Location:** Various Routes—Westmoreland County, PA  
**Duration:** 10 months  
**Contact:** Michael D. Maurer, (412) 439-7374

**Real Estate Services—35**

**998A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Labor and Industry with 12,192 useable square feet of new or existing office space, in York County, PA with parking for 58 vehicles, within the following boundaries: North: Route 30; South: East Prospect Road; East: Locust Grove Road extended into Pleasant Acres Road; West: Haines Road extended into Memory Lane. Proposals due: September 15, 1997. Solicitation No.: 92511.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

**999A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA Board of Probation and Parole with 50,887 useable square feet of new or existing office space, in Harrisburg, Dauphin County, PA, with parking for 200 vehicles, within the following boundaries: within the City limits of Harrisburg. Proposals due: August 18, 1997. Solicitation No.: 92519.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1996-97  
**Contact:** Doris Deckman or Edward P. Meyer, (717) 787-4394

**Sanitation—36**

**Project No. 20** Remove trash and refuse from armory 24 times per year. Trash will be in 1—30 cubic yard container.

**Department:** Military and Veterans Affairs  
**Location:** Building 10-102, Ft. Indiantown Gap, Lebanon County, PA  
**Duration:** 1 October 97—30 September 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 54** Remove trash and refuse from National Guard facility at Harrisburg International Airport.

**Department:** Military and Veterans Affairs  
**Location:** Harrisburg International Airport, Middletown, Dauphin County, PA  
**Duration:** 1 October 97—30 September 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Security Services—37**

**5437** Security guard services—contractor will provide continuous unarmed security services at Haverford State Hospital, 24 hours a day, 7 days a week, including Commonwealth holidays and weekends. More detailed information can be obtained at the hospital.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Various Buildings, Haverford, Delaware County, PA 19041  
**Duration:** July 1, 1997—June 30, 1999  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2627

**Vehicle Heavy Equipment—38**

**Project No. 22** Repair (maintain) lifts, hoists and air compressors in 3 buildings at Ft. Indiantown Gap. Emergency and routine services on an on-call basis. Contractor must have 24 hour service.

**Department:** Military and Veterans Affairs  
**Location:** Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 1 October 97—30 September 2000  
**Contact:** Emma Schroff, (717) 861-8518



**Miscellaneous—39**

**1192-W** The contractor shall provide chaplaincy services to inmates of the Native American faith at the State Correctional Institution at Greensburg.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** October 1, 1997 to June 30, 2000  
**Contact:** Jack Loughry, (412) 837-4397, ext. 339

**No. 97-04** "University Based Research/Education/Technology Transfer Program." The Pennsylvania Department of Transportation (PennDOT) wishes to contract for the administration and performance of a university based research, education, and technology transfer program. Additional information and a request for proposal (RFP) may be obtained by faxing a request for RFP 97-04 to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, Forum Place, 8th Floor, 555 Walnut Street, Harrisburg, PA 17101-1900  
**Duration:** 60 months  
**Contact:** Tina Chubb, (717) 787-7001

**No. 97-05** "PennDOT Annual Report Design." The Pennsylvania Department of Transportation (PennDOT) seeks a contractor to provide design services and other visual aspects for PennDOT's annual report. Contractor will work with PennDOT's staff to produce the annual report design and format. Additional information and a Request for Proposal (RFP) may be obtained by faxing a request for RFP 97-05 to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, Forum Place, 8th Floor, 555 Walnut Street, Harrisburg, PA 17101-1900  
**Duration:** Up to 60 months  
**Contact:** Tina Chubb, (717) 787-7001

**Inquiry No. 100-0003** Contractor to supply chaplaincy services to Southwestern Veterans Center. Specifications of proposal are available upon request.

**Department:** Military and Veterans Affairs  
**Location:** Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206  
**Duration:** 10/1/97 to 9/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 365-5594

**RFP 97-01** The objective of this project is to establish services that will: provide outreach information and assistance to DBEs in making application and becoming certified with the Department; provide special assistance and training to certified DBEs in all areas of highway and bridge construction/contract management; conduct field visits including project sites and home offices. Additional information and a Request for Proposals is available from Tina Chubb. Fax request for RFP to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, Eastern Districts of the State  
**Duration:** Up to five years  
**Contact:** Tina Chubb, (717) 787-7001

**RFP 97-02** The objective of this project is to establish services that will: provide outreach information and assistance to DBEs in making application and becoming certified with the Department; provide special assistance and training to certified DBEs in all areas of highway and bridge construction/contract management; conduct field visits including project sites and home offices. Additional information and a Request for Proposals is available from Tina Chubb. Fax request for RFP to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, Western Districts of the State  
**Duration:** Up to five years  
**Contact:** Tina Chubb, (717) 787-7001

**SPC 357001** PennDOT is soliciting proposals to provide a traffic weather monitoring system using data communication and solar power. Pavement sensors must sense surface pavement temperature and the presence of moisture. A subsurface probe must sense subgrade temperature. The units must function using solar power where electrical power is not available. Radio communications system or modem communication, as determined by PennDOT, must be provided by the contractor for each site to transfer data from the RPU to the CPU using a common protocol to communicate with existing monitoring system in operation. Fax requests for detailed information to Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, throughout the State  
**Duration:** Up to five years  
**Contact:** Tina Chubb, (717) 787-7001

[Pa.B. Doc. No. 97-1175. Filed for public inspection July 18, 1997, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1008227-01	07/03/97	Lenton Industries, Inc.	6,507.50
1008227-02	07/03/97	York Corrugating Co.	2,675.70
1550156-01	07/02/97	Maffei Associates	28,409.19
1757126-01	07/03/97	Quality Coach, Inc.	102,625.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1910126-01	07/03/97	Optelec US, Inc.	13,036.80
8117310-01	07/03/97	Madden Steel Fabricators, Inc.	15,375.76

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 97-1176. Filed for public inspection July 18, 1997, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[ 28 PA. CODE CHS. 201, 203, 205, 207, 209, 211, 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571 AND 573 ]

### Health Facility Licensure

The Department of Health (Department) proposes to amend Part IV (relating to health facilities) by amending Chapters 201, 203, 205, 207, 209, 211 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571 and 573 to read as set forth in Annex A.

#### *Purpose of the Amendments*

The amendments propose to amend the standards for the licensing and operation of long term care facilities and ambulatory surgical facilities (ASF).

On December 18, 1996, those provisions of the Health Care Facilities Act (act) (35 P. S. §§ 448.101—448.904), relevant to the Certificate of Need (CON) Program terminated. See 35 P. S. § 448.904(a). On December 14, 1996, the Department published notice that it would undertake a review of those clinically related health services covered under the CON Program. See 26 Pa.B. 6029 (December 14, 1996).

This review involved the formation of 14 work groups to review the 23 clinically related health services which were previously reviewed under the CON Program. The members of the work groups, in addition to representatives from the Department's CON, licensure and legal staff, were chosen for their expertise and knowledge of the particular service. Each work group included a physician who practiced the particular specialty under review. Additionally, representatives of Statewide organizations in the health care arena were invited to participate in the work groups. The work groups were chaired by either a Deputy Secretary or the Department's Chief Counsel.

The 14 work groups were organized to review the following services: 1) ambulatory surgical care; 2) cardiac catheterization; 3) long-term care; 4) neonatal care; 5) open heart surgery; 6) vital organ transplantation; 7) comprehensive medical rehabilitation—inpatient; 8) drug and alcohol rehabilitation—inpatient; 9) emergency department; 10) intermediate care facility/mentally retarded (ICF/MR); 11) lithotripsy—biliary and renal; 12) magnetic resonance imaging (MRI) and positron emission tomography (PET); 13) medical surgery and inpatient surgery; and 14) psychiatric inpatient—adult, child and adolescent.

The Department determined that the work groups on long term care and ambulatory surgery should begin to meet immediately. This was due to the need to address as quickly as possible any potential quality assurance gaps which could be present for these high risk health services.

The work groups met during the months of January and February, 1997. Their assigned task was to examine the criteria contained in the State Health Services Plan (SHSP) and determine if any of the criteria contained therein discussing quality assurance and patient safety should be added to existing regulations of the Department regarding licensure of health care facilities. The act provides that, in order to be issued a license, a health care provider must show that: 1) it is a responsible person; 2) the place to be used as a health care facility is

adequately constructed, equipped and maintained and safely and efficiently operated; 3) it will provide safe and efficient services adequate for the care and treatment of patients or residents; and 4) it is in substantial compliance with the rules and regulations of the Department. See 35 P. S. § 448.808(a). Therefore, with the termination of the CON Program, the Department's focus is on the quality of care provided at the health care facilities which it licenses in this Commonwealth.

The long term care and ambulatory surgery work groups were comprised of representatives from the Department, the Department of Public Welfare (DPW), the Pennsylvania Medical Society (PMS), the Pennsylvania Nurses Association (PNA), the Hospital Association of Pennsylvania (HAP), the Health Law Project of the Public Interest Law Center, Legislative staff and other persons with expertise regarding these services. In addition, representatives from the Pennsylvania Association of Non-Profit Homes for the Aging (PANPHA), the Pennsylvania Health Care Association (PHCA), the Pennsylvania Association of Rehabilitation Facilities (PARF), the Pennsylvania Association of County Affiliated Homes (PACAH) and Pennsylvania Protection and Advocacy (PP&A) served on the long term care work group. The ambulatory surgery work group included representation from the Ambulatory Surgical Association, as well as input from several physicians and dentists.

At the conclusion of their review and discussion of relevant material regarding these various health care services, the work groups drafted proposed recommendations to the Secretary. The recommendations of the work groups differed depending on the service being reviewed. The recommendation of the work group that reviewed the long term care chapter of the SHSP (Chapter 14, Long Term Care), was that there was no perceivable gap between the long term care chapter of the SHSP and the current licensure regulations with regard to quality of care. However, the Department had already commenced a review of its long term care regulations for purposes of updating and to consider the effect of recently adopted Federal certification regulations. Due to this factor and the likelihood that any changes to the regulations would impact the area of quality assurance, the work group further recommended that it review the draft proposed long term care regulations. The work group met with program personnel on five separate occasions in January and February, 1997 and provided comments to the Department on the draft set of proposed amendments. The Department then revised the proposed amendments based on that input.

Similarly, the Department had published notice on December 7, 1996, in the *Pennsylvania Bulletin* that it would commence a review of the regulations pertaining to ASFs on January 10, 1997. See 26 Pa.B. 5913 (December 7, 1996). The work group which was convened in January 1997 considered amendments necessitated by changes in the delivery of care in ASFs since the enactment of the regulations and reviewed the quality assurance criteria contained in the SHSP (Chapter 5, "Surgical Services") applicable to ambulatory surgical care. The work group determined that there were gaps in quality assurance and recommended incorporating much of the criteria contained in the SHSP into the licensure regulations.

On February 1, 1997, the Department published notice that six work group recommendations were available and

that a public meeting would be held on February 11, 1997. See 27 Pa.B. 621 (February 1, 1997). These six work groups reviewed the following services: cardiac catheterization, intermediate or skilled nursing care inpatient services, ambulatory surgical care, neonatal care, open heart surgery and vital organ transplantation services. Approximately seven individuals presented testimony at the public meeting on February 11. In addition, written comments were received from various individuals and institutions.

After reviewing the recommendations and the public comments, the Department concludes that the current long term care facilities and ambulatory surgical facilities regulations should be amended, in order to reflect changes which have occurred since their enactment and to address any gaps in the area of quality assurance which may be present due to the sunset of CON.

#### *Summary*

##### *Subpart C: Long Term Care Facilities*

The Department was in the process of revising its long term care licensure regulations prior to the sunset of CON Legislation on December 18, 1996. Proposed amendments had been prepared adopting the Federal certification regulations at 42 CFR 483.1—483.75. Facilities which participate in the Medicare and Medical Assistance Programs must comply with these regulations in addition to the state licensure regulations. The great majority of Pennsylvania long term care nursing facilities participate in Medicare and Medical Assistance and are subject to both Federal and State quality assurance regulations. In many instances, the State regulations are duplicative and in a few cases, the two conflict.

The draft set of proposed licensure regulations which the Department prepared, deleted those State regulations which were either overly prescriptive or duplicative of the Federal certification regulations.

The Department felt it necessary to keep certain State licensure regulations which are not addressed in the Federal certification regulations. For example, there is no Federal counterpart to the State licensure regulation in § 211.1 (relating to reportable diseases), requiring the reporting of specific diseases or to § 201.22 (relating to prevention, control and surveillance of tuberculosis (TB)), pertaining to the protocols for tuberculosis control. There are a few proposed amendments to current regulations which are stricter in some respects than the corresponding Federal regulations. For example, the Federal regulation in 42 CFR 483.13(a), states that a restraint may not be applied for discipline or convenience. The State licensure regulation pertaining to restraints in § 211.8 (relating to use of restraints), has always been more specific than the Federal regulation and the Department now proposes to add a requirement that the need for a restraint be reviewed every 30 days by an interdisciplinary team as defined in § 201.3 (relating to definitions). Another proposed amendment in § 201.3, revises the definition of "restraint" to include chemical as well as physical restraints. This follows the Federal regulations which address chemical as well as physical restraints.

The State licensure regulation in § 201.14 (relating to responsibility of license) lists various incidents that must be reported to the appropriate Division of Nursing Care Facility's field office. The proposed amendments add deaths due to sepsis and require notification within 24 hours. Although both State and Federal regulations provide transfers and discharges in appropriate circumstances and only after adequate prior notice. However,

the proposed amendment in § 201.29(d) (relating to resident rights) specifically places the responsibility for appropriate placement on the facility.

As part of the appointment of work groups to review the 21 chapters of the SHSP, a work group was assigned to look at the long term care chapter of the plan. The recommendation of the work group that reviewed the long term care chapter of the SHSP was that there was no perceivable gap between the long term care chapter of the SHSP and the current licensure regulations with regard to quality of care. However, the work group further recommended that it review the draft proposed long term care regulations. The work group met with program personnel on five separate dates in January and February 1997 and provided comments to the Department on the draft set of proposed amendments. The Department then revised the proposed amendments based on that input.

#### *Chapter 201. General Provisions*

The addition of Chapter 51 (relating to general information) covering general provisions which are common to all health care facilities necessitates the elimination of these sections which are currently located in Chapter 201. Specifically, the provisions of § 201.2 (relating to requirements) pertaining to exceptions to the long term care nursing facility licensure regulations are now addressed in §§ 51.31—51.34 (relating to exceptions). Section 205.3 is now addressed in § 51.5 (relating to building occupancy). Section 201.16, pertaining to change of ownership is now located at § 51.4 (relating to change in ownership; change in management). Section 201.28 pertaining to nondiscrimination policy is now located at §§ 51.11—51.13 (relating to civil rights).

Section 201.3 is amended to include a new definition of "abuse." The definition is taken from the guidelines to the Federal regulations. This is also the definition of "abuse" which is used by the Department when hearing appeals of nurse aides who have had a finding of abuse entered against them in the nurse aide registry. The Department kept that portion of the former definition which now appears under the subheading of "neglect."

The requirements for a charge nurse, dietician and a social worker, have been revised. The definition of "dietician" and "social worker" now reflects the Federal requirements for social workers.

The term "clinical records" is now defined and includes a resident's medical record as well as social and financial records.

The term "resident" has been added to the definitions. "Resident" replaces the term "patient" throughout the regulations. This change has been made to be consistent with Federal terminology.

A definition is now included for the term "interdisciplinary team." This definition has been taken from the Federal regulation at 42 CFR 483.20(d)(2)(ii), which lists the professionals who must take part in the preparation of residents' care plans.

The definition of "restraint" has been revised in accordance with the guidelines to the Federal regulations and now specifically includes chemical restraints. Further, the definition used to refer to a device which was applied to a resident but now includes devices which are adjacent to a resident which depending on the situation, could include side rails. This is also consistent with the Federal view of what constitutes a restraint.

The definitions of "intermediate care" and "skilled care" have been combined and a long term care nursing facility

is defined as a facility providing both skilled and intermediate care. This is in keeping with the trend toward elimination of the distinction between these two levels of care. By statement of policy dated February 17, 1996, the Department eliminated the distinction between the two levels for calculating requisite nursing hours. The new definition reflects a range of care rather than two separate levels to be provided in a long term care nursing facility.

*Section 201.2*

In § 201.2, the Department proposes to incorporate the Federal certification regulations at 42 CFR 483.1—483.75, pertaining to quality assurance, with the exception of various subsections listed. The subsections which the Department does not propose to incorporate primarily reference the Medicare and Medicaid Programs and are thus applicable to the facilities which participate in those programs only and not suitable as general licensure regulations.

*Section 201.12 (relating to application for license)*

Subsection (b), requiring the issuance of a CON as a condition of licensure, has been deleted.

*Section 201.13 (relating to issuance of license)*

This section sets forth licensure fees and has been revised to reflect the statutory increase in fees which have been in effect since 1992, following amendments to the act.

*Section 201.14 (relating to responsibility of license)*

The Department proposes to amend subsection (c) and to add a new subsection (d) which will now require the reporting of serious incidents within 24 hours. It is proposed that reports of accidents and death due to sepsis be added to the list of reportable incidents.

*Section 201.15 (relating to restrictions on license)*

The reference to the former Health Care Facility Hearing Board as the appellate body to hear final licensure decisions, has been revised to reflect an amendment to The Administrative Code of 1929 (71 P. S. § 2102 (n)), in 1996, which transferred the duties of that Board to the Health Policy Board.

*Section 201.16*

The Department proposes to delete this section concerning change in ownership, structure or name. This requirement will now be covered under proposed § 51.4 which provides general information on change of ownership applicable to all health care facilities.

*Section 201.22*

The Department proposes to delete this section which requires the facility to notify the resident's attending physician and responsible person of a change in the resident's condition as this is required under the Federal regulations.

The Department proposes to add a new § 201.22 which addresses the testing of residents and staff for tuberculosis. The proposed criteria are based on CDC protocols.

*Sections 201.24 and 201.25*

These sections dealing with admission and discharge policies are being deleted. A new § 201.29(c) and (d) (relating to resident rights) has been proposed which sets forth the facility's responsibilities with regard to transfer and discharge of residents. The new language clarifies that 30 days advance notice must be given prior to

discharge and that the facility is responsible for assuring that the resident is appropriately placed.

*Chapter 203: Application of Life Safety Code for Long Term Care Nursing Facilities*

Section 203.2 presently requires long term care facilities to comply with certain Life Safety Code standards. As all long term care facilities are currently required to meet Life Safety Code construction and sprinkler requirements, this section is duplicative and the Department proposes its deletion from the regulations.

*Chapter 205: Physical Plant and Equipment Standards for Long Term Care Nursing Facilities*

*Section 205.4 (relating to building plans)*

The Department proposes to amend this section which sets forth the requirements for both preliminary and final architectural plan approval. Only one set of final plans will now be required. Section 205.5 which requires preliminary plans to be filed in duplicate will be deleted.

*Section 205.20 (relating to resident bedrooms)*

Section 205.20 is amended to only require a flat amount of square footage for single and multibedrooms and to delete all further instructions regarding minimum space requirements. For example, a single bedroom must still have a minimum room area clearance of 100 feet but requirements that there be a minimum of 3 feet between the bed and the adjacent wall and 4 feet between the foot of the bed and the opposing wall or furniture have been deleted.

The Department had received reports that these requirements sometimes mandated bed placements which were contrary to a resident's preference.

*Section 205.24 (relating to dining room)*

The Department proposes to delete that portion of this section which addressed the space requirements when a facility combined a dining room and a recreation area. A new subsection (b) is added which requires tables and space to accommodate wheelchairs.

*Section 205.25 (relating to kitchen)*

Most of this section on requirements for a kitchen have been deleted as overly prescriptive with the exception of subsection (d), proposed (b), which requires a service pantry on each unit.

*Section 205.31 (relating to storage)*

The only subsection which the Department proposes to keep in this section on storage is the requirement that a minimum of 10 square feet per bed of storage space be provided for items including residents' possessions.

*Section 205.33 (relating to utility room)*

The Department proposes to add a new subsection (b) which requires separate bedpan flushers be provided in soiled workrooms unless a facility has them in residents' bathrooms.

*Sections 205.34 and 205.35*

The Department proposes to delete these regulations which require a treatment room and a telephone for resident use. The Federal regulations which are to be adopted require residents have access to a telephone.

*Sections 205.36—205.40*

These sections address bathrooms, toilet rooms and lavatories. The Department proposes to delete requirements as to the size of tubs and shower stalls while retaining the requirement of a minimum clearance

around bathtubs in § 205.36 (relating to bathing facilities). In § 205.38 (relating to toilet facilities), the only subsection which the Department feels is necessary to keep as a licensure regulation is (a) which requires a minimum ratio of 1/4 toilets per residents.

*Sections 205.61—205.64*

The Department proposes to delete several subsections from these sections which address heating requirements and plumbing and piping systems since these are for the most part covered in the NFPA 101 Life Safety Code which is already incorporated by reference in § 203.1.

*Section 205.66 (relating to special ventilation requirements for new construction)*

This section sets forth special ventilation requirements for new construction. Amendments have been made to the chart contained in subsection (a).

*Sections 205.71 and 205.72 (relating to bed and furnishings; and furniture)*

These sections address beds and furniture. The only requirement which the Department proposes to keep is that a bed be equipped with an appropriately sized mattress and that each resident have a bedside drawer or cabinet which can be locked. References to all other types of furniture such as bedside chairs, overbed tables and footstools have been deleted.

*Sections 205.73 and 205.74*

Sections 205.73 pertaining to sterilization requirements and § 205.74 which requires a sufficient quantity of linen are proposed to be deleted. Sterilization is covered under the general infection control provisions in the Federal regulations at 42 CFR 483.65 and § 205.75 (relating to supplies) requires that the facility have adequate supplies which would include linen.

*Chapter 207: Housekeeping and Maintenance Standards for Long Term Care Nursing Facilities*

*Sections 207.1, 207.3 and 207.5*

These sections address environmental safety, housekeeping and maintenance. The Department proposes to delete them in their entirety in light of the general requirement that the administrator be responsible for the satisfactory housekeeping and maintenance of the buildings and grounds in § 207.2(a) (relating to administrator's responsibility).

*Chapter 209: Fire Protection and Safety Programs for Long Term Care Nursing Facilities*

*Section 209.3 (relating to smoking)*

The Department proposes to keep only subsection (a) which provides that the facility must have smoking policies. The current provisions found at subsections (c)—(h), which mandate certain smoking precautions, may subsequently appear as guidelines to the regulation.

*Sections 209.4, 209.5 and 209.6*

These sections on fire extinguishers, the emergency lighting system and the fire alarm are being deleted as they are already addressed in the NFPA 101 Life Safety Code. The Department proposes to move subsection (f) of § 209.6, requiring personnel be instructed in the use of fire extinguishers, to a new subsection (c) in § 209.7 (relating to disaster preparedness) dealing with disaster preparedness.

*Chapter 211: Program Standards for Long Term Care Nursing Facilities*

*Section 211.1 (relating to reportable diseases)*

This section which was titled *Infection Control* has been amended and is now titled *Reportable Diseases*. The list of reportable diseases still remains but has been updated. A new subsection (c) has been added to require facilities to report cases of Methicillin Resistant S. Aureus (MRSA) to the local field office for the Division of Nursing Care Facilities.

*Section 211.2 (relating to physician services)*

The Department proposes to amend this section on physician services by retaining subsection (e) which states that the attending physician is responsible for the medical evaluation of a resident and for prescribing appropriate care. Subsection (l)(2) and (4) is also retained. These subsections provide that a medical director's duties include review of incidents and accidents which occur in the facility and the development of policies delineating physician responsibilities. The remainder of the paragraphs are deleted in light of the adoption of the Federal regulation on physician services and responsibilities of the medical director at 42 CFR 483.40 and 483.75(i).

*Section 211.4 (relating to procedure in event of death)*

Subsections (a)—(c) are proposed to be deleted. These subsections required a facility to notify a resident's treating physician upon the resident's death, to document the death in the resident's medical record and also required the physician to complete and sign the death certificate under Article V of the Vital Statistics Law of 1953 (35 P. S. §§ 450.501—450.506). The Department does not believe it is necessary to include these items in licensure regulations as they reflect standard protocol and existing law.

*Section 211.5 (relating to clinical records)*

The Department proposes to change the term "medical records" to "clinical records" and to delete subsections (b), (d)—(g) and (o). These subsections outlined what had to be included in nurses' notes and are not considered to be needed in a specific licensure regulation as the information should be included in nurses' notes using standard protocol. The other subsections address providing copies of records to residents upon request and maintenance of medical record facilities.

*Section 211.6 (relating to dietary services)*

The Department proposes to eliminate subsections (a), (b), (e)—(q) and (s). These subsections address adequate staffing, frequency of meals, substitutions and sanitary conditions. These sections are covered by the Federal regulations. The concept of a dietary services supervisor is deleted to correspond to the Federal regulation in 42 CFR 483.35(a) which requires a facility to have a qualified dietician.

*Section 211.8 (relating to use of restraints)*

The Department proposes to add chemical restraints to subsection (d) which requires a physician's order for the use of a restraint and to delete subsection (f) which did not require an order for a geriatric chair. Both these amendments are consistent with Federal regulations. New subsection (f) requires an interdisciplinary team to reevaluate the need for all restraints ordered by physicians.

*Section 211.9 (relating to pharmacy services)*

The Department proposes to eliminate the majority of subsection (a) which provides that the facility have written policies and procedures for ensuring the identity of the resident and recording of administration as these requirements are covered by the Federal regulation in 42 CFR 483.60(a) which states that the facility must assure accurate administration of all drugs.

*Sections 211.10 and 211.11 (relating to resident care policies; and resident care plan)*

The Department proposes to delete subsections (a) and (b) and (d)—(f) of § 211.10, pertaining to resident care policies and subsections (a)—(e) and (g) of § 211.11 pertaining to resident care plans. Federal regulations in 42 CFR 483.20, thoroughly address resident care plans. The Department intends to keep subsection (f) which specifically requires that the resident's care plan be available to staff caring for the resident's needs.

*Section 211.12 (relating to nursing services)*

Subsection (e) is amended to add a specific requirement that the director of nursing be responsible for nursing service objectives, job descriptions, scheduling rounds and staff development.

The Department proposes to amend the general number of nursing hours in subsection (n) to eliminate the distinctions between skilled and intermediate care. By statement of policy dated February 17, 1996, the Department set the requirement at 2.3 hours of nursing care per resident in a 24-hour period. It is now amending the regulations to reflect this policy.

Subsections (r) and (s) are proposed to be deleted as nutritional needs and restorative care are covered in the comprehensive resident assessments required by the Federal regulations in 42 CFR 483.20(b).

*Section 211.13*

The Department proposes to delete this section addressing rehabilitative services in its entirety as this subject is covered by the Federal regulation in 42 CFR 483.45.

*Section 211.14*

This section pertaining to diagnostic services is to be deleted in its entirety as the subject is addressed in the Federal regulation in 42 CFR 483.75(j) and (k).

*Section 211.15 (relating to dental services)*

The Department is deleting subsections (b)—(d) from this section on dental services as these are covered in the Federal regulation in 42 CFR 483.55.

*Section 211.16*

The Department is deleting this section addressing social services in its entirety as the subject is covered in the Federal regulation in 42 CFR 483.15(g).

*Section 211.17 (relating to pet therapy)*

The Department proposes to delete all subsections from this section addressing patient activities, except for subsection (f) which sets forth requirements for facilities using pet therapy. Patient activities are addressed in the Federal regulation in 42 CFR 483.15.

*Subpart F: Ambulatory Surgical Facilities.*

On December 7, 1996, the Department published notice in the *Pennsylvania Bulletin* that it would commence a review of the regulations pertaining to ASF on January 10, 1997. See 26 Pa.B. 5913. This review was accomplished through the convening of a work group which not

only considered appropriate amendments to the ASF regulations due to the passage of time since enactment, but also, in light of the termination of the CON Program, considered the quality criteria contained in the SHSP relevant to ASFs.

The work group recommended that the ASF regulations should apply to all freestanding or office based facilities which perform outpatient surgery on patients not requiring hospitalization, but who still need constant medical supervision for a limited period of time following the surgery. The work group recommended that the Department recognize three levels of ASFs and that these levels be distinguished by the level of anesthesia administered and by patient acuity. Class A ASFs need not be licensed but do need accreditation to be recognized as ASFs. Class B (office based) and Class C (freestanding) facilities require licensure. Operative times of up to four hours are permitted in ASFs and a recovery time of the same period is also permitted. The work group recommended that the Department be permitted to use outside National accrediting agencies to perform some or all aspects of licensure surveys. The following contains the highlights of changes proposed to the chapters discussing ASFs.

*Chapter 551: General Information*

Section 551.2 (relating to affected institutions) states that only facilities licensed under this subpart can provide ambulatory surgery.

Section 551.3 (relating to definitions) defines ambulatory surgery as that surgery which is performed on an outpatient basis in a facility which is not located in a hospital and upon patients who do not require hospitalization, but who do require constant medical supervision following the surgical procedure. An "ASF" is defined as a facility or portion thereof not located upon the premises of a hospital which provides specialty or multispecialty outpatient surgical treatment. These provisions clearly distinguish outpatient surgery performed in a hospital from ambulatory surgery performed at an ASF. Additionally, the definitions State that ambulatory surgery does not include individual or group practice offices of private physicians or dentists, unless these offices have a distinct part used solely for outpatient surgical treatment on a regular and organized basis. Thus, a physician's office will not generally be considered as an ASF, unless it meets the specific requirements of this subpart.

The definition divides ASFs into three classifications:

*Class A*—A private or group practice office of practitioners where procedures performed are limited to those requiring administration of either local or topical anesthesia or no anesthesia. Class A ASFs must receive accreditation from a Nationally recognized accrediting body such as the Accreditation Association for Ambulatory Health Care (AAAHC) or the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) in order to be identified as providing ambulatory surgery.

*Class B*—Single or multiple specialty facilities with a distinct part used solely for ambulatory surgical treatments involving administration of sedation analgesia or dissociative drugs wherein reflexes may be obtunded.

*Class C*—Single or multiple specialty facilities used exclusively for the purpose of providing ambulatory surgical treatments which involve the use of any anesthetic agents, including general anesthesia.

This classification system is based upon the types of procedures performed, the status of the patient receiving the surgery and the level of anesthesia which is used.



The patient status is covered under the definition of "physical status classification." These classifications involve an evaluation of the patient's overall health as it would influence the conduct and outcome of surgery. Five types of patient classifications are established:

*Class 1*—No organic, physiologic, biochemical, metabolic or psychiatric disturbance.

*Class 2*—These patients have a systemic disturbance which may be of mild to moderate degree but which is either controlled or has not changed in its severity for some time.

*Class 3*—These patients suffer from significant systemic disturbance, although the degree to which it limits the patient's functioning or causes disability may not be quantifiable.

*Class 4*—These patients suffer from severe systemic diseases that are already life threatening and may or may not be correctable by surgery.

*Class 5*—These patients are moribund and are not expected to survive without surgery.

Under the three types of ASFs, Classes A—C, the following patients may be treated: Class B ASFs may treat patients in Class 1 or 2, unless the patient's physical classification status would not be adversely affected by the surgery. Class C ASFs may treat patients in Classes 1—3 as long as the ASF complies with the regulations on anesthesia and recovery time (See § 551.21).

The classification of ASFs under Classes A—C reflects the system used under the June 17, 1994, amendments to Chapter 5 (Outpatient Surgery) of the SHSP. The patient classifications under Classes 1—5 are those established by the American Society of Anesthesiologists (ASA). Under these classifications, those entities which are the most equipped and capable of performing ambulatory surgery, will perform those surgeries requiring the higher levels of anesthesia on the more medically complex patients.

Due to the proposed addition of a general information chapter (Chapter 51) which will cover administrative matters which apply to all health care facilities, the provisions at §§ 551.11—551.13 concerning the exceptions process are proposed for deletion, as they will now be covered under §§ 51.31—51.34.

Section 551.21 (relating to criteria for ambulatory surgery) sets forth in detail the criteria for ambulatory surgery. Section 551.21(a)(1) and (2) states that ambulatory surgical procedures do not generally exceed a total of 4 hours of operating time and a total of 4 hours of directly supervised recovery. This replaces the prior limitation of 90 minutes operating time and retains the recovery time of 4 hours. Section 551.21(b)(1) and (2) states that if the surgical procedures to be performed in an ASF require anesthesia, the anesthesia must be either local or regional or general anesthesia if it is of 4 hours or less duration. Section 551.21(c)(1)—(5) states that certain types of surgical procedures may not be performed in an ASF, regardless of the classification. These surgeries are those generally associated with the risk of extreme blood loss, those which require major or prolonged invasion of body cavities, those which directly involve major blood vessels, those which are generally emergency or life threatening in nature and those surgeries which are performed on patients younger than 6 months of age or on low birth weight babies up to 1 year of age.

Section 551.31 (relating to licensure) sets forth the procedure for licensure and States that all Class B and Class C ASFs must obtain a license. The license issued by the Department will designate the facility as either Class B or Class C. For the Department to determine the appropriate classification, the applicant must provide: a list of operative procedures proposed to be performed at the facility, the highest level of anesthetic proposed to be used and highest patient classification level proposed to receive ambulatory surgery at the facility. ASFs which are classified as Class B and wish to be reclassified as Class C may not provide services to patients in Class 3 until the ASF has requested and obtained a license as a Class C ASF.

Section 551.32 discusses surveys and inspections which must be conducted by the Department prior to occupancy of the building housing the ASF. As previously stated, Chapter 51 will now address general administrative matters. Section 51.5 discusses building occupancy, thus § 551.32 is duplicative and is proposed to be deleted.

Section 551.33 (relating to survey) maintains the Department's ability to conduct onsite surveys, but adds language that the Department may designate Nationally recognized accrediting agencies to perform some or all aspects of these licensure surveys.

Section 551.34 (relating to licensure process) increases the ASF licensure fee from \$50 to \$250.

Sections 551.41 and 551.82 (relating to policy; and regular license) increase the period of licensure from 1 year to 2 years.

Section 551.91(b)(10) (relating to grounds) adds as a ground for refusal to renew, suspend or revoke a license a finding that the licensee is providing services exceeding the scope of the classification assigned in the license.

Sections 551.93(b) and 551.111 (relating to notice; and hearings relating to licensure) transfer the jurisdiction of hearings relating to licensure from the State Health Facilities Hearing Board to the Health Policy Board. This section tracks the statutory amendment under The Administrative Code of 1929 (71 P. S. § 2102(n)).

Sections 551.121—551.123 discuss civil rights compliance. These issues will now be covered under the general administrative chapter in §§ 51.11—51.13. As a result, the Department proposes to delete §§ 551.121—551.123 as they are duplicative.

#### *Chapter 553: Ownership, Governance and Management*

Section 553.2(c) (relating to ownership) would be amended to define an owner of an ASF as any person who has a direct or indirect equity interest in the facility equal to or greater than 5%. Section 553.2(d) will be amended to require the ASF to notify the Department in writing within 30 days of any change in management, ownership, officers or directors. Change in ownership is specifically defined to mean any change involving 5% or more of the equity of the ASF. Change in ownership also includes the death, retirement or incapacitation of any shareholder, partner or other equity owner of an ASF. These changes are made to assure that, regardless of the corporate form of the ASF, the Department will receive the same information alerting it as to the ownership of the ASF and any change which may occur in that ownership.

Section 553.3(8)(iv) (relating to governing body responsibilities) requires the governing body of the ASF to assure compliance with the universal precautions for prevention of transmission of diseases promulgated by

OSHA. Similarly, § 553.3(8)(vi) requires the ASF to comply with all applicable Federal and State regulations, including the Americans with Disabilities Act (ADA).

Section 553.4(h) (relating to other functions) adds a requirement that the governing body appoint a medical director who shall be certified by a board recognized by the American Board of Medical Specialties or the dental, podiatric or osteopathic equivalent. The presence of a qualified medical director will assist in the functioning of the ASF and provide a medically trained individual who can deal with whatever issues might arise.

Section 553.25 (relating to discharge criteria) establishes specific physical status criteria which must be met before an individual is discharged from an ASF. The categories which must be checked are: vital signs (blood pressure, heart rate temperature and respiratory rate are within the normal range for the patient's age or at preoperative levels), activity (patient has regained preoperative mobility without assistance), mental status (patient is awake, alert or functioning at preoperative status), pain (patient's pain can be effectively controlled with medication), bleeding (patient's bleeding is controlled and consistent with that expected from the surgical procedure) and nausea/vomiting (minimal nausea or vomiting is controlled and consistent with that expected from the surgical procedure).

#### *Chapter 555: Medical Staff*

Section 555.12 (relating to oral orders) would be amended to note that oral orders for medication or treatment shall be accepted only under urgent circumstances and the relevant information must be transcribed in the patient's medical record at the time of administration and countersigned by the practitioner within 24 hours.

Section 555.13 (relating to administration of drugs) is new and requires that drugs shall be administered only upon the appropriate order of a practitioner acting within the scope of his license and according to medical staff bylaws, rules and regulations. Drugs may be administered only by: 1) the practitioner; 2) a registered professional nurse; or 3) a licensed practical nurse with pharmacy training.

Section 555.24(d) (relating to postoperative care) would be amended so as to delete the requirement that a physician be present until the patient is discharged, but requires the presence of a medical professional certified in advanced cardiac life support (ACLS). However, if general anesthesia has been administered during the operation, the anesthesiologist or anesthetist must remain present until the patient has been discharged.

Section 555.32(a) (relating to administration of anesthesia) would be amended to allow the administration of anesthetics by: 1) anesthesiologists; 2) certified registered nurse anesthetists; 3) dentist anesthetists; or 4) qualified practitioners as listed in § 551.3.

Section 555.33(c) (relating to anesthesia policies and procedures) would be amended to require that policies and procedures shall be developed by the governing body of the ASF and shall include: education, training and supervision of personnel, responsibilities of nonphysician anesthetists and responsibility of the supervising physician or dentist. Section 555.33(d)(6) and (7) would be amended to provide that certain types of intraoperative physiologic monitoring must be available and that no patient shall receive general anesthesia unless at least one other health care professional is present in addition to the professional performing the surgery.

Section 555.35 (relating to safety regulations) would be amended to add a requirement that all machines used for anesthesia shall receive at least one annual functioning test, by appropriately trained technicians.

#### *Chapter 557: Quality Assurance and Improvement*

It is proposed that the title of this section be amended to read: "quality assurance and improvement," to reflect the interest and concerns in this area. The Department expects that facilities will not only assure the quality of care delivered, but will actively seek methods to improve that quality.

Section 557.3(a) (relating to the quality assurances and improvement program) would be amended to require that the quality assurance and improvement program to monitor and evaluate specific data, including medical records, incident reports, infection control records and patient complaints. Several other areas which should be evaluated under this program are also added to this section. These additional areas reflect the standards for quality assurance and improvement programs established by the American Association for Ambulatory Health Care (AAAHC).

#### *Chapter 559: Nursing Personnel*

The only proposed changes to this chapter are in § 559.3 (relating to nursing personnel). Specifically, § 559.3(a) would be amended to provide that an adequate number of unlicensed personnel shall be present at the ASF. This section presently uses the terminology of ancillary personnel. The terminology of unlicensed personnel is a more precise description of this type of personnel. Section 559.3(b) would be amended so as to provide that at least one registered professional nurse shall be in attendance when patients are present. The current provision requires a registered professional nurse to be present at all times the facility is open, regardless if any patients are being treated. Section 559.3(c) would be amended to require that any registered professional nurse or licensed practical nurse who practices at the ASF must be appropriately licensed to practice in this Commonwealth. The current provision only requires those nurses who are employed by the ASF to be licensed.

#### *Chapter 561: Pharmaceutical Services*

Section 561.2 (relating to pharmaceutical service) would be amended to reflect National standards for ASF pharmacies. Under § 561.2(a), pharmaceutical services shall be supervised by a physician or dentist who is qualified to assume responsibility for the quality of services rendered. Section 561.2(b) would state that a pharmacy which is owned and operated by an ASF shall be supervised by a licensed pharmacist. Finally, § 561.2(c) permits the ASF to contract with a pharmacy but requires that those contracted pharmaceutical services shall be provided in accordance with the same ethical and professional practices and legal requirements that would be required if these services were provided directly by the ASF.

Section 561.21 (relating to principle) would be amended to add a sentence providing that the ASF may use drugs for experimental purposes, but the use must be approved or review waived by an Institutional Review Board (IRB).

Section 561.23 currently titled "Use of dangerous drugs" would be retitled "Use of controlled substances and other drugs." The section would be amended to provide that policies and procedures must be developed and approved by the medical staff which govern the use of controlled substances and other drugs, including sedatives, anticoagulants, antibiotics, oxytoxics and corticosteroids.

Additionally, policies shall be established regarding written orders for appropriate usage of all drugs.

*Chapter 563: Medical Records*

Section 563.8 (relating to automation or computerization of medical records) would be amended to state that no requirements of this subpart should be construed to prohibit the computerization of medical records. In fact, computerization of medical records is encouraged.

*Chapter 565: Laboratory and Radiology Services*

Section 565.15 (relating to records) would be amended to require that entries of laboratory and radiologic tests or services performed shall be made a part of the patient's medical record within 24 hours of the provision of the service. The current language requires that these entries be made in a timely manner.

*Chapter 567: Environmental Services*

No major changes are proposed to this chapter.

*Chapter 569: Fire and Safety Services*

Section 569.33(a) (relating to smoking) would be amended to ban all smoking in an ASF.

*Chapter 571: Construction Standards*

No major changes are proposed to this chapter.

*Chapter 573: Statement of Policy*

Section 573.1 is a statement of policy discussing criteria for ambulatory surgical facilities. This section would be deleted as this material is now set forth in Chapter 551. Section 573.2 is a statement of policy concerning criteria for ambulatory surgical procedures. This section would be deleted as it has been incorporated into and superseded by proposed § 551.21.

*Fiscal Impact*

These proposed amendments, to ensure the quality of services being provided at licensed health care facilities, will result in some additional costs to the Department. Increased staffing may be necessary to implement the expanded quality assessment process. These resources would be needed to review submitted documentation supporting the licensure requests, to conduct onsite surveys of health care facilities and process licensure applications. Additional costs may also include stipends/fees or expenses, or both, for persons not part of the Department staff who may assist the Department in the licensure and quality assurance assessment process.

The proposed amendments to the Department's licensure regulations will impose additional costs on health care providers to some degree. The proposed amendments require that medical directors of particular health care services must now receive certification from a specialty board. The employment of these individuals could increase the cost of these services. Additionally, costs may be incurred for some minor construction/renovation, equipment or supply costs to meet new requirements. However, in most instances, the standards being adopted are those which the Department expects that the vast majority of health care facilities are already meeting if they provide these services.

In reviewing the fiscal impact, it should be remembered that the reason for many of these amendments is the sunset of the CON Program. A proposal to construct either a long term care facility or an ambulatory surgical facility previously had to undergo CON review prior to commencement of their activity. This review involved expenses for the Department in the employment of an

entire division to process and review CON applications. For CON applicants, the actual costs involved the preparation of the application, hiring health care consultants to assist with the CON process, a fee to the Department which could be as much as \$20,000 and the time and resources of the facility's staff. Indirect costs included the time which the facility had to wait until its application went through the often lengthy CON process. Although these proposed amendments will not eliminate all of the costs which health care facilities experienced under CON, the overall effect should be a reduced fiscal impact.

*Paperwork Requirements*

The Department will experience some increase in paperwork related to reviews in processing licensure requests and additional regulatory requirements. In general, there will not be a significant paperwork burden on providers to comply with the expanded licensure requirements.

As with fiscal impact, most of these paperwork requirements should be compared with those previously required under the CON Program. Applicants were required to submit detailed applications which, depending on the health care service proposed to be offered, could be quite lengthy and require extensive documentation.

*Effective Date/Sunset Date*

The proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*.

*Statutory Authority*

Section 803(2) of the act (35 P. S. § 448.803(2)) authorizes the Department to promulgate, after consultation with the Health Policy Board, regulations necessary to carry out the purposes and provisions of the act. Section 801.1 of the act (35 P. S. § 448.801a) provides that a purpose of the act is to promote the public health and welfare through the establishment of regulations setting minimum standards for the operation of health care facilities. The same section provides that the minimum standards are to assure safe, adequate and efficient facilities and services, and are also to promote the health, safety and adequate care of patients or residents of these facilities. These provisions, in combination with the Department's express authority under the definition of "health care facility" in section 802.1 of the act (35 P. S. § 448.802a) employ regulations to create new categories of health care facilities as may be required due to the emergence of new modes of health care, confer upon the Department the necessarily implied authority to employ regulations to restrict certain modes of health care services to specified health care facilities to ensure the health, safety and adequate care of patients.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 3, 1997, a copy of the proposed amendments was submitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department by September 17, 1997 (30 days after the close of the public comment

period). The notification shall specify the regulatory review criteria which have not been met by that portion. The REgulatory Review Act specifies detailed procedures for review prior to final publication of the regulations, by the Department, the General Assembly and the Governor, of objections raised.

**Contact Person**

Interested persons are invited to submit written comments, suggestions or objections to or regarding the proposed amendments within 30 days of the date of publication of this notice in the *Pennsylvania Bulletin*. These comments should be directed to: James T. Steele, Jr., Assistant Counsel, Department of Health, P.O. Box 90, Harrisburg, PA 17108-0090, (717) 783-2500. If you are a person with a disability, comments, suggestions or objections regarding the proposed amendments may also be submitted to Mr. Steele in alternative formats, such as by audio tape, braille or by using TDD: (717) 783-6514. If you are a person with a disability and require an alternative format of this document (that is, large print, audio tape, braille) please contact Mr. Steele so that he can make the necessary arrangements.

DANIEL F. HOFFMANN,  
*Secretary*

**Fiscal Note:** 10-149. (1) General Fund;

		<i>(GGO)</i>
	<i>Revenue</i>	<i>Increased</i>
	<i>Loss</i>	<i>Costs</i>
(2) Implementing Year 1996-97 is	\$750,000	\$10,000
(3) 1st Succeeding Year 1997-98 is	\$750,000	\$10,000
2nd Succeeding Year 1998-99 is	\$750,000	\$10,000
3rd Succeeding Year 1999-00 is	\$750,000	\$10,000
4th Succeeding Year 2000-01 is	\$750,000	\$10,000
5th Succeeding Year 2001-02 is	\$750,000	\$10,000
(4) Fiscal Year 1995-96	\$1.9 million;	Fiscal Year
1994-95	\$1.5 million;	Fiscal Year 1993-94
	\$1.2 million;	
(7) General Government Operations;		(8) recommends
		adoption.

**Annex A**

**TITLE 28. HEALTH AND SAFETY**

**PART IV. HEALTH FACILITIES**

**Subpart [ B ] C. LONG TERM CARE FACILITIES**

**CHAPTER 201. APPLICABILITY, DEFINITIONS, OWNERSHIP AND GENERAL OPERATION ON LONG TERM CARE NURSING FACILITIES**

**GENERAL PROVISIONS**

**§ 201.1. Applicability.**

[ (a) ] \* \* \*

[ (b) Except where minimum standards in this subpart are waived, an existing facility is required to meet the same standards as a facility or section constructed, converted or remodeled in the future. ]

**§ 201.2. [ Exceptions ] Requirements.**

[ (a) The Department may, for good reason, when the health and safety of the patients will not be endangered, grant exceptions to this subpart when the policy objective of this subpart is met. The facility shall request the exceptions in writing. The

reason for granting the exceptions and the time period for the exceptions will be made in writing by the Department and incorporated as part of the permanent record of the nursing facility maintained on file in the Department. A note will be placed on the license when exceptions are granted.

(b) Exceptions may be granted to this subpart for physical plant and environment, if the facility is unable to comply because of structural features which preclude modification and if the health and safety of the patients would not be endangered.

(c) Exceptions will not be granted for a situation for which a provisional license would be appropriate or for § 201.29 (relating to patient rights).

(d) Exceptions will be granted for a fixed period of time not to exceed the expiration date of the license unless otherwise approved by the Department. ]

The Department incorporates by reference Subpart B of the Federal requirements for long term care facilities, 42 CFR 483.1—483.75 (relating to requirements for long term care facilities) as licensing regulations for long term care nursing facilities with the exception of the following sections and subsections:

- (1) Section 483.1 (relating to basis and scope).
- (2) Section 483.5 (relating to definitions).
- (3) Section 483.10(b)(5)(i)(A)(10); (c)(3)(i)(7) and (8); and (o) (relating to level A requirement: Resident rights).
- (4) Section 483.12(a)(1), (b), (c)(1) and (d)(1) and (3) (relating to admission, transfer and discharge rights).
- (5) Section 483.20(b)(1)(i), (4)(ii) and (iii); (c)(1)(ii), (2)—(4); and (f) (relating to resident assessment).
- (6) Section 483.30(b)—(d) (relating to nursing services).
- (7) Section 483.40(e) and (f) (relating to physician services).
- (8) Section 483.55 (relating to dental services).
- (9) Section 483.70(d)(1)(iv) and (3) (relating to physical environment).
- (10) Section 483.75(e), (h) and (p) (relating to administration).

**§ 201.3. Definitions.**

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

**Abuse**—The willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm or pain or mental anguish, or deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental and psychosocial well-being. This presumes that instances of abuse of all residents, even those in a coma, cause physical harm, or pain or mental anguish. The term includes the following:

(i) **Verbal abuse**—Any use of oral, written or gestured language that willfully includes disparaging and derogatory terms to residents or their families, or within their hearing distance, regardless of their

age, ability to comprehend or disability. Examples of verbal abuse include: threats of harm; and saying things to frighten a resident, such as telling a resident that the resident will never be able to see his family again.

(ii) *Sexual abuse*—Includes sexual harassment, sexual coercion or sexual assault.

(iii) *Physical abuse*—Includes hitting, slapping, pinching and kicking. The term also includes controlling behavior through corporal punishment.

(iv) *Mental abuse*—Includes humiliation, harassment, threats of punishment or deprivation.

(v) *Involuntary seclusion*—Separation of a resident from other residents or from his room or confinement to his room (with/without roommates) against the resident's will, or the will of the resident's legal representative. Emergency or short term monitored separation from other residents will not be considered involuntary seclusion and may be permitted if used for a limited period of time as a therapeutic intervention to reduce agitation until professional staff can develop a plan of care to meet the resident's needs.

(vi) *Neglect*—The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health.

\* \* \* \* \*

*Activities coordinator*—A person who meets one of the following requirements:

(i) Is a qualified therapeutic recreation specialist.

(ii) Has 2 years of experience in a social or recreational program, within the last 5 years, 1 year of which was full-time in a resident activities program in a health care setting.

\* \* \* \* \*

*Administrator*—An individual who is charged with the general administration of a [ **nursing** ] facility, whether or not the individual has an ownership interest in the home and whether or not the individual's functions and duties are shared with one or more other individuals. [ **The term applies to skilled and intermediate care facilities.** ] The administrator [ **of an intermediate care facility, a skilled nursing facility or a dual facility** ] shall be currently licensed and registered by the Department of State under the Nursing Home Administrators License Act (63 P. S. §§ 1101—1114.2).

\* \* \* \* \*

*Ambulatory [ **patient** ] resident*—\* \* \*

\* \* \* \* \*

*Authorized person to administer drugs and medications*—Persons qualified to administer drugs and medications in [ **long term care** ] facilities are as follows:

\* \* \* \* \*

*Certified Registered Nurse Practitioner (CRNP)*—\* \* \*

*Charge nurse*—A person designated by the facility who is experienced in nursing service administration and supervision and in areas such as rehabilitative or geriatric nursing or who acquires the preparation through formal staff development programs and who is licensed by the Commonwealth as one of the following:

\* \* \* \* \*

[ (ii) A practical nurse who is a graduate of a Commonwealth recognized school of practical nursing or who has 2 years of appropriate experience following licensure by waiver as a practical nurse and who has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the United States Public Health Service. The determinations of proficiency will not apply with respect to persons initially licensed by a state or seeking initial qualifications as a practical nurse after December 31, 1977. ]

[ (iii) ] (ii) \* \* \*

(iii) A practical nurse who is a graduate of a Commonwealth recognized school of practical nursing or who has 2 years of appropriate experience following licensure by waiver as a practical nurse.

(iv) A practical nurse shall be designated by the facility as a charge nurse only on the night tour of duty in a facility with a census of 59 or less.

*Clinical laboratory*—A place, establishment or institution, organized and operated primarily for the performance of bacteriological, biochemical, hematological, microscopical, serological or parasitological or other tests by the practical application of one or more of the fundamental sciences to material originating from the human body, by the use of specialized apparatus, equipment and methods, for the purpose of obtaining scientific data which may be used as an aid to ascertain the state of health. The tests are conducted using specialized apparatus, equipment and methods, for the purpose of obtaining scientific data which may be used as an aid to ascertain the state of health. [ **The term includes, but is not limited to, independent, hospital, industrial, state, county and municipal laboratories and laboratory facilities operated in private offices and clinics of practitioners of the healing arts except for those issued a Certificate of Exemption.** ]

*Clinical records*—All facility records, whether or not automated, pertaining to a resident, including medical records, social records and records dealing with resident fund accounts.

\* \* \* \* \*

*Dietitian*—A person who [ meets one of the following requirements:

(i) Is eligible for registration by the American Dietetic Association. To be eligible, one of the following shall be met:

(A) *Coordinated undergraduate program*—Completion of clinical and didactic area—Plan III or IV—conferral of the baccalaureate and endorsement of the Program Director.

(B) *Dietetic internship*—Baccalaureate, completion of Plan III or IV requirements, successful completion of the internship and the endorsement of the Program Director.

(C) *Three year preplanned associate membership*—Baccalaureate, completion of Plan III or IV requirements, two endorsements and completion of 3 years of approved experience.

(D) *Master's degree*—Baccalaureate and master's in dietetics or a related field, plus the completion of Plan III or IV requirements, two endorsements and 6 months' full-time—12 months' half-time—experience in the area of dietetics. A half-time graduate

assistantship which includes a variety of experiences related to the practice of dietetics and which has been reviewed by the membership department will also be accepted.

(E) *Doctorate*—Specific requirements are available from the membership department.

(ii) Has a baccalaureate degree with major studies in food and nutrition, dietetics or food service management, has 1 year of supervisory experience in the dietetic service of a health care institution and participates annually in continuing dietetic education. An individual retaining an Associate Membership in ADA meets the educational requirements and shall have 1 year of supervisory experience. A major in food studies means that the person has at least 25 credit hours in food and nutrition, dietetics or food service management. ] is either:

(i) Registered by the Commission on Dietetic Registration of the American Dietetic Association.

(ii) Has appropriate education, training or experience in identification of dietary needs, planning and implementation of dietary programs.

\* \* \* \* \*

[ *Dispenser*—A practitioner or a person who is licensed in this Commonwealth to dispense drugs under the Pharmacy Act (63 P. S. §§ 390-1—390-13). ]

\* \* \* \* \*

*Drug dispensing*—An act by a practitioner or a person who is licensed in this Commonwealth to dispense drugs under the Pharmacy Act (63 P. S. §§ 390-1—390-13) entailing the interpretation of an order for a drug or biological and, under that order, the proper selecting, measuring, labeling, packaging and issuance of the drug or biological for a patient or for a service unit of the facility.

[ *Drugs* ] *Drug or medication*—\* \* \*

*Existing facility*—A long term care nursing facility or section [ of a facility ] thereof which was constructed and licensed as [ a skilled or intermediate care facility or has been approved and is in the process of construction ] such on or before July 1, 1987.

\* \* \* \* \*

*Facility*—A licensed long term care nursing facility [ that provides either skilled or intermediate nursing care or both levels of care to two or more patients, who are unrelated to the nursing home administrator, for a period exceeding 24 hours ] as defined in Chapter 8 of the Health Care Facilities Act (35 P. S. §§ 448.801—448.821).

\* \* \* \* \*

[ *Intermediate care*—Health related care and services, above the level of room and board, provided on a regular basis to resident individuals who do not require hospital or skilled nursing care, but who, because of mental or physical condition, require the services under a plan of care supervised by licensed and qualified personnel. ]

*Interdisciplinary team*—A team including the resident's attending physician, a registered nurse with responsibility for the resident and other appropriate staff in disciplines as determined by the resi-

dent's needs, and to the extent practicable, the participation of the resident, the resident's family or the resident's legal representative.

\* \* \* \* \*

[ *Long term care nursing facility*—A facility that provides either skilled or intermediate nursing care or both levels of care to two or more patients, who are unrelated to the nursing home administrator, for a period exceeding 24 hours. ]

*Mantoux tuberculin skin test* [ (*intermediate strength*)—Intracutaneous ] The intradermal injection of 0.1 ml of PPD—tuberculin containing 5 tuberculin units (TU), using a [ 26 or 27 gauge needle with a ] disposable tuberculin syringe.

[ *Medical record practitioner*—A person who meets one of the following requirements:

(i) Is eligible for certification as a registered record administrator (RRA), or an accredited record technician (ART), by the American Medical Record Association under its requirements in effect January 4, 1975.

(ii) Is a graduate of a school of medical record science that is accredited jointly by the Council on Medical Education of the American Medical Association and the American Medical Record Association.

*Medication*—A substance meeting one of the following qualifications:

(i) Is recognized in the official United States Pharmacopeia, or official National Formulary or a supplement to either of them.

(ii) Is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals.

(iii) Is other than food and intended to affect the structure or a function of the human body or other animal body.

(iv) Is intended for use as a component of an article specified in subparagraphs (i), (ii) or (iii), but not including devices or their components, parts or accessories. ]

\* \* \* \* \*

*Nonambulatory* [ *patient* ] *resident*—A [ *patient* ] resident who is not physically [ and ] or mentally capable of getting in and out of bed and walking a normal path to safety in a reasonable period of time, including the ascent and descent of stairs, without the aid of another person.

\* \* \* \* \*

*Nurse aide*—A person who does not possess a license to practice professional or practical nursing in this Commonwealth, but has received training on the job or through other planned nursing programs [ to enable him ] to perform nursing care functions which do not require the skills and judgment of a professional or practical nurse [ , or both ].

\* \* \* \* \*

*Nursing service personnel*—Registered nurses, licensed practical nurses [ , ] and nurse aides [ and orderlies ].

\* \* \* \* \*

[ *Patient abuse*—The occurrence of any of the following acts:

(i) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.

(ii) The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health.

(iii) Sexual harassment, rape or abuse as defined in section 2 of the Protection from Abuse Act (35 P. S. § 10182) (Repealed).

*Patient activities coordinator*—A person who meets one of the following requirements:

(i) Is a qualified therapeutic recreation specialist.

(ii) Has 2 years of experience in a social or recreational program, within the last 5 years, 1 year of which was full-time in a patient activities program in a health care setting.

*Patient or resident*—A person who is admitted to a long term care nursing facility for observation, treatment or care for illness, disease, injury or other disability. ]

\* \* \* \* \*

*Prescription*—A written or verbal order for drugs issued by a licensed medical practitioner in the course of his professional practice.

\* \* \* \* \*

*Resident*—A person who is admitted to a licensed long term care nursing facility for observation, treatment, or care for illness, disease, injury or other disability.

*Residential unit*—A section or area where persons [ not requiring nursing care or nursing supervision are residing ] reside who do not require long term nursing facility care.

*Responsible person*—A person who is not an employe of the facility and is responsible for making decisions on behalf of the [ patient ] resident. The person shall be so designated by the [ patient ] resident or the court and documentation shall be available on the [ patient's medicine ] resident's clinical record to this effect. An employe of the facility will be permitted to be a responsible person only if appointed the [ patient's ] resident's legal guardian by the court.

*Restraint*—[ An apparatus, article, device or garment applied to a patient which interferes with the free movement of the patient and which cannot easily be removed by the patient. ] A restraint can be physical or chemical. A physical restraint includes any apparatus, appliance, device or garment applied to or adjacent to a resident's body, which restricts or diminishes the resident's level of independence or freedom. A chemical restraint includes psychopharmacologic drugs that are used for discipline or convenience and not required to treat medical symptoms.

[ *Serious violation*—An action which poses a significant threat to the health of patients. ]

*Skilled or intermediate nursing care*—Professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours

to an individual not in need of hospitalization, but whose needs are [ such that they ] above the level of room and board and can only be met in a long term care nursing facility on an inpatient basis [ , and who needs the care ] because of age, illness, disease, injury, convalescence or physical or mental infirmity. The term includes the provision of [ daily ] inpatient services that are needed on a daily basis by the [ patient ] resident, ordered by and provided under the direction of a physician, and which require the skills of [ and are furnished directly by or under the supervision of technical or ] professional personnel, such as, [ but not limited to, ] registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists. [ The care would include skilled nursing, skilled rehabilitation or a personal care service that because of a special medical complication of the patient require that the personal care services be performed by or under the direct supervision of skilled nursing or rehabilitative personnel. ]

*Social worker*—[ A graduate of a school of social work approved by the Council on Social Work Education prior to July 1, 1975 or accredited by the Council on Social Work Education who has 1 year of social work experience in a health care setting ] An individual with the following qualifications:

(i) A bachelor's degree in social work or a bachelor's degree in a human services field including sociology, special education, rehabilitation counseling and psychology.

(ii) One year of supervised social work experience in a health care setting working directly with individuals.

\* \* \* \* \*

[ *Therapeutic recreation specialists*—A person licensed or registered, if applicable, by the state in which practicing, and eligible for registration as a therapeutic recreation specialist by the National Therapeutic Recreation Society—Branch of National Recreation and Park Association—under its requirements in effect on January 4, 1975. ]

**OWNERSHIP AND MANAGEMENT**

**§ 201.12. Application for license.**

\* \* \* \* \*

(b) [ If required by the Department, Division of Need Review, the facility shall have an approved certificate of need.

(c) ] \* \* \*

\* \* \* \* \*

**§ 201.13. Issuance of license.**

(a) No person may maintain or operate a facility for skilled or intermediate care [ patients ] residents without first obtaining a license issued by the Department.

\* \* \* \* \*

(c) The required fee for a license is:

Regular Licenses (new or renewal) . . . . . [ \$100 ]\$250

Each inpatient bed in excess of 75 beds . . . \$2[ .00 ]

[ <b>First</b> ] Provisional I License .....	[ <b>100</b> ]\$400
Each inpatient bed .....	[ <b>2.00</b> ]\$4
[ <b>Second</b> ] Provisional II License .....	[ <b>200</b> ]\$600
Each inpatient bed .....	[ <b>2.00</b> ]\$6
[ <b>Third</b> ] Provisional III License .....	[ <b>300</b> ]\$800
Each inpatient bed .....	[ <b>2.00</b> ]\$8
[ <b>Fourth</b> ] Provisional IV License .....	[ <b>400</b> ]\$1,000
Each inpatient bed .....	[ <b>2.00</b> ]\$10

\* \* \* \* \*

§ 201.14. Responsibility of licensee.

\* \* \* \* \*

(c) The licensee [ or ] through the administrator shall [ immediately ] report [ in writing ] to the [ Department's Long Term Care Field Office ] appropriate Nursing Care Facilities field office serious incidents involving [ patients ] residents, including [ but not limited to ] the following:

- (1) Deaths due to injuries, accidents or suicide.
- (2) Deaths occurring in the facility or following a hospital admission, due to malnutrition [ or ], dehydration or sepsis.
- (3) Elopements[ , that is, when a patient leaves the facility without the knowledge of the facility ].
- (4) Transfers or admissions to hospitals as a result of injuries or accidents.
- (5) Complaints of [ patient ] resident abuse whether or not confirmed by the facility.
- (6) Temporary disruptions of services due to a disaster such as a fire, storm, flood or other interruption of services which affect the health and safety of residents. Fires, regardless of whether services are disrupted, shall be reported to the appropriate Division of Nursing Care Facilities field office.
- (d) [ The Department's Long Term Care Field Office shall be notified if services in the facility are temporarily disrupted due to a disaster, such as fire, storm, flood or other interruption of services which affect the health and safety of the patients. Fires, regardless of whether services are disrupted, shall be reported to the Department's Long Term Care Field Office ] The administrator shall notify the Department as soon as possible within 24 hours of the incidents listed in subsection (c).

(e) Upon receipt of a strike notice, the licensee or administrator shall promptly notify the [ Department's Long Term ] appropriate Division of Nursing Care [ Field Office ] Facilities field office and keep the Department apprised of the strike status and the measures being taken to provide [ patient ] resident care during the strike.

\* \* \* \* \*

§ 201.15. Restrictions on license.

\* \* \* \* \*

(c) [ A serious violation of this subpart may result in the nonissuance, nonrenewal or revocation of a license.

(d) [ A final order or determination by the Department relating to licensure may be appealed by the provider of services to the [ State Health Facility Hearing Board under section 805 of the act (35 P. S. § 448.805). The issuance of a provisional license may also be appealed ] Health Policy Board under section 2102(n) of The Administrative Code of 1929 (71 P. S. § 532(n)).

§ 201.16 [ Change in ownership, structure or name ] (Reserved).

[ (a) The Department shall be notified in writing at least 90 days in advance of a potential change in ownership, licensee or name of the facility. The license is not transferable without prior approval of the Department.

(b) If a license is issued to a partnership and one or more of the partners dies, the executor or administrator of the deceased's estate, together with the surviving partner, may apply for a license. A complete list of names and addresses of the administrator and partners responsible for the management of the facility shall be submitted with the application.

(c) If a person dies who was the sole owner of a facility, the executor or administrator of the estate may apply for, and the Department may grant, a license for the facility.

(d) The terms "hospital," "medicare," "Medicaid," "extended care," "intensive care," "convalescent home," "skilled nursing home," "intermediate care facility" or "long term care nursing facility" may not be used as a part of, or within the name of the facility, unless the facility has had prior approval by the Department that the facility is in fact providing the care.

(e) The Department shall be notified in writing if there is a transfer of stock of 5% or more. This notification shall be made within 30 days of the effective date of the change.

(f) A corporation shall file an exact copy of the articles of incorporation with the Division of Long Term Care.

(g) Copies of a fictitious name approval and a charter approval, if applicable, shall be filed with the Division of Long Term Care. ]

§ 201.18. Management.

\* \* \* \* \*

(b) The governing body shall adopt and enforce rules relative to:

- (1) The health care and safety of the [ patients ] residents.
- (2) Protection of personal and property rights of the [ patients ] residents, while in the facility, and upon discharge or after death.

\* \* \* \* \*

(e) [ The governing body shall cooperate in an effective program which provides for a regular evaluation of the patients in the facility by person-



**nel of the Department to the extent required by the programs in which the facility participates.**

**(f)** The governing body shall appoint a full-time administrator who is currently licensed and registered in this Commonwealth and who is responsible for the overall management of the facility. The Department may, by exception, permit a long term care facility of 25 beds or less to share the services of an administrator in keeping with section 3(b) of the Nursing Home Administrators License Act (63 P.S. § 1103(b)). The sharing of an administrator shall be limited to two facilities. The schedule of the currently licensed administrator shall be publicly posted in each facility. The administrator's responsibilities shall include, **[ but not be limited to, ]** the following:

(1) Enforcing the regulations relative to the level of health care and safety of **[ patients ] residents** and to the protection of their personal and property rights.

\* \* \* \* \*

(7) Developing a written plan to assure the continuity of **[ patient ] resident** care and services in the event of a strike.

**[(g) The governing body shall develop a written institutional plan that reflects the operating budget and capital expenditures plan that meets the following requirements:**

**(1) Provides for an annual operating budget which includes anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items. Nothing in this paragraph requires that there be prepared, in connection with a budget, an item-by-item identification of the components of each type of anticipated expenditure or income.**

**(2) Provides for an annual capital expenditure plan which includes and identifies in detail the anticipated sources of financing for the objectives of each anticipated expenditures related to the acquisition of land; the improvement of land, buildings and equipment; and the replacement, modernization and expansion of the buildings and equipment which would, under generally accepted accounting principles, be considered capital items.**

**(3) Is prepared, under the direction of the governing body of the institution, by a committee consisting of representatives of the governing body, the administrative staff and the organized medical staff of the institution, if any.**

**(h) [(f) A written record shall be maintained on a current basis for each [ patient ] resident with written receipts for personal possessions and funds received or deposited with the facility and for expenditures and disbursements made on behalf of the patient. The record shall be available for review by the patient or patient's responsible person upon request.**

**[(i) (g) The governing body shall disclose, upon request, to be made available to the public, the licensee's current daily [ cost ] reimbursement under Blue Cross, Medical Assistance and Medicare as well as the average daily charge to other insured and noninsured private pay [ patients ] residents.**

**[(j) If] (h) When the facility accepts the responsibility for the [ patient's ] resident's financial affairs, the**

**[ patient ] resident or [ patient's ] resident's responsible person shall designate, in writing, the transfer of the responsibility. [ Further, the ] The facility shall [ establish and maintain policies and procedures that:**

**(1) Assure a complete written account of each patient's personal funds is given to the patient or patient's responsible person at least quarterly. A current accounting report shall be available for review upon reasonable request of the patient or patient's responsible person.**

**(2) Prohibit the commingling of patient funds with facility funds.**

**(3) Allocate investment income, if any is earned on patients' funds, to the patients' accounts.**

**(4) Transfer the patient's funds, in the event of the patient's death, to the patient's estate or person designated in writing by the patient.**

**(5) Notify the patient of the location and account number of the account; designate this account as the patient fund account at the financial institution, if one is used.**

**(6) Provide ] provide the [ patients ] residents with access to their money within [ 7 ] 3 bank business days of the request and in the form—cash or check—requested by the [ patient ] resident.**

**§ 201.19. Personnel policies and procedures.**

**[(a) The governing body, through the administrator, is responsible for implementing and maintaining written personnel policies, procedures and job descriptions that support sound patient care and personnel practices.**

**(b) ] Personnel records shall be kept current and available for each employe and contain sufficient information to support placement in the position to which assigned.**

**[(c) Written policies for control of communicable disease shall be in effect to ensure that employes with symptoms of communicable disease or infected skin lesions are not permitted to work.**

**(d) Incidents and accidents to patients, personnel and visitors shall be reviewed by the administrator to identify health and safety hazards and to correct or eliminate the hazards as quickly as possible.**

**(e) A potential employe who will work in the facility shall have a pre-employment examination to determine that the employe is free of communicable diseases in the communicable stage and is able to function in the capacity in which application is made. The physical examination shall be completed and the report shall be available within 48 hours after the employe reports for work. If the information required in this subsection was completed by a physician within the 30 days prior to the employment date, it shall be acceptable.**

**(f) The pre-employment physical examination shall be completed by a physician currently licensed to practice in this Commonwealth.**

**(g) An employe shall be in acceptable physical condition as certified by a written statement issued by the examining physician. The statement shall indicate that the individual is free from communicable diseases in the communicable state and from**

health handicaps which might disqualify the employe from the position which is being sought for employment.

(h) The employe shall have a pre-employment intermediate strength tuberculin skin test—Mantoux. Mantoux positive reactors shall have a pre-employment X-ray and evaluation for appropriate therapy. Persons with a history of a positive Mantoux reaction may have a chest X-ray instead of Mantoux test.

(i) A written report issued by a physician, hospital or agency, of a tuberculin skin test is required. If the test is positive, a chest X-ray, completed within the past 60 days, shall be considered as meeting the requirement as stated in this section. The report shall be available in the facility before employment.

(j) An employe shall be treated or referred for treatment as necessary.

(k) There shall be written policies that provide for registration of employe complaints with the Department or other agencies without threat of reprisal. ]

§ 201.20. Staff development.

(a) There shall be an ongoing coordinated educational program which is planned and conducted for the development and improvement of skills of the facility's personnel, including training related to problems [ and ], needs and rights of the [ patients ] residents.

\* \* \* \* \*

(c) There shall be at least annual inservice training which includes at least infection prevention and control, fire prevention and safety, accident prevention, disaster preparedness, [ patient ] resident confidential information, [ patient ] resident psychosocial needs, restorative nursing techniques and [ patient ] resident dignity preservation, including the [ patient's ] resident's protection of privacy and personal property rights.

\* \* \* \* \*

§ 201.21. Use of outside resources.

\* \* \* \* \*

(b) If the facility does not employ a qualified professional person to render a specific service to be provided by the facility, it shall make arrangements to have the service provided by an outside resource, a person or agency that will render direct service to [ patients ] residents or act as a consultant to the facility.

\* \* \* \* \*

(d) [ The outside resource, when acting as a consultant, shall apprise the administrator of recommendations, plans for implementation and continuing assessment through dated, signed reports which are retained by the administrator for follow-up action and evaluation of performance.

(e) ] Outside resources supplying temporary employes to a facility shall provide the facility with documentation of an employe's health status as required under § [ 201.19(e)—(j) ] 201.22(c)—(j) and (l)—(m) (relating to [ personnel policies and procedures ] prevention, control and surveillance of tuberculosis (TB)).

§ 201.22. [ Notification of change in patient status ] Prevention, control and surveillance of tuberculosis (TB).

(a) [ The facility shall have written policies and procedures which relate to notification of the patient's attending physician and other responsible persons in the event of significant changes in the patient's physical, mental or emotional status, or patient's charges, billing and related administrative matters. ] The facility shall have a written TB infection control plan with established protocols which address risk assessment and management, screening and surveillance methods, identification, evaluation and treatment of residents who have a possible TB infection or active TB.

(b) [ Except in a medical emergency, a patient may not be transferred or discharged nor shall treatment be altered radically without consultation with the patient, or if the patient appears to be mentally incapacitated, without prior notification of the patient's responsible person. ] Recommendations of the Centers for Disease Control (CDC), United States Department of Health and Human Services (HHS) shall be followed in treating and managing persons with confirmed or suspected TB.

(c) A baseline TB status shall be obtained on the residents and employes in the facility.

(d) The Mantoux tuberculin skin test is to be used whenever skin testing is done. This consists of an intradermal injection of 0.1 ml of purified protein derivative (PPD) tuberculin containing 5 tuberculin units (TU) using a disposable tuberculin syringe.

(e) The 2-step Mantoux tuberculin skin test shall be the method used for initial testing of residents and employes. If the first test is positive, consider the person infected. If the first test is negative, a second test should be administered in 1—3 weeks. If the second test is positive, consider the person previously infected. If the second test result is negative, the person is to be classified as uninfected.

(f) Persons with reactions of ≥ 10 mm or persons with symptoms suggestive of TB regardless of the size of the test reaction, shall be referred for further diagnostic studies in accordance with CDC recommendations.

(g) A written report of test results shall be maintained in the facility for each individual, irrespective of where the test is performed. Reactions shall be recorded in millimeters of induration, even those classified as negative. If no induration is found, "0 mm" is to be recorded.

(h) Skin test negative employes and volunteers having regular contact of 10 or more hours with residents shall have repeat Mantoux tuberculin skin tests at intervals determined by the risk of transmission in the facility. The existing CDC protocol for conducting a TB risk assessment in a health care facility shall be used to establish the risk of transmission.

(i) Repeat skin tests shall be required for tuberculin-negative employes and residents after any suspected exposure to a documented case of active TB.

(j) New employes shall have the Mantoux skin test before beginning employment unless there is

documentation of a previous positive skin reaction. Test results shall be made available prior to assumption of job responsibilities.

(k) The Mantoux tuberculin skin test shall be administered to new residents upon admission, unless there is documentation of a previous positive Mantoux test.

(l) New Mantoux positive reactors (converters) and persons with documentation of a previous positive reaction, shall be referred for further diagnostic testing and treatment in accordance with current standards of practice.

(m) If a chest X-ray is compatible with active TB, the individual shall be excluded from the workplace until a diagnosis of active TB is ruled out or a diagnosis of active TB is established and a determination made that the individual is considered to be noninfectious. A statement from a physician stating the individual is noninfectious shall be required.

(n) A resident with a diagnosis of TB may be admitted to the facility if:

(1) Three consecutive daily sputum smears have been negative for acid-fast bacilli.

(2) The individual has received appropriate treatment for at least 2—3 weeks.

(3) Clinical response to therapy, as documented by a physician, has been favorable.

§ 201.23. Closure of facility.

(a) The administrator or owner shall notify the [ Long Term ] appropriate Division of Nursing Care Facilities [ Field Office ] field office at least 90 days prior to closure.

(b) If the facility is to be closed, the licensee shall notify the [ patient ] resident or the [ patient's ] resident's responsible person in writing.

(c) Sufficient time shall be given to the [ patient ] resident or the [ patient's ] resident's responsible person to effect an orderly transfer [ as required in § 201.25(b) (relating to discharge policy) ].

(d) No [ patient ] resident in a facility may be required to leave the facility prior to 30 days following receipt of a written notice from the licensee of the intent to close the facility, except in cases where the Department determines that removal of the [ patient ] resident at an earlier time is necessary for health and safety.

(e) If an orderly transfer of the [ patients ] residents cannot be safely effected within 30 days, the Department may require the facility to remain open an additional 30 days.

(f) The Department is permitted to monitor the transfer of [ patients ] residents.

\* \* \* \* \*

§ 201.24. [ Admission policy ] (Reserved).

[ (a) The patient may be permitted to name a responsible person; however, the patient is not required to name a responsible person if the patient is capable of managing his own affairs. The patient's responsible person may not be named the patient's financial guarantor unless this is specifically agreed upon in writing.

(b) A long term care facility may not obtain from or on behalf of patients a release from liabilities or duties imposed by law or this chapter and Chapters 203—211 except as part of formal settlement in litigation.

(c) A long term care facility shall admit only patients whose nursing care and physical needs can be provided by the staff and facility.

(d) A patient with a disease in the communicable stage may not be admitted to the facility unless it is deemed advisable by the attending physician—medical director, if applicable—and administrator and unless the facility has the capability to care for the needs of the patient.

(e) A patient who in the opinion of a qualified physician, is not infectious and is receiving appropriate antituberculosis chemotherapy may be admitted to the facility. ]

§ 201.25. [ Discharge policy ] (Reserved).

[ (a) There shall be a centralized coordinated discharge plan to ensure that the patient has a program of needed continuing care after discharge from the facility. The plan shall be developed within 7 days of admission and shall be an integral part of the patient care plan.

(b) Except in an emergency, a patient may not be transferred or discharged from the facility without prior notification. The patient and the patient's responsible person shall receive written notification in reasonable advance of the impending discharge. Reasonable advance notice shall be interpreted to mean 30 days unless appropriate plans can be implemented. The actions shall be documented on the patient record. Suitable clinical notes, list of orders and medications as directed by the attending physician shall accompany the patient if the patient is sent to another medical facility.

(c) Unless the discharge is initiated by the patient or patient's responsible person, the facility is responsible to assure that appropriate arrangements are made for a safe and orderly transfer and that the patient is transferred to an appropriate place that is capable of meeting the patient's needs.

(d) Discharges shall be consistent with the requirements of § 201.29(h) (relating to patient rights).

(e) A patient who becomes mentally disturbed after admission and exhibits behavior which may cause injury to himself or others may be treated in the facility by appropriate medical management and supervision. If, in the opinion of the attending physician, the patient cannot be managed, immediate arrangements shall be made by the attending physician for the transfer of the patient to an appropriate facility at the earliest practical time. The current facility is responsible for the health and safety of the patient and for arranging the safe and orderly transfer of the patient.

(f) If, in the opinion of the attending physician, changes occur in the patient's condition, which require services or a level of care that the facility is not presently providing to its patients, arrangements shall be made to have the patient transferred as soon as possible to another appropriate facility

which can care for the patient. The current facility shall maintain the patient with adequate care until appropriate arrangements can be made. The patient and patient's responsible person shall be notified of the need for transfer.

(g) When a patient's condition changes, it is not necessary to transfer a patient within or between facilities when, in the opinion of the attending physician, the transfer may be harmful to the physical and mental health of the patient. The physical shall document accordingly on the patient's record. ]

**§ 201.26. Power of attorney.**

Power of attorney may not be assumed for a [ patient ] resident by the licensee, owner/operator, members of the governing body, an employe or anyone having a financial interest in the facility unless ordered by a court of competent jurisdiction.

**§ 201.27. [ Advertisement of special services ] (Reserved).**

[ A facility may not advertise special services offered unless the service is under the direction and supervision of personnel trained or educated in that particular special service, such as, rehabilitation or physical therapy by a registered physical therapist; occupational therapy by a registered occupational therapist; skilled nursing care by registered nurses; special diets by a dietitian; or special foods. ]

**§ 201.28. [ Nondiscriminatory policy ] (Reserved).**

[ (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000e—2000e-17) and the Pennsylvania Human Relations Act (43 P.S. §§ 951—962.2) apply in the following manner:

(1) There shall be a nondiscriminatory policy of the institution which shall apply to patients, physicians and employes. Under no circumstances will the application of this policy result in the segregation or resegregation of buildings, wings, floors and rooms for reasons of race, color, national origin, ancestry, age, sex, religious creed, or handicap or disability.

(2) Specifically, the nondiscriminatory policy shall include, but not be limited to, the following:

- (i) Inpatient or outpatient admission or care.
- (ii) Assigning patients to rooms, floors and sections.
- (iii) Asking patients about roommate preferences.
- (iv) Assigning employes to patient services.
- (v) Staff privileges of professionally qualified personnel.
- (vi) Utilization of facilities of the institution.

(vii) Transfer of patients from the rooms assigned or selected. A patient may request to upgrade the room assigned or selected for any reason if the room requested is readily available and the patient is financially able to pay for the requested room.

(3) Under the Civil Rights Act of 1964 (42 U.S.C.A. §§ 1971—2000h-6) and the Pennsylvania Human Relations Act, a facility is required to comply with and sign the following statement:

"This facility has agreed to comply with the provisions of the Federal Civil Rights Act of 1964, and the Pennsylvania Human Relations Act, (43 P.S. §§ 951—962.2) and all requirements imposed pursuant thereto, to the end that no person shall, on the grounds of race, color, national origin, ancestry, age, sex, or religious creed, or handicap or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination in the provision of any care or service."

(4) This subsection is subject to § 201.24 (relating to admission policy).

(5) A facility which is operated, supervised or controlled by a religious organization may delete references relating to religious creed.

(b) Segregation of patients is not permitted based on source of payment except as necessary to obtain third party reimbursement or when optional services are being purchased by the patient.

(c) The following records shall be maintained by a facility to show compliance with the statutes cited in subsection (a). These records shall be available for review by the Department:

(1) A signed and dated copy of the facility's admission policy, including the date of its adoption, which shall set forth in clear terms nondiscriminatory practices with regard to race, color, creed, ancestry, age, sex, national origin or handicap or disability, subject to § 201.24.

(2) Copies of a signed and dated annual notification to referral agencies, such as physicians, social workers, hospitals and minority groups, who have been advised of the admission policy.

(3) A copy of a signed and dated annual notification and description of the continuing method used to inform employes of the nondiscriminatory policies.

(4) Evidence that the nondiscriminatory practices of the facility have been publicized in the community at least once every 3 years by one of the following methods:

- (i) Newspapers.
- (ii) Radio.
- (iii) Television.
- (iv) Yellow pages.
- (v) Brochure.

(5) Other records or reports as may be required by the Department.

(d) Copies of the facility's nondiscriminatory policy shall be posted in locations accessible to the facility's staff and the general public.

(e) The administrator shall forward to the Department a signed and dated copy of nondiscriminatory policy changes within 30 days of the effective date of the changes. ]

**§ 201.29. [ Patient ] Resident rights.**

(a) [ The governing body of the facility shall establish written policies regarding the rights and responsibilities of patients and, through the administrator, shall be responsible for development of and adherence to procedures implementing the policies.

(b) The policies and procedures shall be made available to patients, guardians, next of kin, a sponsoring agency or a responsible person.

(c) Policies of the facility shall be available to staff, patients, consumer groups and the interested public, including a written outline of the facility's objectives and a statement of the rights of its patients. The policies shall set forth the rights of the patient and prohibit mistreatment and abuse of the patient.

(d) ] The staff of the facility shall be trained and involved in the implementation of the policies and procedures.

[ (e) ] (b) The [ patient ] resident and [ patient's ] resident's responsible person, or in the case of a Medical Assistance recipient, the recipient [ and the relevant County Board of Assistance ] in the absence of a [ patient's ] resident's responsible person, shall be informed verbally and in writing prior to, or at the time of admission, of services available in the facility and of charges. If changes in the charges occur during the patient's stay, the patient shall be advised verbally and in writing reasonably in advance of the change. "Reasonably in advance" shall be interpreted to be 30 days unless circumstances dictate otherwise. If a facility requires a security deposit, the written procedure or contract that is given to the patient or patient's responsible person shall indicate how the deposit will be used and the terms for the return of the money. A security deposit is not required for a patient receiving Medical Assistance.

[ (f) The patient shall be fully informed, as evidenced by the patient's written acknowledgment, prior to or at the time of admission and during stay of the rights and of regulations governing patient conduct and responsibilities.

(g) The physician shall inform the patient of his medical condition unless it is medically contraindicated, as documented in the medical record. The patient shall be afforded the opportunity to participate in the planning of his medical treatment. The patient has the right to refuse treatment, to the extent permitted by law.

(h) ] (c) The [ patient ] resident shall be transferred or discharged only for medical reasons, for his welfare or that of other [ patients ] residents or for nonpayment of stay if the facility has demonstrated reasonable effort to collect the debt. Except in an emergency, a resident may not be transferred or discharged from the facility without prior notification. The resident and the resident's responsible person shall receive written notification in reasonable advance of the impending transfer or discharge. Reasonable advance notice shall be interpreted to mean 30 days unless appropriate plans can be implemented. The actions shall be documented on the resident record. Suitable clinical notes, list of orders and medications as directed by the attending physician shall accompany the resident if the resident is sent to another medical facility.

(d) Unless the discharge is initiated by the resident or resident's responsible person, the facility is responsible to assure that appropriate arrangements are made for a safe and orderly transfer and that the resident is transferred to an appropriate place that is capable of meeting the resident's needs.

[ (i) The patient shall be encouraged and assisted throughout the period of stay to exercise his rights as a patient and as a citizen and may voice grievances and recommend changes in policies and services to the facility staff or to outside representatives of his choice. The patient or patient's responsible person shall be made aware of the Governor's Action Line (toll free (800) 932-0784) and the Department's Hot Line (800) 692-7254), and the telephone number of the Long Term Care Ombudsman Program located within the Local Area Agency on Aging, and the local Legal Services Program to which the patient may address grievances. A facility is required to post the ombudsman poster in a prominent location.

(j) The patient shall be free from interference, coercion, discrimination or reprisal.

(k) A patient may manage his personal financial affairs.

(l) If the facility accepts the responsibility for the financial affairs of the patient, the patient or responsible person shall designate the transfer of responsibility in writing. The facility shall establish and maintain written policies and procedures that:

(1) Assure that a full accounting of a patient's personal funds is given in writing to the patient or the responsible person at least quarterly.

(2) Prohibit the commingling of a patient's funds with facility funds.

(m) The patient shall be free from mental and physical abuse and free from chemical and, except in emergencies, physical restraints except as authorized in writing by a physician for a specified and limited period of time or when it is necessary to protect the patient from injury to the patient or to others.

(n) The patient shall be assured confidential treatment of the personal and medical records and may approve or refuse their release to an individual outside the facility, except in case of a transfer to another health care institution or as required by statute or third party payment contract.

(o) The patient shall be treated with consideration, respect and full recognition of dignity and individuality, including privacy in treatment and in care for the necessary personal and social needs.

(p) The patient may not be required to perform services for the facility that are not included for therapeutic purposes in the plan of care and agreed to by the patient.

(q) The patient shall be permitted to associate and communicate privately with persons of choice. The patient shall be permitted to send and receive personal mail unopened. Facility staff may assist the patient in sending or receiving personal mail if the patient requests assistance.

(r) The patient shall be permitted, unless medically contraindicated, to participate in social and religious activities without interference from the administrator or the facility staff except as noted in § 201.30 (relating to access requirements).

(s) The patient shall be permitted to meet with community groups unless medically contraindicated, as documented by the physician in the medical record.

(t) The patient shall be permitted to retain and use personal clothing and possessions as space permits unless to do so would infringe upon rights of other patients and unless medically contraindicated, as documented by his physician in the medical record. Reasonable provisions shall be made for the proper handling of personal clothing and possessions that are retained in the facility. The patient shall have access and use of these belongings.

(u) A patient shall be afforded an opportunity to meet in private with visitors or persons of choice.

(v) The rights and responsibilities specified in subsections (f)—(i) and (k) devolve to the patient's responsible person in the following instances:

(1) A patient adjudicated incompetent under Commonwealth statutes.

(2) A patient found by his physician to be medically incapable of understanding his rights.

(3) A patient who is unable to communicate in any way.

(w) ] (e) The [ patient ] resident rights in this section shall be reflected in the policies and procedures of the facility.

[ (x) This section shall be posted in a conspicuous place near the entrances and on each floor of the facility. The facility shall post in a conspicuous place near the entrances and on each floor of the facility a notice which sets forth the policy intent of this section. The facility shall on admission provide a patient or patient's responsible person with a personal copy of the notice. In the case of a patient who cannot read, write or understand English, arrangements shall be made to communicate this policy to the patient. A certificate of the provision of personal notice as required in this section shall be entered in the patient's medical record.

(y) No experimental research or treatment in a nursing home shall be carried out without the approval of the Department and without the written approval of the patient after full disclosure. For the purposes of this subsection, "experimental research" means an experimental treatment or procedure that:

(1) Is not a generally accepted practice in the medical community.

(2) Exposes the patients to pain, injury, invasion of privacy or asks the patient to surrender their autonomy, such as a drug study. ]

#### § 201.30. Access requirements.

(a) [ Areas of the facility are subject to inspection and review by authorized representatives of the Department.

(b) Visiting hours shall consist of a minimum of 8 hours per day during the period between 8 a.m. and 8 p.m.

(c) A notice listing the visiting hours shall be posted in a conspicuous and public place.

(d) The facility shall permit members of recognized community organizations, representatives of community legal service programs and representatives of the Department of Aging Ombudsman Program, whose purpose includes rendering assistance

without charge to patients to have access to the facility. Ombudsman or advocate representatives shall be permitted freedom to see and talk with patients in private if the patients so desire. The purpose of the visits may be to:

(1) Visit, talk with and make personal, social and legal services available to patients.

(2) Inform patients of their rights and entitlements and corresponding obligations, under Federal and State statutes by means of distribution of educational materials and discussion in groups and with individual patients.

(3) Assist patients in asserting their legal rights regarding claims for public assistance, medical assistance and Social Security benefits, as well as in other matters in which patients are aggrieved. Assistance may be provided individually, as well as on a group basis, and may include organizational activity as well as counseling and litigation.

(4) Engage in other methods of assisting, advising and representing patients so as to extend to them the opportunity to fully exercise their rights.

(e) The facility may limit access where it may be a detriment to the care and well-being of the patient in the facility. The facility may not restrict the right of the patient to have legal representation or to visit the representatives of the Department of Aging Ombudsman Program.

(f) ] A person entering a facility who has not been invited by [ patients ] residents or [ patients' ] residents' responsible persons under [ subsection (d) ] shall promptly advise the administrator or other available agent of the facility of his presence. The person may not enter the living area of a [ patient ] resident without identifying themselves to the [ patient ] resident and without receiving the [ patient's ] resident's permission to enter.

[ (g) An individual patient has the right to terminate a visit by persons having access under subsection (d). Communication between a patient and the person shall be confidential unless the patient authorizes the release of information.

(h) ] (b) The facility shall post in a conspicuous place near the entrances and on each floor of the facility a notice [ which sets forth the policy intent of § 201.29 (relating to patient rights) ] informing residents of their rights. The facility shall on admission provide a [ patient ] resident or [ patient's ] resident's responsible person with a personal copy of the notice. If a [ patient ] resident cannot read, write or understand English, arrangements shall be made to communicate this policy to the [ patient ] resident. A certificate of the provision of personal notice as required in this section shall be entered in the [ patient's medical ] resident's clinical record.

[ (i) This section may not be construed to restrict a right or privilege of a nursing home patient to receive visitors who are not representative of community organizations or legal services programs.

(j) A patient shall be permitted to meet in private with clergy or with a representative of the clergy during the normal visiting hours. Upon request of the patient or patient's family, the patient shall be

permitted to meet with clergy or a representative of the clergy at any time. ]

§ 201.31. Transfer agreement.

(a) [ The nursing facility shall have in effect a transfer agreement with one or more hospitals, reasonably close, which provides the basis for effective working arrangements. Under the agreement, inpatient hospital care or other hospital services shall be promptly available to the facility's patients when needed.

(b) ] A hospital and a facility are considered to have a transfer agreement in effect if, by reason of a written agreement between them or, in the case of two institutions under common control, by reason of a written undertaking by the person or body which controls them, there is reasonable assurance that[ :

(1) A transfer of patients will be effected between the other health facility and the nursing facility, ensuring timely admission, whenever the transfer is medically appropriate as determined by the attending physician.

(2) There will be interchange of medical and other information necessary or useful in the care and treatment of individuals transferred between the institutions, or in determining whether the individuals can be adequately cared for other than in either of the institutions.

(3) There ] there will be arrangements made for the transfer of personal effects, particularly money and valuables, and for the transfer of information related to these items when necessary.

[ (c) A nursing facility which does not have an agreement in effect, but which is found by the Department to have attempted in good faith to enter into an agreement with a hospital or other related health care facility located sufficiently close to the facility to make feasible the transfer of patients and the information referred to in subsection (b), is considered to have an agreement in effect if, and for so long as, the Department finds that to do so is in the public interest and essential to assuring nursing facility services for persons in the community. ]

§ 201.32. [ Room placements ] (Reserved).

[ A husband and wife may occupy the same room if they so desire unless it is medically contraindicated as documented in the medical record by a physician. The room shall comply with standards for a multi-bed room. ]

CHAPTER 203. APPLICATION OF LIFE SAFETY CODE FOR LONG TERM CARE NURSING FACILITIES

§ 203.2. [ Restrictions ] (Reserved).

[ Blind, nonambulatory or physically-handicapped patients may not be housed above the street-level floor unless the facility is constructed of 1-hour protected noncombustible construction (as defined in National Fire Protection Association Standard No. 220); fully-sprinklered, 1-hour protected ordinary construction; or fully-sprinklered, 1-hour protected wood-frame construction. ]

CHAPTER 205. PHYSICAL PLANT AND EQUIPMENT STANDARDS FOR LONG TERM CARE NURSING FACILITIES BUILDINGS AND GROUNDS

§ 205.1. Location or site.

A building to be used for and by [ patients ] residents shall be located in areas conducive to the health and safety of the [ patients ] residents.

§ 205.2. Grounds.

(a) Grounds shall be adequate to provide necessary service areas and outdoor areas for [ patients ] residents. A facility with site limitations may provide rooftop or balcony areas if adequate protective enclosures are provided.

(b) Delivery areas, service yards or parking area shall be located so that traffic does not cross areas commonly used by [ patients ] residents.

§ 205.3. [ Building approval ] (Reserved).

[ A building intended to be used for and by patients shall be approved by the Department before occupancy, construction, conversion, alterations or additions are started. ]

§ 205.4. Buildings plans.

(a) [ Architectural plans shall be submitted to the Department for preliminary approval prior to the development of final plans.

(b) ] \* \* \*

[ (c) ] (b) \* \* \*

[ (d) ] (c) The licensee or prospective licensee shall have the opportunity to present and discuss purposes and plans concerning the requested changes indicated on the architectural plans with the Department. If differences occur and cannot be resolved, an administrative hearing may be sought under [ § 8.1 ] 1 Pa. Code Part II (relating to [ applicability of general rules ] General Rules of Administrative Practice and Procedure).

[ (e) ] (d) \* \* \*

[ (f) Preliminary architectural plans submitted to the Department for preliminary approval shall include the following:

(1) Site plan—1 inch equals 40 feet—indicating new and existing structures, roads, services, walls and north arrow.

(2) Floor plans using a minimum of 1/8 inch scale.

(3) One-fourth inch scale layout: Main kitchen, nurse's station, utility room, physical therapy room, occupational therapy room and the like.

(4) One-fourth inch scale layout: Typical bedroom, indicating window, door, radiator, air conditioner, electrical outlets, permanent fixtures, furniture placement or other pertinent information; typical bathroom; and a toilet room.

(5) Exterior elevation.

(6) Wall section, typical.

(7) Plans shall be on drawing sheets at least 15 by 24 inches and not exceed 32 by 42 inches in size including the borders.

(g) A copy of the local zoning approval shall be submitted to the Department before final approval is given unless final approval is needed in order to obtain zoning approval.

(h) (e) Plans submitted to the Department for [ final ] approval shall include [ items in subsection (f) ] the following [ additional ] items:

\* \* \* \* \*

(4) [ One set of specifications ] Site plan—1 inch equals 40 feet—indicating new and existing structures, roads, services, walls and north arrow.

(5) Floor plans using a minimum of 1/8 inch scale.

(6) One-fourth inch scale layout: Main kitchen, nurse's station, utility room, physical therapy room occupational therapy room and the like.

(7) One-fourth inch scale layout: Typical bedroom indicating window, door, radiator, air conditioner, electrical outlets, permanent fixtures, furniture placement or other pertinent information; typical bathroom; and a toilet room.

(8) Exterior elevation.

(9) Wall section, typical.

(10) Plans shall be on drawing sheets at least 15 by 24 inches and not exceed 32 by 42 inches in size including the borders.

§ 205.5. [ Number of building plans to be prepared ] (Reserved).

[ There shall be two sets of architectural plans submitted to the Department for preliminary approval unless otherwise noted. ]

§ 205.6. Function of building.

(a) No part of a building may be used for a purpose which interferes with or jeopardizes the health and safety of [ patients ] residents. Special authorization shall be given by the Department's Division of [ Long Term ] Nursing Care Facilities if a part of the building is to be used for a purpose other than health care.

(b) The only persons who may reside in the facility shall be [ patients ] residents, employes, the licensee, the administrator or members of the administrator's immediate family.

MINIMUM PHYSICAL PLANT STANDARDS

§ 205.7. Basement or cellar.

[ (a) Basements or cellars shall be concreted, vermin-proofed and kept dry and free from dampness.

(b) ] Basements or cellars may be used for storage, laundry, kitchen, heat, electric and water equipment. Approval from the Department's Division of [ Long Term ] Nursing Care Facilities shall be secured before areas may be used for other purposes, such as physical therapy, central supply, occupational therapy and the like.

§ 205.8. Ceiling heights.

[ (a) In nursing areas, the ceiling height shall be a minimum of 8 feet, except in corridors, halls, toilet rooms and bathrooms where 7 feet 6 inches is acceptable.

(b) In rooms containing ceiling-mounted patient-lifting devices or ceiling hooks for lifting equipment, ceiling heights shall be a minimum of 9 feet.

(c) In other areas, ceiling ] Ceiling heights may be 7 feet 6 inches except in boiler rooms where a minimum of 30 inches shall be provided above the main boiler heater and connecting piping. Adequate headroom for convenient maintenance and other proposed operations shall be maintained below the piping.

§ 205.9. Corridors.

(a) [ Corridors in areas used by patients shall meet the provisions of the appropriate NFPA Life Safety Code.

(b) Handrails may project into corridors, but drinking fountains, desks, storage carts or other projections or obstructions may not reduce the required minimum corridor dimension.

(c) Patient ] Resident corridors shall have a handrail on both sides with a return to the wall at each rail ending. Handrails shall be detailed and finished for safety and shall be free from snagging. Brackets may not impede the continuous progress of hands along the railing.

[ (d) ] (b) \* \* \*

[ (e) ] (c) Areas used for corridor traffic may not be considered as area for dining, storage, diversional or social activities.

§ 205.10. Doors.

(a) [ In a new facility, doors into sleeping rooms used by patients may be no less than 44 inches wide and no less than 80 inches in height.

(b) ] Doors into bathrooms and toilet rooms used by [ patients may ] residents shall be [ no less than ] at least 36 inches wide, except for an existing facility where the minimum width of toilet room doors [ shall be ] is [ a minimum width of ] 32 inches.

[ (c) ] (b) A door to a [ patient ] resident room shall swing into the room.

[ (d) A door into a lounge area, dining room and other multipurpose room may swing out of the room, if the door does not swing into the effective width of the corridor.

(e) ] (c) \* \* \*

[ (f) Patient ] (d) Resident and visitor toilet stall doors shall swing out. Curtains or equivalent shall be considered as meeting this requirement.

[ (g) ] (e) A door to a basement or a cellar may not be located in a [ patient ] resident room.

[ (h) ] (f) \* \* \*

§ 205.11. [ Doorways ] (Reserved).

[ Doorways shall be placed so that no bedroom, kitchen, bathroom or toilet room is rendered a corridor. ]

§ 205.12. Elevators.

(a) Elevator service shall be provided for [ patients ] residents when a [ patient ] resident use area is located above or below the first floor or grade level



entrance in a building constructed or converted for use after January 1975 as a facility providing either skilled or intermediate care.

\* \* \* \* \*

**§ 205.13. Floors.**

(a) Floors traveled by [ patients ] residents shall be of nonskid material.

\* \* \* \* \*

**§ 205.14. Locks.**

Doors into rooms used by [ patients ] residents may not be locked from the outside when the [ patient ] resident is in the room.

**§ 205.15. [ Outside stairs and ramps ] (Reserved).**

[ (a) Outside stairs and ramps used by patients shall be adequately lighted and may be no less than 44 inches wide.

(b) There shall be at least one entrance that is accessible with a ramp or a lift for handicapped persons. ]

**§ 205.16. Stairs.**

[ (a) There shall be no variations in the depth of treads and heights of risers in a flight of stairs.

(b) Stair treads shall have a nonskid surface.

(c) ] Stairs used by [ patients ] residents shall have no locked gates or free swinging doors obstructing ascent or descent.

**§ 205.17. Stairways.**

[ (a) A stairway may be no less than 44 inches wide.

(b) Handrails shall be installed on both sides for stairs 44 inches wide. If a stairway exceeds 66 inches in width, an intermediate handrail shall be installed. Wall handrails other than those on service stairs, shall be continuous through floor and intermediate landings. Handrails and balustrade shall be detailed and finished for safety in use and freedom from snagging. Brackets for handrails may not impede the continuous progress of hands along the railing.

(c) A landing at either end of a flight of stairs used by patients shall be at least as wide as a door leading to the stairs but may be not less than 44 inches in direction of travel.

(d) ] There shall be indoor stairs and stairways to a basement if the stairs are to be used by personnel of the facility.

[ (e) Stairways shall be adequately illuminated with electric lights controlled by switches located at the top and bottom of the stairs. ]

**§ 205.18. [ Walls ] (Reserved).**

[ (a) Walls shall be suitably finished or covered for their intended use.

(b) Walls in kitchens, bathrooms, toilet rooms, bedpan rooms, utility rooms, shower rooms and the wall area around a sink shall be smooth and have a water resistant finish to a level above the splash or spray line. ]

**§ 205.19. Windows and windowsills.**

(a) [ A minimum total glass area on outside walls equal to 10% of the floor area shall be provided in a bedroom.

(b) Openings providing required natural light which open onto a covered porch that exceeds 4 feet in depth shall be increased in area 10% per foot of depth over 4 feet.

(c) Openings which open to a glass enclosed porch may be included in required ventilating area if the required area is obtained in both exterior wall and porch.

(d) The heads of windows—sash opening—may not be more than 12 inches below the finished ceiling unless they are at least 6 feet 8 inches above the finished floor.

(e) Windowsills in patient bedrooms may not be more than 36 inches from the floor, and they shall be above the exterior finished grade.

(f) ] \* \* \*

[ (g) ] (b) Rooms with windows opening onto light or air shafts, or onto an exposure where the distance between the building or an obstruction higher than the windowsill is less than 20 feet may not be used for [ patient ] resident bedrooms.

[ (h) A facility which was licensed prior to July 1, 1987, is not required to comply with the window area requirements, the head of windows, sash openings, or the minimum height of windowsills above the floor, or distance between buildings, as specified in this section. ]

**§ 205.20. [ Patient ] Resident bedrooms.**

(a) A bed for a [ patient ] resident shall be placed only in a bedroom approved by the Department.

(b) [ No more than four beds may be in a patient room.

(c) ] The maximum number of [ patients ] residents who may be accommodated in the facility shall be indicated on the license. [ During the period of a license, the facility may increase the number of beds by not more than ten beds or by 10% of the total bed capacity, whichever is less, if other requirements are met. If the facility exercises this option, it shall notify the Department.

(d) ] (c) The number of [ patient ] resident bedrooms and the number of beds in a room may not exceed the maximum number approved by the Department.

[ (e) A bedroom shall be designed to provide adequate placement of furniture and facilities essential to a patient's needs.

(f) ] (d) Single bed bedrooms shall [ be provided clearance as follows:

(1) No less than 3 feet of open space from the side of the bed to the adjacent wall, a permanent fixture or movable furniture, except bedside chair and cabinet. A bedside cabinet may be next to the bed and not counted in this space requirement.

(2) No less than 4 feet of open space from the foot of the bed to the opposing wall or furniture.

(3) Minimum ] (1) Provide minimum room area clearance, in addition to the area of closets, vestibule, wardrobes and toilet rooms, shall be 100 square feet.

[ (4) A bed may be placed against a wall if it is in the best interest of the patient, and if the minimum spacial requirements are met.

(g) ] (e) Single [ patient ] resident bedrooms in facilities licensed prior to January 1975, shall [ comply with the following minimum requirements:

(1) Contain ] contain at least 80 square feet of space.

[ (2) Contain no less than 2 feet of space between the side of the bed and the adjacent wall, permanent fixture or movable furniture except bedside chair and cabinet.

(3) Contain no less than 3 feet of space from the foot of the bed and the opposite wall, permanent fixture or movable furniture except bedside chair and cabinet.

(h) ] (f) A multibed bedroom shall [ be provided clearance as follows:

(1) No less than 2 1/2 feet of open space from the side of the bed to the adjacent wall, permanent fixtures or movable furniture, except bedside chair and cabinet. A bedside cabinet may be next to the bed and may not be counted in this space requirement.

(2) No less than 4 feet of open space between the sides of adjacent beds.

(3) No less than 4 feet of open space from the foot of each bed to the opposing wall or furniture.

(4) No less than 6 feet of open space between the foot of one bed and the foot of a bed placed against an opposing wall.

(5) No less than 3 feet of open space from the side of the bed to adjacent walls, permanent fixtures or moveable furniture, except bedside chair and cabinet if beds are placed with walls adjacent to both sides of the bed.

(6) Minimum ] Provide minimum room area clearances, in addition to the area of closets, vestibule, wardrobes and toilet rooms [ shall be ] of 80 square feet per bed.

[ (7) A bed may be placed against a wall if it is in the best interest of the patient, and if the minimum spacial requirements are met.

(i) ] (g) In facilities licensed prior to January 1975, [ patient ] resident multi-bed bedrooms shall [ comply with the following:

(1) There shall be ] Have at least 65 square feet of space per [ patient ] resident.

[ (2) There shall be no less than 18 inches of open space from the side of the bed to the adjacent wall, permanent fixtures or movable furniture except bedside chair and cabinet.

(3) There shall be no less than 3 feet of open space between the sides of adjacent beds.

(4) There shall be no less than 3 feet of space between the foot of a bed and opposing wall, permanent fixtures or movable furniture, except bedside chair.

(5) There shall be no less than 5 feet of open space between the foot of one bed and the foot of a bed placed against the opposing wall.

(6) There shall be no less than 2 feet of open space from the side of a bed to adjacent walls, permanent fixtures or movable furniture except bedside chair and cabinet if beds are placed with walls adjacent to both sides of the beds.

(j) ] (h) \* \* \*

[ (k) ] (i) \* \* \*

[ (l) A room having more than one bed shall have suitable curtain tracks, rods or equivalent durable equipment to permit enclosing a bed with curtains for privacy. The cubicle curtains shall be of sufficient length to provide privacy to the patient when the bed is at the lowest level.

(m) There shall be one clothes closet or wardrobe for each patient. The closet/wardrobe shall comply with the following standards:

(1) It shall be a minimum of 22 inches deep with 30 inches wide hanging space.

(2) It shall have a minimum of one shelf above the clear hanging space.

(3) It shall have a fixed rod or device for clothes hangers.

(4) The maximum height for the rod shall be 5 feet 6 inches above the room finished floor.

(5) The vertical clearance below the rod may not be less than 4 feet 6 inches. ]

§ 205.21. Special care room.

(a) Provisions shall be made for isolating a [ patient ] resident as necessary in a single room which is ventilated to the outside. For new construction, there shall be an adjoining private bathroom which contains a toilet, lavatory and either a standard size tub or a shower.

\* \* \* \* \*

§ 205.22. Placement of beds.

A bed may not be placed in proximity to radiators, heat vents, air conditioners, direct glare of natural light or drafts unless adequate provisions are made for [ patient ] resident comfort and safety.

§ 205.23. Location of bedrooms.

[ (a) A bedroom shall be an outside room with direct natural light and ventilation, and shall have direct access to corridors with the floor at or above grade level. Existing facilities may have bedrooms that are an outside room with direct natural light and ventilation, and have direct access to corridors or common rooms with the floor at or above grade level.

(b) A bedroom may not be located in an area classified as a basement or cellar.

(c) A [ patient ] resident bedroom shall have adjoining toilet facilities and shall be located conveniently near bathing facilities, except for those facilities licensed prior to January 1975.

§ 205.24. Dining room.

(a) [ There shall be at least one dining room available for patients.

(b) No more than 50% of the floor space may be used for a dining area if it is located in, or is part of, the lounge or recreation room. If a multipurpose room is used for dining and patient activities, there shall be sufficient space to accommodate the activities and prevent interference with each other. It should be possible to serve meals without interfering with an activity program.

(c) ] \* \* \*

(b) Tables and space shall be provided to accommodate wheelchairs with trays and other devices.  
 § 205.25. Kitchen.

\* \* \* \* \*

(b) [ A separate kitchen may be necessary if the facility is located in a building with a residential unit which can provide joint services to both units.

(c) Provisions shall be made in the kitchen for the preparation, refrigeration, proper storage and distribution of food to dining areas and to patients.

(d) ] \* \* \*

[ (e) The kitchen and dietetic food service areas shall be properly ventilated.

(f) Safe, sufficient and sanitary equipment shall be provided for the preparation of food and food service for patients.

(g) Adequate equipment shall be provided for the washing of utensils used for eating, drinking and food preparation.

(h) If manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a warm detergent solution which is kept clean, and then shall be rinsed free from the solution. Eating and drinking utensils and, where required, the food contact surfaces of other equipment and utensils, shall be sanitized by one of the following methods:

(1) Immersion for at least 30 seconds in clean, hot water at a temperature of at least 180°F.

(2) Immersion for a period of at least 1 minute in a sanitizing solution.

(i) The temperature of a refrigerator may not be higher than 45°F. A freezer temperature shall be maintained at no higher than 0°F. A thermometer shall be in place in refrigerators and freezers. Food in a refrigerator or freezer shall be covered. ]

§ 205.26. Laundry.

\* \* \* \* \*

(b) [ Bed linens shall be washed and dried in a sanitary and efficient manner which will produce hygienically clean linen. The washing process shall have a mechanism for soil removal and bacteria kill.

(c) ] \* \* \*

[ (d) ] (c) The facility shall have a separate room for central storage of soiled linens. The room shall be well ventilated, constructed of materials impervious to odors and moisture and easily cleaned. Soiled linens may not be transported through areas where clean linen is stored.

[ (e) ] (d) \* \* \*

[ (f) ] (e) Equipment shall be made available and accessible for [ patients ] residents desiring to do their personal laundry.

[ (g) Provisions shall be made in a nursing unit for a safe and sanitary method of handling and storage of soiled linens. The transportation of linens shall be designed to prevent the spread of infection. ]

§ 205.27. Lounge and recreation rooms.

[ (a) ] There shall be a minimum of 15 square feet of floor space per bed for recreation or lounge rooms provided for the first 100 beds and 13 1/2 square feet for all beds over 100. There shall be recreation or lounge rooms for [ patients ] residents on each floor.

[ (b) Floor space for recreation listed in subsection (a) may include, but is not limited to, solaria, reading rooms, enclosed heated porches, living rooms, libraries, multipurpose rooms used for recreation and similar areas.

(c) A minimum of 50% of the required lounge and recreation space shall be located at exterior walls where windows are provided with maximum 36 inch high sills, except for existing facilities. ]

§ 205.28. Nurses' station.

\* \* \* \* \*

(b) The nurses' station may not be more than 120 feet from the most remote [ patient ] resident room served.

\* \* \* \* \*

[ (d) There shall be a nursing staff toilet room including a toilet and lavatory convenient to the nurses' station. ]

§ 205.29. [ Office ] (Reserved).

[ (a) Private office space shall be available for the administrator, director of nursing and the business office.

(b) Space for medical records shall be available. This shall be an area which is locked.

(c) Additional office space for other department heads shall be provided as necessary. ]

§ 205.31. Storage.

[ (a) ] General storage space shall be provided for storage of supplies, furniture, equipment, [ patients' ] residents' possessions and the like. Space provided for this purpose shall be commensurate with the needs of the nursing facility, but may not be less than 10 square feet per bed.

[ (b) A floor occupied by patients shall be provided with storage space for linens, supplies, wheelchairs, stretchers, orthopedic appliances and equipment used daily for the care of patients. Space required shall relate to the number of beds on a floor. This space may not be part of the 10 square feet requirement.

(c) Storage space for patients' personal property, trunks, suitcases, seasonal clothing and the like, shall be provided in a dry and protected area. This space may be included in meeting the 10 square feet requirement.

(d) Storage space for indoor recreation equipment shall be provided in recreation areas or adjacent to them, if possible. This space may not be part of the 10 square feet requirement. ]

§ 205.32. Janitor closet.

\* \* \* \* \*

(b) [ The closet shall be mechanically ventilated and equipped with a service sink and storage space to accommodate janitorial supplies and equipment.

(c) ] \* \* \*

§ 205.33. Utility room.

(a) Provisions shall be made in each nursing unit near the nurses' station for utility rooms. The area shall have separate soiled and clean workrooms. The rooms may not be more than 120 feet from the most remote room served. If one nursing station services several [ patient ] resident corridors, a soiled utility room shall be on each unit.

[ (b) The clean workroom shall provide for the storage and assembly of supplies for nursing procedures, contain a counter and sink and be mechanically ventilated. This area may also contain the medicine room and the clean linen storage.

(c) The soiled workroom shall provide for the disassembly of soiled equipment, disposal of liquid and solid wastes, including disposable items. Soiled equipment may be temporarily retained in this area until it can be transported to appropriate areas. ]

(b) Facilities for flushing and rinsing bedpans, such as a spray attachment for the clinical sink or a separate bedpan flusher, shall be provided in the soiled workroom of each nursing unit, unless bedpan flushing devices, together with bedpan lugs on toilets are provided in each resident's toilet for this purpose.

(c) Hand-washing facilities shall be available in the soiled and clean utility rooms.

§ 205.34. [ Treatment room or examining room ] (Reserved).

[ A treatment room with a storage cabinet shall be conveniently to patients' rooms, and arranged to accommodate a treatment table, lavatory and instrument table. The treatment room may be used for consultation if the room is of sufficient size to accommodate both functions. This may be centrally located to serve more than one nursing unit. ]

§ 205.35. [ Telephone ] (Reserved).

[ A telephone shall be available for patient use. At least one telephone shall be installed on each nursing floor to accommodate patients on wheelchairs. When necessary, staff shall provide assistance to patients using the telephone. ]

§ 205.36. Bathing facilities.

(a) The nursing facility shall provide a general bathing area in each nursing unit to serve [ patients' ] residents' bedrooms which do not have adjoining bathrooms with a bathtub or shower.

(b) [ The general bathing area shall contain at least one bathtub or one shower stall.

(c) ] \* \* \*

[ (d) ] (c) \* \* \*

[ (e) ] (d) Each room or compartment shall provide space for the use of bathing fixtures, wheelchairs and dressing. Sufficient space shall be provided for the attendant who may need to assist the [ patient ] resident.

[ (f) ] (e) \* \* \*

[ (g) ] (f) \* \* \*

[ (h) Shower stalls in patient rooms may be 30 inches in least dimension when a 4 feet square shower is provided in the central bathing area.

(i) ] (g) \* \* \*

[ (j) Bathtubs shall be at least 5 feet long, 30 inches in width and 16 inches in depth unless special institutional tubs are used. If special institutional tubs or bathing devices are used in lieu of the conventional tub, provisions shall be made to assure that they are fire safe, free of cross contamination and meet acceptable electrical codes, if electrical equipment is used with the bathing equipment. Bathing devices that are connected with electrical connections shall have the unit labeled as approved by Factory Mutual or Underwriters Laboratory or other testing laboratories as approved by the Department.

(k) A bathroom with three standard fixtures shall have a minimum measurement of 50 square feet. There may be no less than 4 feet from the long side of the bathtub to the opposing wall or fixture.

(l) ] (h) The facility shall have at least one bathtub in each centralized bath area on each floor that is accessible from three sides with a minimum of 3 feet clearance on each side and 4 feet clearance from the foot of the tub to adjacent wall or obstruction. [ This bathing fixture shall meet one of the following criteria:

- (1) Be a standard or pedestal tub and a minimum of 5 feet long.
- (2) Be an institutional style tub that is designed to provide specialized bathing features.
- (3) Be an institutional full-length supine tub.
- (4) Be a sit-type institutional tub.

(m) A shower in the ratio of one to 15 patients or major fraction thereof may be substituted for bathtubs if there is at least one bathtub fixture with clearance on three sides on each patient floor. ]

§ 205.37. Equipment for bathrooms.

\* \* \* \* \*

(b) The general bathroom or shower room used by [ patients ] residents shall be provided with one emergency signal bell located in close proximity to the tub or shower and which registers at the nursing station. This is in addition to the emergency signal bell located at each toilet unless a single bell can be reached by the [ patient ] resident from both the toilet and tub or shower.

[ (c) Provisions shall be made available to get patients in and out of bathtubs in a safe way to prevent injury to patients and personnel.

(d) A dressing area shall be provided immediately adjacent to the shower stall and bathtub. In the

dressing area, there shall be provisions for keeping clothes dry while bathing. ]

§ 205.38. Toilet facilities.

(a) In toilet rooms that adjoin patient bedrooms, there shall be at least one toilet for four [ patients ] residents. This shall be directly accessible from bedrooms without entering the general corridor. In no case may one toilet service more than two bedrooms. [ The minimum dimension of a patient toilet room containing only a toilet shall be 3 feet by 6 feet.

(b) There may be no less than 3 1/2 feet of space from front of toilet to opposite wall or fixtures.

(c) There shall be at least one toilet on each floor to accommodate patients in wheelchairs. There may be no less than 2 feet of space on each side of the toilet and no less than 3 1/2 feet of space in front.

(d) At least one toilet room shall be provided for toilet training. This room shall be accessible from the nursing corridor and may serve the bathing area. Minimum dimensions for a toilet-training room containing only a toilet shall be 5 feet by 6 feet.

(e) A patient-used toilet stall may be no less than 3 feet wide and 6 feet long. The door or curtain to the toilet may be no less than 2 feet, 8 inches wide. When a door is used, it shall swing outward.

(f) [ (b) Floors or units with more than eight [ patients ] residents of both sexes shall be provided with separate toilet fixtures in a ratio of 1:4 or major fraction thereof for each sex. In existing facilities, overall toilet fixtures shall be provided in a ratio of 1:8 or major fraction thereof for each bed.

[ (g) ] (c) \* \* \*

[ (h) The number of toilets may be reduced by the number of water urinals but the number of toilets may not be reduced to less than 2/3 of the total number required. ]

§ 205.39. Toilet room equipment.

\* \* \* \* \*

(b) [ Toilet paper in a suitable dispenser shall be provided within reach of the toilet.

(c) ] Toilets used by [ patients ] residents shall be provided with handrails or assist bars on each side capable of sustaining a weight of 250 pounds and an emergency call bell within reaching distance.

[ (d) If a bathroom or toilet room has more than one toilet, each toilet shall be enclosed with permanent partitions. ]

§ 205.40. Lavatory facilities.

(a) A floor occupied by [ patients ] residents shall have lavatories in the ratio of 1:4 [ patients ] residents or major fraction thereof. In existing facilities, lavatory fixtures shall be provided in a ratio of 1:8 or major fraction thereof for each bed.

(b) A mirror shall be over each lavatory used by [ patients ] residents.

[ (c) A floor occupied by patients shall have at least one lavatory installed to accommodate patients in wheelchairs.

(d) Toilets, mirrors, switches and wall outlets shall be arranged for the convenience of patients in wheelchairs as well as in standing positions. ]

MECHANICAL AND ELECTRICAL REQUIREMENTS

§ 205.61. Heating requirements for existing and new construction.

[ (a) The heating system shall comply with local and State codes. If there is a conflict, the more stringent requirements shall apply.

(b) Open fires, fuel-burning space heaters and portable electric space heaters may not be used.

(c) A minimum temperature of 72°F at winter design conditions shall be provided for occupied spaces. The heat in patient-occupied areas shall be thermostatically controlled to provide an even temperature for patient comfort.

(d) Insulation, including finishes and adhesives on the exterior surfaces of pipes and equipment, shall have a maximum flame-spread rating of 25 and a maximum smoke-developed rating of 150.

(e) ] Exposed heating pipes, hot water pipes or radiators in rooms and areas used by [ patients ] residents or within reach of [ patients ] residents, shall be covered or protected to prevent injury or burns to [ patients ] residents. This includes hot water or steam piping above 125°F.

§ 205.62. Special heating requirements for new construction.

(a) [ Boilers shall have the capacity based on the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacturers net rating to supply the normal requirements of all systems and equipment.

(b) ] \* \* \*

[ (c) ] (b) \* \* \*

§ 205.63. Plumbing and piping systems required for existing and new construction.

\* \* \* \* \*

(c) Hot water outlets accessible to [ patients ] residents shall be controlled so that the water temperature of the outlets does not exceed 110°F.

[ (d) Facilities for flushing and rinsing bedpans, such as a spray attachment for the clinical sink or a separate bedpan flusher, shall be provided in the soiled workroom of each nursing unit, unless bedpan flushing devices, together with bedpan lugs on toilets are provided in each patient's toilet for this purpose.

(e) An automatic fire extinguishing system, such as sprinklers, carbon dioxide, or dry chemical shall be installed, inspected, supervised and maintained under the applicable Life Safety Code as required in § 203.1 (relating to application of the Life Safety Code).

(f) Hand-washing facilities shall be available in the soiled and clean utility rooms. ]

§ 205.64. Special plumbing and piping systems requirements for new construction.

\* \* \* \* \*

(d) Shower bases and tubs shall provide nonskid surfaces for standing [ patients ] residents.

[ (e) Other piping systems, such as oxygen, shall follow the NFPA Standards applicable to the appropriate edition of the *Life Safety Code*. ]

§ 205.65. [ Ventilation requirements for existing and new construction ] (Reserved).

[ (a) The exhaust systems of food preparation areas shall conform to the appropriate NFPA Standard No. 96. The ventilation rates may not be less than shown in § 205.66(a) (relating to special ventilation requirements for new construction).

(b) Air handling systems shall meet the requirements of NFPA, 90-A. ]

§ 205.66. Special ventilation requirements for new construction.

(a) Ventilation for new construction shall conform to the following:

Area Designation	Pressure Relationship to Adjacent Areas	Min. Air Changes of Outdoor Air Per Hr.	Min. Total Air Changes Per Hr.	All Air Exhausted Directly to Outdoors	Recirculated within Room Units
[ Patient ] Resident Room	Equal	2	2	Optional	Optional
[ Patient ] Resident Area Corridor	Equal	[ 2 ] Optional	[ 4 ] 2	Optional	Optional
Exam and treatment room	Equal	[ 2 ] Optional	6	Optional	Optional
	* * *	* * *	* * *		
Food preparation center	Equal	2	10	Yes	[ No ] Yes
Warewashing room	Negative	Optional	10	Yes	[ No ] Yes
	* * *	* * *	* * *		
Clean linen storage	Positive	[ 2 ] Optional	2	[ Optional ] Yes	[ Optional ] No
	* * *	* * *	* * *		

(c) [ Corridors may not be used to supply air or exhaust air from a room except that air from corridors may be used to ventilate bathrooms, toilet rooms and small electrical or telephone closets opening directly on corridors.

- (d) ] \* \* \*
- [ (e) ] (d) \* \* \*
- [ (f) ] (e) \* \* \*
- [ (g) ] (f) \* \* \*
- [ (h) ] (g) \* \* \*
- [ (i) ] (h) \* \* \*
- [ (j) ] (i) \* \* \*

§ 205.67. Electric requirements for existing and new construction.

\* \* \* \* \*

(c) Electric lights satisfactory for sewing or similar activities at a minimum level of 200 footcandles on the task shall be available for [ patients ] residents.

(d) Electric lights in rooms used by [ patients ] residents shall be placed or shaded to prevent direct glare to the eyes of [ patients ] residents.

(e) Night lights shall be provided in bedrooms, stairways, corridors, bathrooms and toilet rooms used by [ patients ] residents.

\* \* \* \* \*

(g) [ Illumination for exit signs, corridors and stairs, including both normal and emergency circuits shall be controlled by switches accessible to authorized personnel only. Key-operated switches, switching in the nurses' station or similarly supervised or nonaccessible locations or switching in the panel boxes are acceptable means on compliance.

(h) ] In addition to night lights, [ patient ] residents bedrooms shall have general lighting. The light emitting surfaces of the night light may not be in direct view of a [ patient ] resident in a normal in-bed position.

[ (i) ] (h) A reading light shall be provided for each [ patient ] resident.

[ (j) ] (i) In each [ patient ] resident room there shall be grounding type receptacles as follows: one duplex receptacle on each side of the head of each bed except for parallel adjacent beds. Only one duplex receptacle is required between beds plus sufficient duplex receptacles to supply portable lights, television and motorized beds, if used, and one duplex receptacle on another wall.

[ (k) ] (j) A nurse's calling station—signal originating device—with cable with push button housing attached or other system approved by the Department shall be provided at each [ patient ] resident bed location so that it is accessible to the patient. Two cables and buttons serving adjacent beds may be served by one station. An emergency calling station within reach of the [ patient ] resident shall be provided at each bathing fixture and toilet unless a single bell can be reached by the [ pa-

tient ] resident from both the bathing fixture and the toilet. Cable and push button housing requirement will apply to those facilities constructed after July 1, 1987.

[ (l) ] (k) Calls shall register by a signal receiving and indicating device at the nurses' station, and shall activate a visible signal in the corridor at the [ patient's ] resident's door. In [ multi-corridor ] multicorridor nursing units, additional visible signal indicators shall be installed at corridor intersections.

§ 205.68. Special electrical requirements for new construction.

\* \* \* \* \*

(c) Minimum lighting levels for long term care nursing facilities shall conform with the following:

Area	Footcandles
* * * * *	

[ Patient ] Resident care unit (or room), general . . . 10
[ Patient ] Resident care room, reading . . . . . 30

\* \* \* \* \*

(d) The applicable standards for lighting levels are those established by the [ United States Department of Health and Human Services publication No. 930-D-16 of January, 1969 ] most current edition of the *Illuminating Engineering Society of North America (IES) Lighting Handbook*. [ For areas not listed, including those which house machinery and equipment, a general lighting level of 20 footcandles minimum shall be provided. The levels in footcandles except where noted "on floor" are maintained values at a horizontal plane, 30 inches above the floor ].

FURNISHINGS, EQUIPMENT AND SUPPLIES

§ 205.71. Bed and furnishings.

[ (a) A standard hospital bed no less than 78 inches long and 36 inches wide with an adjustable back rest and a firm adjustable spring or flat pan shall be provided for each patient receiving nursing care.

(b) ] A bed shall be equipped with a firm supporting mattress which is [ no less than 75 inches long, 35 inches wide and 5 inches deep. It shall be covered or protected with nonporous material.

(c) A bed shall be provided with at least one comfortable bed pillow.

(d) A bed shall be equipped with adjustable side rails if required for the protection and safety of the patient ] equal to the size of the frame and provides for the comfort and safety of the resident.

§ 205.72. Furniture.

[ (a) For each patient in the room the patient occupies, there shall be an aerated bedside cabinet with a drawer or an aerated bedside chest.

(b) There shall be a dresser for each patient in addition to the bedside cabinet. Built-in dressers may be used in lieu of free-standing dressers.

(c) A towel bar shall be provided for each patient in the room the patient occupies or in the adjoining bathroom.

(d) A comfortable bedside chair for each patient shall be in the room the patient occupies. A geriatric chair may replace the bedside chair.

(e) Footstools shall be available to patients who need them.

(f) Overbed tables, lap tables or an equivalent shall be provided for patients who do not eat meals in the dining area.

(g) A wall, door or dresser mirror that is accessible to patients shall be provided in each bedroom or adjoining bathroom.

(h) In the lounge and recreation areas, comfortable sitting furniture, such as easy chairs, lounge chairs, geriatric chairs or rockers and the like, shall be provided in a number equal to the number of beds in the home. The chairs shall be designed so that the patient can safely and comfortably get into and out of the chairs.

(i) Furniture shall be kept clean and safe for use.

(j) ] A [ patient ] resident shall be provided with a drawer or cabinet in the [ patient's ] resident's room that can be locked. This section does not apply to existing facilities except as [ patient ] resident room furnishings are replaced.

§ 205.73. [ Sterilization ] (Reserved).

[ (a) The facility shall make provisions for the sterilization of nursing care equipment and supplies by any of the methods listed below:

(1) Autoclave or automatic sterilizer sufficient in size to meet the needs of the facility. This equipment shall be in the clean utility room or in the central supply room.

(2) Arrangements made with another medical facility possessing the capability to comply with paragraph (1).

(3) A complete system of disposable equipment and supplies provided and used by patients.

(b) Prior to use by another patient, bedpans and urinals shall be processed according to any of the methods:

(1) Autoclaving may be used. This piece of equipment shall be in the clean utility room or the central supply room.

(2) Boiling at 212°F for 30 minutes in equipment designed to indicate temperature and control time.

(3) Chemical disinfectant according to manufacturer's recommended directions.

(4) Combination washer-sanitizers which wash at approximately 150°F and sanitize by rinsing with water at not less than 180°F.

(c) Bedpans used by a patient with, or suspected of having, a communicable intestinal disease, or an infection which may be transmitted by use of bedpans or urinals, shall be autoclaved prior to use by another patient.

(d) A written agreement shall be signed by responsible individuals of both institutions if sterilization of nursing care equipment and supplies is to be done at another institution possessing the capability. ]

§ 205.74. [ Linen ] (Reserved).

[ (a) The facility shall have available at all times a quantity of linens essential for proper care and comfort of patients. The facility shall have available at least three changes of linen per patient per day.

(b) Each bed shall have clean linen. ]

§ 205.75. Supplies.

Adequate supplies shall be available at all times to meet the [ patients' ] residents' needs.

CHAPTER 207. HOUSEKEEPING AND MAINTENANCE STANDARDS FOR LONG TERM CARE NURSING FACILITIES

HOUSEKEEPING AND MAINTENANCE

§ 207.1. [ Environmental safety ] (Reserved).

[ (a) Housekeeping and maintenance services shall be provided to maintain a sanitary, comfortable environment and to help prevent the development and transmission of infection.

(b) The facility shall be kept free from insects, rodents and vermin through operation of a pest control program.

(c) The grounds shall be free from accumulated rubbish and other health hazards of similar nature. ]

§ 207.2. Administrator's responsibility.

\* \* \* \* \*

(b) [ The administrator shall designate a full-time employe to be responsible for these functions and for the training and supervision of personnel. ] Nursing personnel may not be assigned housekeeping duties that are normally assigned to housekeeping personnel.

[ (c) In a facility that has a contract with an outside resource for housekeeping services, the administrator shall ensure that the services provided under the contract meet the requirements of this chapter. ]

§ 207.3. [ Housekeeping ] (Reserved).

[ (a) The interior and exterior of the building shall be maintained in a clean, safe and orderly manner by accepted practices and procedures of good institutional housekeeping.

(b) Provisions shall be made for the disposal of soiled dressings and similar items in a safe and sanitary manner.

(c) Light and light fixtures shall be kept clean.

(d) Refuse containers provided for an area shall have tight-fitting covers.

(e) Ashes from furnaces or incinerators shall be placed in metal containers. ]

§ 207.4. Ice containers and storage.

[ (a) ] \* \* \*

[ (b) Ice used for any purpose shall be made from water which comes from a safe and sanitary source, and shall be used only if it has been manufactured, stored, transported and handled in a sanitary manner.

(c) Ice shall meet the bacteriological and chemical standards for drinking water.

(d) The ice scoop shall be handled in a safe and sanitary manner. ]

§ 207.5. [ Maintenance of equipment and building ] (Reserved).

[ (a) The facility shall establish a written, preventive maintenance program to ensure that equipment is operative and that the interior and exterior of the building is clean, orderly and attractive.

(b) Buildings shall be maintained in good repair and free from hazards such as loose handrails, loose or broken window glass, loose or cracked floor coverings or other conditions of similar nature.

(c) Electrical and mechanical equipment used shall be maintained in good repair and safe operating condition.

(d) Patient care equipment for personal care and treatment shall be maintained in a safe and sanitary condition.

(e) Sterile equipment shall be provided where necessary. ]

CHAPTER 209. FIRE PROTECTION AND SAFETY PROGRAMS FOR LONG TERM CARE NURSING FACILITIES

FIRE PROTECTION AND SAFETY

§ 209.1. Fire department service.

[ (a) ] \* \* \*

[ (b) A nursing facility located in a rural area shall have by each telephone the telephone number of at least two fire departments located nearest to the facility. ]

§ 209.2. Hazardous areas.

Exposed heating pipes, hot water pipes or radiators in rooms and areas used by [ patients ] residents and within reach of the [ patients ] residents shall be covered or protected to prevent injury or burn to [ patients ] residents.

§ 209.3. Smoking.

(a) Policies regarding smoking shall be adopted. The policies shall include provisions for the protection of the rights of the nonsmoking [ patients ] residents. The smoking policies shall be posted in a conspicuous place where [ patients ] residents, visitors and staff can see them.

\* \* \* \* \*

[ (c) Smoking by patients classified as not responsible is prohibited, except under supervision.

(d) Smoking by patients in bed is prohibited unless the patient is under direct observation.

(e) Smoking is prohibited in a room, ward or compartment where flammable liquids, combustible gases or oxygen is used or stored, and in other hazardous locations. The areas shall be posted with "NO SMOKING" signs.



(f) Ash trays of noncombustible material and safe design shall be provided in areas where smoking is permitted.

(g) Metal containers with self-closing covers shall be provided in areas where smoking is permitted. ]

§ 209.4. [ Fire extinguishers ] (Reserved).

[ (a) Fire extinguishers shall be of an approved type and installed under State regulations and local codes.

(b) Fire extinguishers shall be inspected and tested as often as required by State and local regulations.

(c) Personnel shall be instructed in the operation of the various types of fire extinguishers used in the facility. ]

§ 209.5. [ Emergency lighting system ] (Reserved).

[ (a) Emergency lighting shall be in good functioning condition.

(b) Emergency lighting shall be checked weekly and a written record maintained showing date checked, by whom checked and whether or not the system was operative. ]

§ 209.6. [ Fire alarm ] (Reserved).

[ (a) The alarm system and its equipment shall be of the standard, approved type suitable for the purpose for which installed.

(b) The alarm system shall be under the supervision of a responsible person.

(c) The fire alarm system shall be in good functioning condition.

(d) The system shall be checked at least weekly.

(e) A written record shall be maintained showing date checked, by whom checked and whether or not the system was operative.

(f) Personnel shall be instructed in the operation of the fire alarm system. ]

§ 209.7. Disaster preparedness.

(a) [ The facility shall have a comprehensive written plan, periodically rehearsed, with procedures to be followed in an internal or external disaster. The plan shall also have procedures for the care of casualties—patients and personnel—arising from potential or actual disasters such as fires, explosions, floods, nuclear incidences or other natural or man-made disasters.

(b) ] The facility shall have a comprehensive written disaster plan which shall be developed and maintained with the assistance of qualified fire, safety and other appropriate experts. It shall include procedures for prompt transfer of casualties and records, instructions regarding the location and use of alarm systems and signals and fire fighting equipment, information regarding methods of containing fire, procedures for notification of appropriate persons and specifications of evacuation routes and procedures. The written plan shall be made available to personnel, and it shall be available at each nursing station and in each department. The plan shall be reviewed periodically to determine its effectiveness.

[ (c) ] (b) A diagram of each floor showing corridors, line of travel, exit doors and location of the fire extinguishers and pull signals shall be posted on each floor in view of [ patients ] residents and personnel.

(c) Personnel shall be instructed in the operation of the various types of fire extinguishers used in the facility.

§ 209.8. Fire drills.

\* \* \* \* \*

(b) A written report shall be maintained of each fire drill which includes date, time required for evacuation or relocation, number of [ patients ] residents evacuated or moved to another location and number of personnel participating in a fire drill.

CHAPTER 211. PROGRAM STANDARDS FOR LONG TERM CARE NURSING FACILITIES

§ 211.1. [ Infection control ] Reportable diseases.

(a) [ The facility shall establish an active Infection Control Committee composed of members of the medical and nursing staffs, administration, and dietetic, pharmacy, housekeeping, maintenance and other services charged with responsibility for overall infection control.

(b) The Infection Control Committee shall establish written policies and procedures for investigating, controlling and preventing infections in the facility, and for identifying patients with reportable diseases.

(c) The written policies and procedures in aseptic and isolation techniques shall be followed by personnel. If the facility does not have the capability of caring for a patient with an infectious disease, the written policies shall include provisions for handling isolation cases until arrangements can be made to have the patient transferred to a facility capable of caring for the patient and the needs related to the specific organism.

(d) The Infection Control Committee shall monitor staff performance to ensure that policies and procedures are executed.

(e) Procedures shall be reviewed and revised for effectiveness and improvement at least annually or more frequently as necessary.

(f) Minutes shall be maintained for Committee meetings.

(g) A patient who develops a communicable disease after admission shall be medically isolated from other patients if ordered by the physician. If the patient cannot or should not be managed in the facility, arrangements shall be made by the attending physician for the transfer of the patient to an appropriate facility at the earliest practical time.

(h) ] When a [ patient ] resident develops a reportable disease, the administrator shall report the information to the appropriate health agencies and [ Long Term Care Field Office ] appropriate Division of Nursing Care Facilities field office. Reportable diseases and conditions are:

\* \* \* \* \*

**Chlamydia Trachomatous Infections**

[ Cancer ]

\* \* \* \* \*

[ Guillain ] Guillain-Barre Syndrome

\* \* \* \* \*

**[(i) The following conditions shall be reported when diagnosis is confirmed by laboratory findings:**

- Amebiasis**
- Anthrax**
- Botulism**
- Brucellosis**
- Campylobacteriosis**
- Cholera**
- Diphtheria infections**
- Giardiasis**
- Gonococcal infections**
- Haemophilus influenzae type b disease**
- Hepatitis, viral, including types A and B**
- Hypothyroidism in infant up to 24 months**
- Histoplasmosis**
- Lead poisoning**
- Legionnaires' disease**
- Leptospirosis**
- Lyme disease**
- Lymphogranuloma venereum**
- Malaria**
- Meningococcal isolations**
- Phenylketonuria**
- Plague**
- Psittacosis (ornithosis)**
- Rabies**
- Rickettsial infection including Rocky Mountain Spotted Fever**
- Salmonella isolations**
- Shigella isolations**
- Syphilis**
- Trichinosis**
- Tuberculosis**
- Tularemia**
- Typhoid isolations**
- Viral infections**
  - Vaccine-preventable diseases**
  - Arboviruses**
  - Respiratory viruses**

**[(j) If a communicable disease develops, adequate steps shall be taken to determine the source and degree of dissemination of the disease.**

**[(k) (b) Cases of scabies and lice shall be reported to the [ Long Term Care Field Office ] appropriate Division of Nursing Care Facilities field office.**

**(c) Cases of Methicillin Resistant S. Aureus (MRSA), vancomycin-resistant Staphylococcus Aureus (VISA), vancomycin-resistant enterococci (VRE) and vancomycin-resistant S. epidermidis (VRSE) shall be reported to the appropriate Division of Nursing Care Facilities field office.**

§ 211.2. [ Medical ] Physician services.

**(a) [ The facility shall have or make provisions for a physician who shall be responsible for attending to the medical needs of the patients.**

**(b) A patient shall be under the current care of a physician. A skilled care patient shall be seen by the attending physician at least every 30 days and an intermediate care patient at least every 60 days, or more often as necessary.**

**(c) A patient's total program of care, including medications, care and treatments, shall be reviewed during a visit by the attending physician at least once every 30 days for a skilled care patient and every 60 days for an intermediate care patient. Revisions shall be made as necessary. The physician shall indicate on the patient's medical record that the review has been made. Entries made by the physician on the medical record shall be dated and signed with the original signature of the physician. A physician's orders shall be renewed at least once every 30 days for skilled care patients and every 60 days for intermediate care patients.**

**(d) The facility shall have written procedures available at each nurses station that provide for a physician to be available to furnish necessary medical care in case of emergency. The procedures shall be reviewed periodically to determine their effectiveness.**

**(e) ] The attending physician shall be responsible for the medical evaluation of the [ patient ] resident and shall prescribe a planned regimen of total [ patient ] resident care. [ This regimen shall incorporate all of the components of the patient's care and shall designate the patient's appropriate level of care.**

**(f) The facility shall have available, prior to or at the time of admission, patient information which includes current medical findings, diagnoses and orders from a physician for immediate care of the patient. Information shall also be available at the time of admission or within 48 hours thereafter, on the patient's rehabilitation potential and a summary of the course of prior treatment.**

**(g) The admission requirements shall include a report of physical examination, chest X-ray, complete blood count and urinalysis. These shall be done within 1 week prior to, or within 48 hours after admission. A chest X-ray taken within 60 days prior to admission will fulfill the admission requirement for a chest X-ray. When the patient is admitted to the facility directly from a hospital, the hospital report of these examinations and tests accompanying the patient shall be considered to meet this requirement, if the attending physician in the facility documents, in the patient record, that these reports are acceptable. When a patient is admitted to another level of care within a facility, or to another licensed nursing facility, the medical reports transferred with the patient shall be considered to meet this requirement, if the attending**

physician in the facility documents, in the patient's record, that these reports are acceptable.

(h) Annually thereafter, there shall be a physical examination, complete blood count and urinalysis completed for each patient. The results of the tests shall be available on the patient chart.

(i) A progress note shall be written or typed and signed and dated by the physician on the day the patient is seen.

(j) A physician's orders shall be dated and signed with the original signature of the physician.

(k) A facility shall have a medical director who is licensed as a physician in this Commonwealth and who is responsible for the overall coordination of the medical care in the facility to ensure the adequacy and appropriateness of the medical services provided to the patients. The medical director may serve on a full- or part-time basis depending on the needs of the patients and the facility and may be designated for single or multiple facilities. There shall be a written agreement between the physician and the facility.

(l) (b) The medical director's responsibilities shall include at least the following:

(1) [Coordination of care of patients provided by attending physicians and assurance of compliance with the facility's written bylaws and rules which delineate responsibilities.

(2) [Review of incidents and accidents that occur on the premises and addressing the health and safety hazards of the facility. The administrator shall be given appropriate information from the medical director to help insure a safe and sanitary environment for [patients] residents and personnel.

(3) Execution of patient care policies as they relate to the patient's total plan of care.

(4) (2) \* \* \*

(m) The requirement for a medical director may be waived by the Department for an appropriate period of time depending on the following:

(1) The facility is located in an area where the supply of physicians is not sufficient to permit compliance with this requirement without seriously reducing the availability of physician services within the area.

(2) The facility has made continuous efforts in good faith to recruit a medical director but has not been able to hire a physician due to the unavailability of physicians. ]

### § 211.3. Oral and telephone orders.

(a) A physician's oral and telephone orders shall be given to a licensed nurse, physician or other individual authorized by appropriate statutes and the State Boards in the Bureau of Professional and Occupational Affairs and shall immediately be recorded on the [patient's] resident's medical record by the person receiving the order. The entry shall be signed and dated by the person receiving the order.

(b) A physician's oral and telephone orders for care and treatments, exclusive of medication orders—see § 211.9(h) (relating to pharmaceutical services)—shall be dated and countersigned with the original signature of

the physician within 7 days of receipt of the order. If the physician is not the attending physician, he shall be authorized and the facility so informed by the attending physician and shall be knowledgeable about the [patient's] resident's condition.

### § 211.4. Procedure in event of death.

(a) [The patient's physician or the physician's designee shall be notified immediately of the apparent death of a patient. Documentation shall be on the patient's medical record of this notification or attempt to notify the physician.

(b) Written and dated documentation by the physician shall be on the patient's medical record that death has occurred.

(c) Death certificates shall be completed and signed by the physician under Article V of the Vital Statistics Law of 1953 (35 P. S. §§ 450.501—450.506).

(d) [Written postmortem procedures shall be available at each nursing station.

(e) (b) Documentation shall be on the [patient's] resident's medical record that the next of kin, guardian or responsible party has been notified of the [patient's] resident's death. The name of the notified party shall be written on the [patient's] resident's medical record.

### § 211.5. [Medical] Clinical records.

(a) [The facility shall maintain, in accordance with accepted professional standards and practices, an organized patient record system. These records shall be available to professional and other staff directly involved with the patient and to authorized representatives of the State and Federal government. Records] Clinical records shall be available to, but not be limited to, representatives of the Department of Aging Ombudsman Program.

(b) [The medical record service shall have sufficient staff, facilities and equipment to provide medical records that are documented completely and accurately, readily accessible and systematically organized to facilitate retrieving and compiling information.

(c) [Information contained in the [patient's] resident's record shall be privileged and confidential. Written consent of the [patient] resident, or of a designated responsible agent acting on the [patient's] resident's behalf, is required for release of information. Written consent is not necessary for authorized representatives of the State and Federal government during the conduct of their official duties.

(d) [The facility shall provide the patient or the patient's designee, upon request, access to information contained in the patient's medical records unless medically contraindicated. If the patient or patient designee wants a copy of the medical record, the facility shall provide the copy and may charge a reasonable fee for reproducing copies.

(e) If requested, after the death of a patient, the facility shall make the patient's medical record available to the deceased patient's executor or administrator of the decedent's estate or to the person who is responsible for the disposition of the body. If a copy of the medical record is requested,

the facility shall provide one copy and may charge a reasonable fee for reproducing copies.

(f) Records shall be adequately safeguarded against destruction, fire, loss or unauthorized use.

(g) The facility shall maintain adequate facilities and equipment, which are conveniently located, in order to provide efficient processing of medical records.

(h) (c) Records shall be retained for a minimum of 7 years following a [patient's] resident's discharge or death.

(i) Medical records (d) Records of discharged [patients] residents shall be completed within 30 days of discharge. Clinical information pertaining to a [patient's] resident's stay shall be centralized in the [patient's medical] resident's record.

(j) (e) When a facility closes, [patient] resident medical records may be transferred with the [patient] resident if the [patient] resident is transferred to another health care facility. Otherwise, the owners of the facility shall make provisions for the safekeeping and confidentiality of medical records and shall notify the Department of how the records may be obtained.

(k) (f) At a minimum, the [patient] resident record shall include physicians' orders, observation and progress notes, nurses' notes, medical and nursing history and physical examination reports; identification information, admission data, documented evidence of assessment of [patient's] resident's needs, establishment of an appropriate treatment plan and plans of care and services provided; hospital diagnoses authentication—discharge summary, report from attending physician, or transfer form—diagnostic and therapeutic orders, reports of treatments, clinical findings, medication records and discharge summary including final diagnosis and prognosis or cause of death. The information contained in the record shall be sufficient to justify the diagnosis and treatment, identify the [patient] resident and show accurately documented information.

(l) (g) \* \* \*

(m) (h) Each professional discipline shall enter the appropriate historical and progress notes in a timely fashion in accordance with the individual needs of a [patient] resident.

(n) (i) Overall supervisory responsibility for the medical record service shall be [assigned to a full-time employe of the facility. If the person is not a qualified medical records administrator, this person functions with consultation from a person so qualified] performed by qualified personnel competent to carry out the functions of the medical record service. The facility shall also employ sufficient supportive personnel competent to carry out the functions of the medical record service.

(o) The following information shall be incorporated by members of the nursing staff into the nurses' notes section of the medical record:

(1) Drugs or treatment administered to patients shall be recorded daily on the proper record.

(2) Observations made concerning the condition of critically or acutely ill patients shall be recorded daily on the proper record on each tour of duty.

(3) Observations made concerning the condition of patients who are not critically or acutely ill shall be recorded in summary at least once each month for each tour of duty.

(4) Nurses' notes shall be written in chronological order and shall be signed and dated by the person making the entry. Nurses' notes include, but are not limited to, observations made concerning the general condition of the patient, change in the physical or mental condition, an incident or accident and significant items of care. ]

§ 211.6. Dietary services.

(a) [The facility shall provide a hygienic dietetic service that meets the daily nutritional needs of patients, ensures that special dietary needs are met and provides palatable and attractive meals. A facility that has a contract with an outside food management company may be found to be in compliance with this section if the facility or company, or both, meets the standards listed in this section.

(b) Menus shall be planned and followed to meet nutritional needs of patients under physician's orders and, to the extent medically possible, under the recommended dietary allowances of the Food and Nutrition Board, National Research Council—National Academy of Sciences.

(c) \* \* \*

(d) (b) Sufficient food to meet the nutritional needs of [patients] residents shall be prepared as planned for each meal. There shall be at least 3 days' supply of food available in storage in the facility at all times.

(e) At least three meals or their equivalent shall be served daily at regular times with not more than a 14-hour span between a substantial evening meal and breakfast. If not medically contraindicated, bedtime nourishments shall be offered routinely to patients.

(f) Foods shall be prepared by methods that conserve nutritive value, flavor and appearance, and are attractively served at proper temperatures and in a form to meet individual needs.

(g) If a patient refuses food served, appropriate substitutions of similar nutritive value shall be offered.

(h) When necessary, individuals shall be provided special equipment, implements or utensils to assist them with eating.

(i) Food shall be procured from sources approved or considered satisfactory by Federal, State or local authorities. Food shall be stored, prepared, distributed and served under sanitary conditions. Waste shall be disposed of properly.

(j) Written reports of inspections by State and local health authorities shall be on file at the facility with notation made of action taken by the facility to comply with recommendations.

(k) (c) \* \* \*

(l) If the dietary services supervisor is not a qualified dietitian, the supervisor shall function with frequent regularly scheduled consultation from a person who is qualified.

(m) (d) If consultant dietary services are used, the consultant's visits shall be at appropriate times and of sufficient duration and frequency to provide continuing liaison with medical and nursing staff, advice to the administrator, [ patient ] resident counseling, guidance to the supervisor and staff of the dietary services, approval of menus, and participation in development or revision of dietary policies and procedures and in planning and conducting inservice education and programs.

[ (n) The facility shall employ sufficient supportive persons who are competent to carry out the functions of the dietary services.

(o) Food service personnel shall be on duty over a period of 12 or more hours.

(p) Therapeutic diets shall be prescribed by the attending physician.

(q) Therapeutic menus shall be planned in writing. They shall be prepared and served as ordered under supervision or consultation from the dietetic supervisor and advice from the physician whenever necessary.

(r) (e) \* \* \*

[ (s) Procedures shall be established and regularly followed which assure that the serving of meals to patients for whom special or restricted diets have been medically prescribed is supervised. Observation of the patient's eating habits shall be made and charted on the patient's medical record.

(t) (f) \* \* \*

#### § 211.7. Physician assistants/nurse practitioners.

(a) Physician assistants/nurse practitioners may be utilized in long term care facilities, in accordance with their training and experience and the requirements [ set forth ] in statutes and regulations governing their respective practice. [ They may not be used in lieu of licensed physicians, with respect to the requirements of § 211.2(b) and (c) (relating to medical services). ]

(b) If the facility utilizes the services of physician assistants/nurse practitioners, the following apply:

\* \* \* \* \*

(4) A notice plainly visible to [ patients ] residents shall be posted in prominent places in the institution explaining the meaning of the terms "physician assistant" and "nurse practitioner."

(c) Physician assistants/nurse practitioners' documentation on the [ patient's ] resident's record shall be countersigned by the supervising physician within 7 days with an original signature and date by the licensed physician. This includes progress notes, physical examination reports, treatments and any other notation made by the physician assistant/nurse practitioner.

\* \* \* \* \*

#### § 211.8. Use of restraints.

(a) [ Restraints shall be used to prevent injury to the patient or other patients only as necessary. ] Restraints may not be used in lieu of staff effort. Locked restraints may not be used.

(b) [ Restraints ] Physical restraints may not be used or applied in a manner which causes injury to the [ patient ] resident.

(c) [ Restraints ] Physical restraints shall be removed at least 10 minutes out of every 2 hours during the normal waking hours to allow the [ patient ] resident an opportunity to move and exercise. Except during the usual sleeping hours, the [ patient's ] resident's position shall be changed at least every 2 hours. During sleeping hours, the position shall be changed as indicated by the [ patient's ] resident's needs.

(d) A signed, dated, written physician order shall be required for a physical or chemical restraint. This includes the use of [ posey, ] chest, waist, wrist, ankle or other form of restraint. The order shall include the type of restraint to be used.

(e) The physician shall document the reason for the initial restraint order and shall review the continued need for the use of the restraint order by evaluating the [ patient ] resident. Need for the continued use of a restraint shall be evaluated at least every 30 days by an interdisciplinary team. [ If the order is to be continued, the order shall be renewed for at least every 30 days for skilled patients and every 60 days for intermediate care patients by the physician in accordance with the patient's total program of care.

(f) [ A written order is not required for the use of a geriatric chair. If the patient is placed in a geriatric chair, the patient shall be removed from the chair and exercised at least every 2 hours. ] Every 30 days, the interdisciplinary team shall review and reevaluate the use of all restraints ordered by physicians.

#### § 211.9. [ Pharmaceutical ] Pharmacy services.

(a) [ The facility shall have written policies and procedures which are used to ensure that all aspects of medication control and pharmaceutical services are acceptable practices and comply with applicable State, Federal and local statutes and regulations. The ] Facility policies [ and procedures ] shall ensure that [ the following are complied with:

(1) The identity of the patient shall be unquestionably established before medication is administered.

(2) The employe who administers medications to patients shall record and sign on the individual medication record of each patient the medication, dosage and time it was given. This shall be done as soon as possible after the medications have been given.

(3) Appropriate facility staff shall be knowledgeable of the policies and procedures.

(4) Only ] only licensed pharmacists shall dispense medications for [ patients ] residents. Licensed physicians may dispense medications to the [ patients ] residents who are in their care.

[ (5) The records of receipt and disposition of controlled substances shall be maintained in sufficient detail to enable an accurate reconciliation.

(6) Drug records shall be in order and an account of controlled substances shall be maintained and reconciled.

(7) A drug formulary shall be available readily to medical and nursing staff to use as a cross reference if generic drugs are used.

(8) Self-administration of medications shall be allowed only with written permission of the attending physician. ]

\* \* \* \* \*

(e) Each [ patient ] resident shall have a written physician's order for each medication received. This includes both proprietary and nonproprietary medications. [ These physician's orders shall be on each patient's individual chart and shall be reviewed, renewed, signed and dated by the physician every 30 days for skilled patients and 60 days for intermediate care patients.

(f) Written medication orders which are not specifically limited to time or number of doses shall be controlled by automatic stop orders or other methods under written policies. The attending physician shall be notified of an automatic stop order prior to the last dose so that he may decide if the medication order is to be renewed.

(g) If a prescribed medication is not given, the reason shall be recorded on the patient's medical record, and the prescribing practitioner shall be notified of the information under acceptable medical and nursing practices.

(h) ] (f) A physician's telephone and oral orders for medications shall be given only to a licensed nurse, pharmacist, physician or other individual as authorized by the appropriate statutes and the State Board in the Bureau of Professional and Occupational Affairs. Telephone and oral orders shall be recorded immediately on the [ patient's ] resident's medical record and dated and signed by the person receiving the order. Telephone and oral orders shall be countersigned by the prescribing practitioner/attending physician within 48 hours. Orders may be by facsimile transmission. Oral orders for Schedule II drugs are permitted only in a bona fide emergency.

[ (i) A prescription container shall be labeled individually by the pharmacist for each patient. The label shall include the name of the prescribing practitioner, name of patient, Federal Drug Enforcement Administration number—if appropriate—name and address of the pharmacy, directions for use, required warnings, name and strength of the drug, prescription serial number, date originally dispensed, quantity of drug dispensed and initial or name of dispensing persons. The name of the manufacturer shall be on the label if generic drugs are used.

(j) Patients ] (g) Residents shall be permitted to purchase prescribed medications from the pharmacy of their choice. If the [ patient ] resident does not use the pharmacy that usually services the facility, the [ patient ] resident is responsible for securing the medications and for assuring that applicable pharmacy regulations and facility policies are met.

[ (k) If over-the-counter drugs are maintained in the facility, they shall bear the original label and

shall have the name of the patient on the label of the container. The charge nurse may record the patient's name on the nonprescription label. The use of nonprescription drugs shall be limited by quantity and category according to the needs of the patient. Facility policies shall indicate the procedure for handling and billing of nonprescription drugs.

(l) ] (h) If a unit of use or multiuse systems are used, applicable statutes shall be met. Unit of use dispensing containers or multiuse cards shall be properly labeled [ under subsection (i) ]. Individually wrapped doses shall be stored in the original container from which they were dispensed.

[ (m) ] (i) At least quarterly, outdated, deteriorated or recalled medications shall be identified and [ referred to the Pharmaceutical Services Committee or consultant pharmacist ] returned to the dispensing pharmacy for disposal [ under State and Federal statutes and regulations ] in accordance with acceptable professional practices. Written documentation shall be made regarding the [ disposal ] disposition of these medications.

[ (n) ] (j) Disposition of discontinued and unused medications and medications of discharged or deceased [ patients ] residents shall be handled by facility policy which shall be developed in cooperation with the consultant pharmacist [ or Pharmaceutical Services Committee ]. The method of disposition and quantity of the drugs shall be documented on the respective [ patient's ] resident's chart. The disposition procedures shall be done at least quarterly under Commonwealth and Federal statutes.

[ (o) The facility shall maintain written policies and procedures relating to medications and biologicals which provide the following:

(1) If the facility maintains a licensed pharmacy, a licensed pharmacist shall be in charge and present during the pharmacy's normal hours of operation.

(2) If the facility does not maintain a licensed pharmacy, it shall have arrangements with at least one licensed pharmacy to provide required services and consultation.

(3) Arrangments shall be made to assure that pharmaceutical services will be available on an emergency basis.

(4) The pharmacist, if not a full-time employe of the facility, shall devote a sufficient number of hours during a regularly scheduled visit to carry out the specified contractual responsibilities. Consultation shall be provided at least monthly on methods, procedures, storage, administration, disposal and recordkeeping of medications and biologicals and patient records. The consulting pharmacist shall submit a written monthly report on the status of the facility's pharmaceutical services and staff performance to the Pharmaceutical Services Committee.

(5) The Pharmaceutical Services Committee shall review medication errors and irregularities and shall document the review and corrective action plans in the minutes.

(p) No drug intended solely for study or experimental use may be administered unless authorized by 21 CFR (relating to food and drugs) and then, only with the written consent of the patient or the legal guardian.

(q) Written policies and procedures shall be established in conjunction with the consulting pharmacist or Pharmaceutical Services Committee regarding the proper storage and maintenance of drugs and biologicals. The storage policies shall ensure that:

(1) Drugs and biologicals, including those that require refrigeration, shall be stored in locked compartments and properly maintained. Only authorized personnel shall have access to the keys.

(2) Separately locked, permanently affixed compartments shall be provided for storage of controlled substances listed in Schedule II in section 4(2) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-104(2)) and § 25.72(c) (relating to schedules of controlled substances), and other drugs subject to abuse.

(3) If mobile medication carts are used, they shall:

(i) Have a double locked box within the cart for storage of controlled Schedule II substances.

(ii) Be secured in an acceptable fashion if not in use to insure security control.

(iii) Be stored away from corridors when not in use.

(4) Internal and external medications shall be stored separately in locked compartments.

(r) A Pharmaceutical Services Committee shall perform the following: ] (k) The oversight of pharmaceutical services shall be the responsibility of the quality assurance committee. Arrangements shall be made for the pharmacist responsible for the adequacy and accuracy of the services to have committee input.

[ (1) Develop ] The quality assurance committee shall develop written policies and procedures for drug therapy, distribution, administration, control and use.

[ (2) Develop procedures for control and accountability for drugs and biologicals in the facility.

(3) Be comprised of at least a registered pharmacist, director of nursing, administrator and one licensed physician.

(4) Oversee the pharmaceutical services in the facility, make recommendations for improvement, monitor the service to ensure accuracy and adequacy and make provisions for annual inservice training programs for facility staff.

(5) Meet at least quarterly and document in writing its activities, findings and recommendations.

(6) Assure that the drug regimen of each patient is reviewed at least monthly by a registered pharmacist and that the pharmacist documents the findings of the review on each patient's medical record.

(7) Review and approve the contents, storage and use of emergency medication kits.

(s) ] (l) A facility shall have at least one emergency medication kit. The kit used in the facility shall be governed by the following:

(1) The facility shall have written policies and procedures pertaining to the use, content, storage and refill of the kits.

\* \* \* \* \*

(3) The emergency medication kits shall be under the control of a practitioner [ licensed by statute ] authorized to dispense or prescribe medications under the Pharmacy Act (63 P. S. §§ 390.1—390.13).

\* \* \* \* \*

§ 211.10. [ Patient ] Resident care policies.

(a) [ A facility shall have written policies to govern the continuing nursing care and related medical and other services provided. The policies shall reflect the philosophy of the facility.

(b) The facility shall have policies which are developed by the administrator and director of nurses with the advice of the medical director or the organized medical staff and of other professional personnel. The policies shall govern the nursing care and medical care or other related services it provides.

(c) The ] Resident care policies [ which ] shall be available to admitting physicians, sponsoring agencies, [ patients ] residents and the public, shall reflect an awareness of, and provision for, meeting the total medical and psychosocial needs of [ patients ] residents. The needs include admission, transfer and discharge planning. [ The range of services available to patients also includes the frequency of physician visits by each category of patients admitted.

(d) The policies shall include provisions to protect patients' personal and property rights.

(e) The medical records and minutes of staff and committee meetings shall reflect the rendering of patient care under the written patient care policies.

(f) The facility shall appoint in writing a physician or a registered nurse to be responsible for the execution of the policies. If the responsibility for day-to-day execution of patient care policies has been delegated to a registered nurse, the facility shall make available an advisory physician from whom medical guidance is received.

(g) ] (b) \* \* \*

[ (h) ] (c) The policies shall be designed and implemented to ensure that each [ patient ] resident receives treatments, medications, diets and rehabilitative nursing care as prescribed.

[ (i) ] (d) The policies shall be designed and implemented to ensure that the [ patient ] resident receives proper care to prevent [ decubitus ulcers ] pressure sores and deformities; that the [ patient ] resident is kept comfortable, clean and well-groomed; that the [ patient ] resident is protected from accident, injury and infection; and that the [ patient ] resident is encouraged, assisted and trained in self-care and group activities.

§ 211.11. [ Patient ] Resident care plan.

[ (a) A registered nurse on the staff of the facility shall be designated by the director of nursing services to be responsible for the coordination of a written patient care plan. This responsibility shall be in the nurse's job description.

(b) The patient care plan shall be developed upon admission and implemented as soon as possible thereafter.

(c) The patient care plan shall be reviewed, evaluated and updated, as necessary, by professionals involved in the care of the patient.

(d) The patient care plan shall be an interdisciplinary care plan that shall include input as appropriate but not limited to physicians services, nursing services, social services, rehabilitative services, dietary, pharmacy and activities service.

(e) The patient plan of care shall establish goals and define the approach to be utilized by each discipline toward achievement of the goals. Goals of care shall be set through the evaluation of the patient's present state of physical and emotional health, potential for improvement or potential to maintain the present level of functioning. Goals of the plans of care shall be set through the evaluation of the patient's present state of physical and emotional health, potential for improvement or potential to maintain the present level of functioning.

(f) The [ patient ] resident care plan shall be available for use by personnel caring for the [ patient ] resident.

[ (g) The patient, when able, shall participate in the development and review of the plan. ]

§ 211.12. Nursing services.

(a) The facility shall provide [ nursing to meet the needs of patients ] services by sufficient numbers of personnel on a 24-hour basis to provide nursing care to all residents in accordance with resident care plans.

\* \* \* \* \*

(d) [ If the director of nursing services has institutional responsibilities other than nursing responsibilities, a qualified registered nurse shall serve as an assistant and act in the absence so there is the equivalent of a full-time director of nursing services.

(e) The director of nursing services shall be responsible for:

(1) [ The development and maintenance of nursing service objectives.

<i>Census</i>	<i>Day</i>
59 and under	—
60/150	1 RN
151/250	1 RN and 1 LPN
251/Upward	2 RNs

(j) The director of nursing services may also serve as the day professional staff nurse in a facility with an average daily census of 59 patients or less.

(2) Standards of [ good ] accepted nursing practice.

[ (3) ] (2) \* \* \*

[ (4) Written job descriptions for each level of nursing personnel.

(5) (3) Methods for coordination of nursing services with other [ patient ] resident services.

[ (6) ] (4) \* \* \*

[ (7) Schedules of daily rounds to see patients. Rounds shall be made daily by the director of nursing services or a delegate.

(8) Nursing staff development.

(9) (5) General supervision, guidance and assistance for a [ patient ] resident in implementing the [ patient's ] resident's personal health program to assure that preventive measures, treatments, medications, diet and other health services prescribed are properly carried out and recorded.

[ (f) Until July 1, 1988, there shall be a qualified licensed nurse as the charge nurse who is responsible for supervising total nursing activities in the facility for each tour of duty in accordance with the following:

(1) There shall be a licensed registered nurse on the day tour of duty each day of the week and a registered nurse or licensed practical nurse on the evening and night tour of duty in a facility that has skilled patients.

(2) There shall be a registered nurse or licensed practical nurse on each tour of duty each day of the week in a facility that has only intermediate care patients.

(g) After July 1, 1988, there shall be ] (e) The facility shall designate a registered nurse as the charge nurse who is responsible for supervising total nursing activities within the facility on each tour of duty each day of the week.

[ (h) ] (f) In addition to the director of nursing services, the following daily professional staff shall be available [ except as provided in subsection (j). ]:

(1) The following [ is effective July 1, 1988 ] apply:

\* \* \* \* \*

(2) [ If ] When the facility designates an LPN [ is in ] as a charge nurse, a registered nurse shall be on call and located within a 30-minute drive of the facility.

[ (i) The following requirement is effective until July 1, 1988, in a facility that has skilled care patients except as provided in subsection (j).

<i>Evening</i>	<i>Night</i>
1 RN or LPN	1 RN or LPN
1 RN	1 RN
1 RN and 1 LPN	1 RN and 1 LPN
2 RNs	2 RNs

(k) The charge nurse shall delegate responsibility to nursing personnel for the direct nursing care of specific patients during each tour of duty on the basis of staff education qualifications, size and



**physical layout of the facility, characteristics of the patient load and the emotional, social and nursing care of patients. ]**

**(l) ] (g)** There shall be at least one nursing staff employee per 20 **[ patients ] residents** on duty.

**[ (m) ] (h) \* \* \***

**[ (n) ] (i)** A minimum number of general nursing care hours shall be provided for each 24-hour period. The total number of hours of general nursing care provided in each 24-hour period shall, when totalled for the entire facility, be a minimum of **[ 2.7 ] 2.3** hours of direct **resident** care for each **[ skilled care patient and a minimum of 2.3 hours of direct patient care for each intermediate care patient ] resident**. The total number of daily required hours shall be computed by multiplying the number of **[ intermediate care patients ] residents** by 2.3 hours **[ and by multiplying the number of skilled care patients by 2.7 hours. The two figures shall be added; the sum shall be the minimum total number of hours of general nursing provided in each 24-hour period for the entire facility.**

**(o) ] (j)** Nursing personnel shall be provided on each **[ patient ] resident** floor.

**[ (p) ] (k)** Weekly time schedules shall be maintained and shall indicate the number and classification of nursing personnel, including relief personnel, who worked on each tour of duty **on each nursing unit.**

**[ (q) ] (l)** The Department may require an increase in the number of nursing personnel from the minimum requirements if specific situations in the facility—including, but not limited to, the physical or mental condition of **[ patients ] residents, the** quality of nursing care administered, **the** location of **[ patients ] residents, the** location of the nursing station and location of the facility—indicate the departures as necessary for the welfare, health and safety of the **[ patients ] residents.**

**[ (r)** Nursing personnel shall be aware of the nutritional needs and food and fluid intake of patients and assist promptly where necessary in the feeding of patients. A procedure shall be established to inform the dietetic service of physicians' diet orders and of patients' dietetic problems. Food and fluid intake of patients shall be observed, and deviations from normal shall be recorded and reported to the charge nurse and the physician.

**(s)** The facility shall have an active program of restorative care for patients who need the service. The service shall be an integral part of nursing service and shall be directed toward assisting a patient to achieve and maintain an optimal level of self-care and independence. Records shall be maintained when the services are performed. ]

§ 211.13. **[ Rehabilitative services ] (Reserved).**

**[ (a)** The facility shall maintain a specialized rehabilitative program for those patients who need the service. Either directly or through arrangements with qualified outside resources, the service is designed to preserve and improve abilities for independent function, to prevent progressive disability and to restore maximum function.

**(b)** Rehabilitative services are provided upon a physician's written order and with a written plan of care developed in conjunction with the attending physician and appropriate therapist and nursing service personnel.

**(c)** Information regarding rehabilitative services shall be recorded on the patient's record and shall be signed and dated. This includes the physician's written order and the progress note of the person providing the service.

**(d)** Safe and adequate space and equipment shall be available commensurate with the service offered.

**(e)** If the facility does not offer the services directly, it may not admit nor retain patients in need of rehabilitative care unless provision is made for the services under arrangement with qualified outside resources under which the facility assumes professional responsibility for the service rendered.

**(f)** The patient's progress shall be reviewed regularly by the physician and the therapist. They shall reevaluate the plan of rehabilitative services as necessary, but at least every 30 days for skilled patients and every 60 days for intermediate care patients.

**(g)** Specialized rehabilitative services shall be provided under accepted professional practices by qualified therapists, or by qualified assistants or other supportive personnel under the supervision of qualified therapists.

**(h)** Written administrative and patient care policies and procedures shall be developed for restorative services by appropriate therapists and representatives of the medical, administrative and nursing staffs. ]

§ 211.14. **[ Diagnostic services ] (Reserved).**

**[ (a)** The facility shall have provision for promptly obtaining required laboratory, X-ray and other diagnostic services.

**(b)** If the facility provides its own X-ray services, it shall be in compliance with 25 Pa. Code Part I, Subpart D, Article V (relating to radiological health). If the facility provides its own clinical laboratory services, it shall be in compliance with Chapter 5 (relating to clinical laboratories).

**(c)** If the facility does not provide diagnostic services, arrangements shall be made for obtaining the services from a physician's office, a hospital or facility, a portable X-ray supplier or independent laboratory which is approved by the necessary agencies to provide the services.

**(d)** Services shall be provided only on the orders of the attending physician who shall be notified promptly of the findings.

**(e)** Signed and dated reports of a clinical laboratory, X-ray and other diagnostic services shall be reviewed by the physician and shall be filed with the patient's medical record.

**(f)** The facility shall assist the patient, if necessary, in arranging for transportation to and from the source of service. ]

§ 211.15. Dental services.

(a) The facility shall [make satisfactory arrangements to assist patients in obtaining emergency and routine dental care on a regularly scheduled basis] assist residents in obtaining routine and 24-hour emergency dental care.

[(b) An advisory dentist or dental hygienist under the supervision of a dentist shall participate in the staff development program for nursing and other appropriate personnel, and shall recommend oral hygiene policies and practices for the care of patients.]

(c) The facility shall have a cooperative agreement with a dental service, and shall maintain a list of dentists in the community for patients who do not have a private dentist.

(d) The facility shall assist the patient if necessary in arranging transportation to and from the dentist's office.

(e) [(b) The facility shall make provisions to assure that [patient] resident dentures are retained by the [patient] resident. [When possible, dentures] Dentures shall be marked [with the patient's name] for each resident.

§ 211.16. [Social services] (Reserved).

[(a) The facility shall provide social services designed to promote preservation of the patient's physical and mental health and to prevent the occurrence or progression of personal and social problems.]

(b) In the absence of a qualified social worker on the staff who is a graduate of a school of social work accredited by the Council on Social Work Education, a designated staff member suited by training or experience shall be responsible for arranging for social services through health and welfare resources in the community, and for the integration of the social services with other elements of the patient's plan of care.

(c) Social work consultation by a qualified social worker consultant shall be provided and documented on a regular basis.

(d) The social work employe shall maintain a written record of the frequency and nature of the qualified social work consultation and services provided or obtained.

(e) There shall be an evaluation of each patient's social needs. The plan for providing care shall be formulated and recorded in the patient's record and periodically reevaluated in conjunction with the patient's total plan of care.

(f) Pertinent social data shall be collected upon admission for a patient or immediately prior to admission and the data shall be placed in the patient's medical record. The data shall include information about the personal and family problems related to the patient's illness and care, and of actions taken to meet the patient's needs. Pertinent social data shall be made available to the attending physician and other appropriate staff members. After the data is collected, an evaluation shall be made to determine if the patient needs continued social service.

(g) For patients receiving social services, there shall be a clearly defined plan prepared by qualified persons to assist a patient to adjust to the social and emotional aspects of the illness, treatment and stay in the facility. This plan shall be formulated in conjunction with the patient's total plan of care and shall be reevaluated periodically.

(h) Policies and procedures shall be established for ensuring the confidentiality of the patient's social information. ]

§ 211.17. [Patient activities] Pet therapy.

[(a) The facility shall provide for an activities program appropriate to the needs and interests of a patient which shall encourage self-care, resumption of normal activities and maintenance of optimal self-functioning and contact with the environment.]

(b) A full-time member of the facility's staff shall be designated as responsible for the patient activities program. If he is not a patient activities coordinator, he shall function with frequent regularly scheduled consultation from a person so qualified.

(c) Provision shall be made for an ongoing program of meaningful activities appropriate to the needs and interests of patients, designed to promote opportunities for engaging in normal pursuits, including religious activities of their choice. The activities shall be designed to promote the physical, social, religious and mental well being of the patients.

(d) A patient's activities plan shall be approved by the patient's attending physician to insure that it is not in conflict with the treatment plan. The activity plan shall be incorporated into the overall plan of care, and it shall be reviewed at least quarterly by the patient and appropriate staff. The plan shall be changed as needed.

(e) The facility shall make available adequate space and a variety of supplies and equipment to satisfy the individual interests of patients. If the space used is a multipurpose room, the activities program space may not interfere with other activities.

(f) ] If pet therapy is utilized, the following standards apply:

(1) Animals are not permitted in the kitchen or other food service areas, dining rooms, utility rooms and rooms of [patients] residents who do not want animals in their rooms.

(2) Careful selection of types of animals shall be made so they are not harmful or annoying to [patients] residents.

(3) The number and types of pets shall be restricted according to the layout of the building, type of [patients] residents, staff and animals.

(4) Pets shall be carefully selected to meet the needs of the [patients] residents involved in the pet therapy program.

\* \* \* \* \*

Subpart [ E ] F. AMBULATORY SURGICAL FACILITIES

CHAPTER 551. GENERAL INFORMATION

GENERAL PROVISIONS

§ 551.1. Legal base.

\* \* \* \* \*

(b) The Department has the duty to promulgate[, after consultation with the Health Care Policy Board, ] the regulations necessary to implement Chapter 8 of the act and to assure that its regulations and the act are enforced.

\* \* \* \* \*

§ 551.2. Affected institutions.

This subpart applies to ambulatory surgical facilities, profit or nonprofit, operated within this Commonwealth. Only those facilities which are licensed under this subpart shall provide ambulatory surgery in this Commonwealth, except as provided in Class A facilities. This subpart does not apply to outpatient surgery performed at licensed hospitals, or to dentists' or oral surgeons' offices except to the extent the offices seek licensure as ambulatory surgical facilities.

§ 551.3. Definitions.

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

**ASF—Ambulatory surgical facility [ (ASF)—A facility which provides outpatient surgical treatment and is not located upon the premises of a hospital. The term does not include the office of an individual or group practice physician or dentist, unless the office has a distinct part used solely for outpatient surgical treatment on a regular and organized basis. ] A facility or portion thereof not located upon the premises of a hospital which provides specialty or multispecialty outpatient surgical treatment. The term does not include individual or group practice offices of private practitioners unless the offices have a distinct part used solely for outpatient surgical treatment on a regular and organized basis.**

\* \* \* \* \*

**Ambulatory surgery—Surgery which is performed:**

(i) On an outpatient basis in a facility which is not located in a hospital.

(ii) On patients who do not require hospitalization but who do require constant medical supervision following the surgical procedure performed and whose total length of stay does not exceed the standards in this subpart.

**Anesthesia—The use of pharmaceutical agents to induce the loss of sensation. For the purpose of this chapter, the term applies when any patient, in any setting receives, for any purpose, by any routine one of the following:**

(i) General, spinal or other regional anesthesia.

(ii) Sedation (with or without analgesia), for which there is a reasonable expectation that, in the

manner used, will result in the loss of protective reflexes for a significant percentage of a group of patients.

\* \* \* \* \*

*Authorized person to administer drugs and medications*—In an ASF, the term includes the following:

(i) [ **Physicians and dentists** ] Practitioners who are currently licensed by the Bureau of Professional and Occupational Affairs, Department of State.

\* \* \* \* \*

**Classification levels**—ASFs shall be classified as follows:

(i) **Class A**—A private or group practice office of practitioners where procedures performed are limited to those requiring administration of either local or topical anesthesia, or no anesthesia at all. Class A enterprises shall receive ASF accreditation from a Nationally recognized accrediting body such as the Accreditation Association for Ambulatory Health Care (AAAHC), or the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) to be identified as providing ambulatory surgery.

(ii) **Class B**—A single-specialty or multiple-specialty facility with a distinct part used solely for ambulatory surgical treatments involving administration of sedation analgesia or dissociative drugs wherein reflexes may be obtunded; and where patients are limited to Physical Status (PS) PS-I or PS-II patients, unless the patient's PS status would not be adversely affected or sought to be remedied by the surgery. A Class B ASF may be a distinct part of a private or group practice medical or dental office so long as the requirements of this subpart are met.

(iii) **Class C**—A single-specialty or multiple-specialty facility used exclusively for the purpose of providing ambulatory surgical treatments which involve the use of a spectrum of anesthetic agents, up to and including general anesthesia. PS-I, PS-II and PS-III patients may be treated at a Class C facility, within limitations imposed by regulations regarding anesthesia and recovery time, if the facility is freestanding.

**Classification system**—A process used to identify three levels of ambulatory surgical facilities (A, B and C) based on the procedure, patient status and anesthesia used. Only ASF's classified as a B or C facility are eligible for licensure.

\* \* \* \* \*

**Distinct part**—An area which is part of a practitioner's office which is physically identifiable and where surgery is performed on a regular and organized basis.

\* \* \* \* \*

**Governing body**—The individuals, group or entity that has ultimate authority and responsibility for establishing policy, maintaining quality patient care and providing for organizational management and planning.

\* \* \* \* \*

**Organized**—Administratively and functionally structured to include the following:

- (i) Governing body.
- (ii) Medical staff.
- (iii) Quality assurance.
- (iv) Nursing services.
- (v) Pharmacy services.
- (vi) Medical record services.
- (vii) Laboratory and radiology services.
- (viii) Environmental services.
- (ix) Fire and safety services.

\* \* \* \* \*

*Physical status classifications*—The evaluation of the patient's overall health as it would influence the conduct and outcome of anesthesia or surgery, or both. Physical status shall be defined within one of five assigned classes which are:

- (i) Class 1 patients have no organic, physiologic, biochemical, metabolic or psychiatric disturbance. The operation to be performed is for a local pathologic process and has no systemic effect.
- (ii) Class 2 patients have a systemic disturbance which may be of a mild to moderate degree but which is either controlled or has not changed in its severity for some time.
- (iii) Class 3 patients suffer from significant systemic disturbance, although the degree to which it limits the patient's functioning or causes disability may not be quantifiable.
- (iv) Class 4 patients suffer from severe systemic diseases that are already life-threatening and may or may not be correctable by surgery.
- (v) Class 5 patients are moribund and not expected to survive without surgery.

\* \* \* \* \*

*Surgery*—The branch of medicine that diagnoses and treats diseases, disorders, malformations and injuries wholly or partially by operative procedures.

\* \* \* \* \*

[ EXCEPTIONS ]

§ 551.11. [ Principle ] (Reserved).

[ The Department may, within its discretion and for good reason, grant exceptions to this subpart when the policy and objectives of this subpart are otherwise met, or when compliance would create an unreasonable hardship, and when an exception would not impair the health, safety or welfare of a patient. ]

§ 551.12. [ Requests for exceptions ] (Reserved).

[ Requests for exceptions to this subpart shall be made in writing to the Department by the ASF. Requests, whether approved or not approved, will be documented and retained on file by the Department. Approved requests shall be retained on file by the ASF during the period the exception remains in effect. ]

§ 551.13. [ Revocation of exceptions ] (Reserved).

[ (a) An exception granted under this chapter may be revoked by the Department for a good

reason. Notice of revocation will be in writing and will include the reason for the action of the Department and a specific date upon which the exception will be terminated.

(b) In revoking an exception, the Department will provide for a reasonable time between the date of written notice of revocation and the date of termination of an exception for the ASF to come into compliance with this subpart. Failure by the ASF to comply after the specified date may result in enforcement proceedings under this chapter.

(c) If an ASF wishes to request a reconsideration of a denial or revocation of an exception, it shall do so in writing to the Director of the Bureau of Quality Assurance of the Department within 30 days of receipt of the adverse notification. ]

INTERPRETATIONS

§ 551.21. [ Definition of ] Criteria for ambulatory surgery.

(a) Ambulatory surgical procedures are limited to those that do not generally exceed:

- (1) A total of 4 hours of operating time.
- (2) A total of 4 hours directly supervised recovery.

(b) If the surgical procedures require anesthesia, the anesthesia shall be one of the following:

- (1) Local or regional anesthesia.
- (2) General anesthesia of 4 hours or less duration.

(c) Surgical procedures may not be of a type that:

- (1) Generally associated with the risk of extensive blood loss.
- (2) Require major or prolonged invasion of body cavities.
- (3) Directly involve major blood vessels.
- (4) Are generally emergency or life threatening in nature.
- (5) Are performed on patients younger than 6 months of age or on low birth weight babies up to 1 year of age.

- [ (a) ] (d) \*\*\*
- [ (b) ] (e) \*\*\*
- [ (c) ] (f) \*\*\*

APPLICATION AND AUTHORIZATION TO OPERATE AN AMBULATORY SURGICAL FACILITY

§ 551.31. [ Certificate of Need ] Licensure.

[ A Certificate of Need shall be obtained under the act. ]

(a) A license shall be obtained to operate a free-standing Class B or Class C ambulatory surgical facility.

(b) An ASF license shall designate the licensed facility as either Class B or Class C.

(c) An applicant for a license to operate an ASF request licensure by the Department by means of written communication which sets forth:

(1) A list of operative procedures proposed to be performed at the facility and the ages of the patients to be served.

(2) The highest level of anesthetic proposed to be used for each proposed operative procedure.

(3) The highest PS patient level proposed to receive ambulatory surgery at the facility.

(4) A statement from the applicant which may be accompanied by a written opinion from a Nationally recognized accrediting body stating the most appropriate facility Class (A, B or C) or licensure ready.

(d) If a facility desires to change its classification level from a Class B enterprise to a Class C enterprise, the facility shall request and obtain a license prior to providing services to ASA Class III or PS-III patients.

§ 551.32. [ Building occupancy ] (Reserved).

[ New construction, alterations or renovations that provide space for patient rooms may not be used or occupied until authorization for the occupancy has been received by the ASF from the Department.

(1) The Department will require at least one inspection during the construction phase of an ASF. The inspection shall take place at approximately 75% of the estimated time of completion of the facility.

(2) The Department shall be notified in writing when an ASF is at least 75% complete in construction, so arrangements may be made for inspection.

(3) It is the responsibility of the ASF to request a preoccupancy survey at least 2 weeks prior to the anticipated occupancy of an ASF or an addition or remodeled part thereof. The Department will conduct an on-site survey of the new or remodeled portion of the ASF prior to granting approval for occupancy. The Department, acting through the Director of the Division of Hospitals, may give the authorization orally, either in person or by telephone. The Department will provide the ASF with written confirmation of the oral authorization within 30 days. ]

§ 551.33. Survey.

The Department will conduct a survey to insure that the applicant is in compliance with this subpart. The survey will include an [ on-site ] onsite inspection and review of written approvals submitted to the Department by regulatory agencies responsible for building, electric, fire and environmental safety. The Department may designate Nationally recognized accrediting agencies whose standards are at least as stringent as the Department's to perform some or all aspects of licensure surveys.

§ 551.34. Licensure process.

(a) An application for [ a ] the appropriate license to operate an ASF shall be made in accordance with section 807 of the act (35 P. S. § 448.807).

\* \* \* \* \*

(c) Applications for renewal of a license shall be made [ annually ] biannually on forms obtained from the Department of Health.

(d) Applications or renewal forms shall be accompanied by a fee of \$ [ 50 ] 250.

#### CONTINUING OPERATIONS

§ 551.41. Policy.

The Department will issue a license valid for [ 1 year ] 2 years to an ASF which is in compliance with this subpart.

§ 551.42. [ Nontransfer of license ] (Reserved).

[ An ASF shall advise the Department no later than 90 days prior to an intended change of ownership or control of the ASF. A license is not transferable to new owners or controlling parties except upon a finding by the Department that they are responsible persons, and that other provisions of the act and this subpart have been met.

§ 551.43. Void license.

(a) The license of an ASF becomes automatically void when one of the following occurs:

(1) The license term of [ 1 year ] 2 years expires.

\* \* \* \* \*

(b) If the ASF locates or relocates services at a site other than the current site or a site contiguous thereto, [ it ] the ASF shall notify the Department 30 days prior to the change [ in order ] so that the Department may determine if a new license [ and certificate of need review are ] is necessary.

#### INSPECTION AND SURVEY ACTIVITIES

§ 551.53. Presurvey preparation.

(a) Prior to [ an annual ] a biennial survey site visit of an ASF by the Department, the Department may request from the ASF documents or records of the ASF, or other information necessary for the Department to prepare for the site visit. The ASF shall provide the information requested, including a declarative statement that sets forth the information requested in § 551.31 (relating to licensure) as follows:

(1) A list of operative procedures proposed to be performed at the facility.

(2) The highest level of anesthetic proposed to be used for each proposed operative procedure.

(3) The highest PS patient level proposed to receive outpatient surgical treatments at the facility.

#### ISSUANCE OF LICENSE

§ 551.81. Principle.

The Department will issue an ASF [ licenses ] license to a facility which complies with this subpart. The license will reflect the regular [ or ], provisional or limited status [ of ] and the classification assigned to the ASF. The license applies only to [ those facilities designated ] the designated facility.

§ 551.82. Regular license.

(a) The Department will issue a regular [ 1 ] 2 year license to an ASF when that ASF is in compliance with section 808 of the act (35 P. S. § 448.808) and is in full or substantial compliance with this subpart.

(b) As used in subsection (a) "substantial compliance" means:

(1) Deficiencies are, individually and in combined effect, of a minor nature so that neither the deficiencies [ nor ] or efforts toward their correction will not do one of the following:

\* \* \* \* \*

(iii) Exceed the assigned classification of the ASF.

\* \* \* \* \*

§ 551.83. Provisional license.

\* \* \* \* \*

[ (d) A provisional license will not be issued to services or facilities, or parts of facilities, which are subject to Certificate of Need review, if the review has not been completed. ]

REFUSAL OR REVOCATION

§ 551.91. Grounds.

(a) The Department may refuse to issue a license for [ any ] one or more of the following reasons:

\* \* \* \* \*

[ (5) A Certificate of Need, if necessary, has not been issued. ]

(b) The Department may refuse to renew a license, or may suspend or revoke or limit a license for all or a portion of an ASF, or for a particular service offered by an ASF, or may suspend admissions for any of the following reasons:

\* \* \* \* \*

(10) Providing services exceeding the scope of the classification assigned in the license.

[ (c) Failure to obtain a Certificate of Need will necessitate a licensure modification to exclude the areas lacking certificate of need approval. ]

§ 551.93. Notice.

(a) If the Department proposes to revoke, modify, limit or refuse to issue or renew a license or to issue a provisional license, or to suspend admissions or to levy a civil penalty against the ASF, it will give written notice to the ASF by certified mail.

(b) Written notice will specify the reasons for the proposed action of the Department and will notify the ASF of its right to a hearing. The order will specify the time within which a request of the ASF for a hearing shall be filed with the [ State Health Facility Hearing Board ] Health Policy Board.

HEARINGS

§ 551.111. Hearings relating to licensure.

Hearings relating to licensure, including the issuance of a provisional license, or the suspension of admissions, will be conducted by the [ State Health Facility Hearing ] Health Policy Board, 37 Pa. Code Chapter 197 (relating to practice and procedure).

[ CIVIL RIGHTS ]

§ 551.121. [ Principle ] (Reserved).

[ An ASF shall comply with the Pennsylvania Human Relations Act (43 P. S. §§ 951—963) and 16 Pa. Code Part II, Subpart A (relating to Human Relations Commission). ]

§ 551.122. [ Civil rights compliance ] (Reserved).

[ Civil rights compliance shall be a condition required for the issuance of a license. The Department may make on-site visits to verify the civil rights compliance status of the ASF. ]

§ 551.123. [ Civil rights compliance records ] (Reserved).

[ The following records shall be maintained to indicate that no person is excluded from participation in, is denied the benefits of, or is otherwise subjected to discrimination in the provision of care or services on the ground of age, race, creed, color, sex, national origin, religion, handicap or disability.

(1) A signed and dated copy of the policies of the ASF pertaining to the admission of patients and visitors. The date the policies were adopted shall also be indicated. The policies shall set forth in clear terms nondiscriminatory practices with regard to age, race, creed, color, religion, national origin, sex, handicap or disability.

(2) Other records or reports as may be required by the Department, to determine compliance with the Pennsylvania Human Relations Act (43 P. S. §§ 951—963). ]

CHAPTER 553. OWNERSHIP, GOVERNANCE AND MANAGEMENT

GOVERNING BODY

§ 553.2. Ownership.

(a) The owner of the ASF may be an individual, partnership, association, a corporation or a combination thereof. [ The following rules apply to ASFs according to the mode of ownership: ]

[ (1) Individual ownership. ] (b) A complete list of the names and addresses of owners [ and of the persons in charge ], directors, officers and managers shall be submitted with the application. [ When a sole owner of an ASF dies, the executor or administrator of the estate may apply for, and the Department may, after review, approve the transfer of the license for the ASF.

(2) Partnerships. A complete list of names and addresses of the persons in charge and partners shall be submitted with the application. If a license is issued to a partnership and one or more of the partners dies, the executor or administrator of the deceased's estate, together with the surviving partners may apply for a license. After review, the Department may transfer the license.

(3) Association or corporation. A complete list of names and addresses of the officers and directors, of the corporate owner and of the parent corporation, if applicable, and of the persons in charge, who are responsible for the management of the ASF, shall be submitted with the application.

(4) Stockholders with 5% ownership interest. A facility shall list persons who have a direct or indirect ownership interest of 5% or more in the ASF, including, for example, stockholders.

(b) The Department shall be notified in writing within 30 days after a change has taken place in

the officers, directors, stockholders with 5.0% or more ownership interest or persons in charge of an ASF. ]

(c) [ The Department shall be notified in writing at least 90 days before a change in ownership or the form of ownership or name of the facility takes place. The license is transferable upon approval by the Department ] Owners shall be considered any person who has a direct or indirect equity interest in the facility of 5% or more, including, shareholders and partners.

\* \* \* \* \*

§ 553.3. Governing body responsibilities.

Governing body responsibilities include[, but are not limited to]:

\* \* \* \* \*

(8) Establishing personnel policies and practices which adequately support sound patient care to include[, but not be limited to, ] the following:

(i) Require the employment of personnel with qualifications commensurate with a job's responsibilities and authority, including appropriate licensure and certification.

[ (i) ] (ii) \*\*\*

[ (ii) ] (iii) \* \* \*

[ (iii) An employe shall be determined to be physically able to perform duties. Reasonable precautions shall be taken to assure the absence of detectable active communicable disease. ]

(iv) Compliance with Occupational Safety and Health Administration (OSHA) Universal Precautions for prevention of transmission of diseases.

[ (iv) ] (v) \*\*\*

(vi) Compliance with Federal and State regulations including, The Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213), civil rights and OSHA regulations.

\* \* \* \* \*

(13) Approving major contracts or arrangements affecting the medical care provided under its auspices, including, [ but not limited to, ] those concerning:

(i) The employment [ of practitioners ] for contractual arrangements with practitioners and others providing direct patient care.

(ii) The provision of all treatment related services including, radiology, medical laboratory, pathology, anesthesia and pharmaceutical services.

(iii) The provision of care by other health care organizations[, such as hospitals under § 555.24(d)—(f) (relating to post-operative care) ].

\* \* \* \* \*

(16) Assuring that at least one medical professional [ working staff person ] in the [ surgical suite ] facility is [ certified ] currently and on an ongoing basis certified in advanced cardiac life support, or its successor.

(17) Assuring that all ASF personnel wear identification tags which include the person's name and professional designation.

§ 553.4. Other functions.

\* \* \* \* \*

(c) If [ a majority of its members are practitioners, ] the governing body is comprised of two or more members, and if the majority of those members are practitioners, the governing body, either directly or by delegation, shall make—based on evidence of the education, training and current competence [ of the practitioners ]—initial appointments, reappointments and assignment or curtailment of clinical privileges of the practitioners.

(d) If the governing body is comprised of only one member, or if a majority of the members of the governing body are not practitioners, the ASF bylaws or similar rules and regulations shall specify a procedure for establishing medical review by practitioners for the purpose of recommending to the governing body for its approval—based on evidence of the education, training and current competence [ of the practitioner ]—initial appointments, reappointments and assignment or curtailment of clinical privileges of the practitioners.

\* \* \* \* \*

(g) The governing body shall ensure that [ the following disclosure requirements are met: ] the licensee provides to the Department, the documents under § 551.53 (relating to presurvey preparation).

[ (1) The licensee provides to the appropriate health systems agency information that the health systems agency is required to collect under section 1512(b) of the National Health Planning and Resources Development Act (42 U.S.C.A. § 3001-1(b)).

(2) The licensee makes available to the public and the Department upon request the licensee's current reimbursement under Blue Shield, Blue Cross, Medical Assistance, Medicare and other third-party payment arrangements for a service, as well as the average usual and customary charge for a service to noninsured private pay patients. ]

(h) The governing body shall appoint a medical director who shall be board certified by an American Board of Medical Specialties recognized board or the dental, podiatric or osteopathic equivalent.

ADMISSION, TRANSFER AND DISCHARGE

§ 553.21. Principle.

\* \* \* \* \*

(d) A patient shall be discharged only with appropriate discharge instructions under § 555.24 (relating to postoperative care).

§ 553.22. Admission criteria.

The governing body, with the advice of and in conjunction with the medical staff, shall establish medical criteria for admissions under § 555.22(a) (relating to preoperative care). Medical criteria shall be congruent with the assigned ASF class level stated on the facility license.

§ 553.25. Discharge criteria.

A patient may only be discharged from an ASF if the following physical status criteria are met:

(1) *Vital signs.* Blood pressure, heart rate, temperature and respiratory rate are within the normal range for the patient's age or at preoperative levels for that patient.

(2) *Activity.* The patient has regained preoperative mobility without assistance or syncope, or function at his usual level considering limitations imposed by the surgical procedure.

(3) *Mental status.* The patient is awake, alert or functions at his preoperative mental status.

(4) *Pain.* The patient's pain can be effectively controlled with medication.

(5) *Bleeding.* Bleeding is controlled and consistent with that expected from the surgical procedure.

(6) *Nausea/vomiting.* Minimal nausea or vomiting is controlled and consistent with that expected from the surgical procedure.

MANAGEMENT AND ADMINISTRATION OF OPERATIONS

§ 553.31. Administrative responsibilities.

\* \* \* \* \*

(b) Administrative policies, procedures and controls shall be established, **documented** and implemented to assure the orderly and efficient management of the ASF.

CHAPTER 555. MEDICAL STAFF  
MEDICAL STAFF

§ 555.3. Requirements for membership and privileges.

\* \* \* \* \*

(b) **Privileges granted shall reflect the results of peer review or utilization review programs, or both, specific to ambulatory surgery.**

[ (b) ] (c) \*\*\*

[ (c) ] (d) \*\*\*

(1) A written record of the application, which [ **include** ] **includes** the scope of privileges sought and granted. **The delineation "clinical privileges" shall address the administration of anesthesia.**

\* \* \* \* \*

[ (d) ] (e) \*\*\*

(f) **The governing body shall request and consider reports from the National Practitioner Data Bank on each practitioner who requests privileges.**

§ 555.4. Clinical activities and duties of physician assistants and nurse practitioners.

\* \* \* \* \*

(b) Physician assistants shall perform within the limits established by the medical staff and consistent with the Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.45). Nurse practitioners shall perform within the limits established by the medical staff and consistent with the Professional Nursing Law (63 P. S. §§ 211—225.5) **and the joint regulations of the Boards of Medicine and Nursing.**

\* \* \* \* \*

MEDICAL ORDERS

§ 555.12. Oral orders.

[ Orders given orally for drugs and biologicals shall be followed by a written order, signed by the prescribing practitioner, within 24 hours of the order ] Oral orders for medication or treatment shall be accepted only under urgent circumstances when it is impractical for the orders to be given in written manner by the responsible practitioner. Oral orders shall be administered in accordance with § 555.13 (relating to administration of drugs) only by personnel qualified according to medical staff bylaws or rules, who shall document the orders in the proper place in the medical record of the patient. The order shall include the date, time and full signature of the person taking the order and shall be countersigned by a practitioner within 24 hours of the order. If the practitioner is not the attending physician, the practitioner must be authorized by the attending physician and shall be knowledgeable about the patient's condition.

§ 555.13. Administration of drugs.

Drugs shall be administered only upon the proper order of a practitioner acting within the scope of his license and authorized according to medical staff bylaws, rules and regulations. Drugs shall be administered directly by a practitioner qualified according to medical staff bylaws, rules and regulations or by a professional nurse or by a licensed practical nurse with pharmacy training. Further policies on the administration of drugs shall be established by the medical staff in conjunction with pharmaceutical services or personnel.

SURGICAL SERVICES

§ 555.21. Surgical procedures.

Procedures performed in the ASF are limited to procedures that are approved by the governing body, on an annual basis, upon the recommendation of the medical staff **and congruent with ASF classification as stated on their ASF license.**

§ 555.22. Preoperative care.

(a) Pertinent medical histories and physical examinations, and supplemental information regarding drug sensitivities shall be documented the day of surgery or one of the following:

(1) If medical evaluation, examination and referral are made from a private [ **physician's** ] **practitioner's** office, hospital or clinic, pertinent records thereof shall be available and made part of the patient's clinical record at the time the patient is registered and admitted to the ASF. This information is considered valid only if the evaluation was performed no more than [ 7 ] **30** days prior to date of surgery.

[ (2) **If it is a referred evaluation, a physician** ] **A practitioner shall examine the patient immediately before surgery to evaluate the risk of anesthesia and of the procedure to be performed. The information shall be clearly documented in the medical record.**

(b) A written statement indicating informed consent, obtained by the [ **surgeon** ] **practitioner**, and signed by the patient, or responsible person, for the performance of the specific [ **surgical procedure** ] **procedures shall be procured and made part of the patient's clinical record. It shall contain a statement which evidences the appropriateness of the proposed surgery, as well as any alternative treatments discussed with the pa-**



tient. It shall also identify any practitioner who shall participate in the surgery.

(c) Written instructions for [ pre-operative ] preoperative procedures, which have been approved by the medical staff, shall be given to the patient or responsible person, and shall include [ , but not be limited to ]:

\* \* \* \* \*

(5) [ The requirement that, upon ] Upon discharge of a patient who has received sedation or general anesthesia, a responsible person shall be available to escort the patient home. [ A medical decision shall be made as to whether another patient needs a responsible person to escort him home. ]

(d) [ Pre-operative ] Preoperative diagnostic studies, if performed, shall be evaluated, annotated, signed and entered into the patient's medical record before surgery.

(e) [ After the patient has been placed on the operating table ] Prior to the administration of anesthesia, it is the responsibility of the primary operating surgeon and the person administering anesthesia to properly identify the patient and to document this identification in the patient's medical record. This procedure shall be in written policies designating the mechanism to be used to identify each surgical patient.

§ 555.23. Operative care.

(a) Approved surgical procedures shall be performed only by a qualified physician, dentist or podiatrist within the limits of his defined specific practice privileges. Physician assistants and nurse practitioners may be permitted to assist in the performance of surgical procedures in accordance with their legally authorized scope of practice and the policies and procedures of the ASF.

\* \* \* \* \*

(e) The ASF shall have a written transfer agreement with a hospital which has emergency and surgical services available, [ or ] and physicians performing surgery in the ASF shall have admitting privileges at a hospital in close proximity to the ASF.

\* \* \* \* \*

§ 555.24. [ Post-operative ] Postoperative care.

(a) The findings and techniques of an operation shall be accurately and completely written or dictated immediately after the procedure by the practitioner medical staff member who performed the operation. If a physician assistant or nurse practitioner performed part of the operation, [ he shall accurately record ] the findings and techniques of the procedure shall be accurately recorded. This description shall become a part of the patient's medical record.

(b) [ Patients who have had general anesthesia, or local anesthesia with sedation, ] A patient who has received anesthesia shall be observed in the facility by a registered nurse or a practitioner for a period of time which is sufficient to ensure that no immediate [ post-operative ] postoperative complications are present.

\* \* \* \* \*

(d) [ An anesthesiologist or another physician qualified in resuscitative techniques ] A medical professional certified in advanced cardiac life support shall be present until patients operated on that day have been discharged from the facility. If a patient receives general anesthesia or IV sedation, the anesthetist who provides the anesthesia or sedation shall remain present until that patient has been discharged from the facility.

[ (e) Patients who have received sedation or general anesthesia shall be examined by a physician prior to discharge, after recovery from anesthesia. ]

[ (f) ] (e) \*\*\*

[ (g) ] (f) Protocols approved by the medical staff shall be established for instructing patients in self-care after surgery [ . Written ] including written instructions which, at a minimum, shall include the following:

\* \* \* \* \*

(2) An explanation of prescribed drug regime [ . Directions ] including directions for use [ on the medical label are adequate to fulfill this requirement ] of any medications.

(3) The limitations and restrictions on activities of the patient, if necessary.

\* \* \* \* \*

[ (h) ] (g) Patients shall be discharged only on the written signed order of a [ physician ] practitioner.

ANESTHESIA SERVICES

§ 555.31. Principle.

(a) Anesthesia services provided in the facility are limited to those techniques that are approved by the governing body upon the recommendation of qualified medical staff. They shall be limited to those techniques appropriate to the assigned classification per ASF license.

(b) The governing body [ or its designee shall determine the extent of anesthesia services and ] shall define the degree of supervision required and the scope of responsibilities delegated to anesthesiologists and nurse and dentist anesthetists, as well as the corresponding responsibilities of supervising physicians.

§ 555.32. Administration of anesthesia.

(a) Anesthetics shall be administered by anesthesiologists and certified registered nurse anesthetists and dentist anesthetists, or qualified practitioners, as defined in § 551.3 (relating to definitions).

(b) If a nonphysician administers the anesthesia, the anesthetist shall be under the medical direction of an anesthesiologist or a qualified physician or dentist who is present in the ASF.

(c) The Director of Anesthesia Services shall be responsible for designating the physician or dentist who will be responsible for the medical direction of the anesthetist.

§ 555.33. Anesthesia policies and procedures.

\* \* \* \* \*

(b) In ASFs where there is no anesthesiologist, the governing body shall designate a qualified physician or dentist to function as the Director of Anesthesia Services, who shall be responsible for directing the anesthe-

sia services and establishing the general policies and procedures for the administration of anesthesia in the ASF which shall be approved by the governing body.

**(c) Policies and procedures shall be developed for anesthesia services and shall include the following:**

**(1) Education, training and supervision of personnel.**

**(2) Responsibilities of nonphysician anesthetists.**

**(3) Responsibilities of supervising physicians or dentists.**

**[ (b) ] (d)** Anesthesia procedures shall provide at least the following:

(1) A patient requiring anesthesia shall have a pre-anesthesia evaluation by a **[ physician ] qualified practitioner**, with appropriate documentation of pertinent information regarding the choice of anesthesia.

(2) A review **and documentation** shall be made of the condition of the patient immediately prior to induction of anesthesia, including pertinent laboratory findings, time of administration and dosage of pre-anesthesia medications.

\* \* \* \* \*

(4) Following the procedure for which anesthesia was administered, the anesthetist **[ or a designee ]** shall remain with the patient as long as necessary to insure **[ that the patient has recovered. Personnel ] safe transport to the recovery area and shall advise personnel** responsible for **[ post-anesthetic ] postanesthetic care [ shall be advised as to specific problems presented by ]** of the condition of the patient.

\* \* \* \* \*

**(6) Intraoperative physiologic monitoring shall include the following at a minimum:**

- (i) The use of pulse oximeter.**
- (ii) The use of End Tidal CO2 monitoring during Endotracheal anesthesia.**
- (iii) The use of EKG monitoring.**
- (iv) The use of blood pressure monitoring.**

**(7) A patient may not receive general anesthesia unless one or more additional health care professionals besides the one performing the surgery, are present, one of whom is trained in the administration of anesthesia.**

**[ (6) ] (8)** Before discharge from the ASF, a patient shall be evaluated for proper anesthesia recovery **by the person who administered the anesthesia, operating room surgeon, anesthesiologist or dentist.** Depending on the type of anesthesia and length of surgery, the **[ post-operative ] postoperative** check shall include at least the following:

\* \* \* \* \*

**(v) [ Patient color ] Pulse oximeter.**

**§ 555.35. Safety regulations.**

**(a)** Appropriate precautions shall be taken to ensure the safe administration of anesthetic and other medical gas agents, in accordance with the latest edition of NFPA Code 56G, and other applicable NFPA Codes as required.

**(b) The machines used for anesthesia shall have at least one annual function testing by technicians with appropriate training and a log of this testing and outcomes shall be maintained.**

**CHAPTER 557. QUALITY ASSURANCE AND IMPROVEMENT**

**§ 557.1. Policy.**

The ASF, with active participation of the medical and nursing staff, shall conduct an ongoing quality assurance **and improvement** program designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care and resolve identified problems.

**§ 557.2. The plan.**

(a) The ASF shall have a written plan for the quality assurance **and improvement** program that describes the program's objectives, organization, scope and mechanisms for overseeing the effectiveness of monitoring, evaluation and problem solving activities.

(b) The written plan shall be endorsed by the governing body **[ which is ] and the medical director who are** responsible for establishment and direction of the program and which indicates the staff person responsible for implementation of the program.

(c) The plan shall emphasize the ongoing nature of the quality assurance program and the comprehensiveness of the scope of the program which shall include monitoring and evaluation of the following:

(1) Medical staff functions including:

**(i) [ Clinical ] Peer-based review of clinical performance of individuals with clinical privileges.**

\* \* \* \* \*

(d) The plan shall **[ define ] include** participation of **[ physicians ] practitioners** and other health care personnel.

**§ 557.3. The quality assurance and improvement program.**

(a) The quality assurance program shall include monitoring and evaluation of data collected, based on defined criteria that reflect current knowledge and clinical experience and relate to the care provided by the service. **Sources of data include the medical records, incident reports, infection control records and patient complaints. The medical record shall contain sufficient data to support the diagnosis and determine that the procedures are appropriate to the diagnosis.**

(c) **[ Sources of data shall include, but not be limited to, the medical records, incident reports, infection control records and patient complaints. The medical record shall contain sufficient data to support the diagnosis and determine that the procedures are appropriate to the diagnosis. ]** The frequency, severity and source of suspected problems or concerns are evaluated by practitioners and nurses.

(d) **[ Corrective actions and the results ] Measures shall be implemented to resolve important problems or concerns identified. The results of these corrective measures shall be monitored to assure**

that the problem has been satisfactorily resolved. [ Actions ] Measures which may be taken include [ , but are not limited to ]:

\* \* \* \* \*

§ 557.4. Quality [ Assurance Committee ] assurance and improvement committee.

(a) The committee shall consist of the following:

(1) A [ physician ] practitioner who is not an owner.

\* \* \* \* \*

(c) Committee records of the activities shall include:

(1) Reports made to the governing [ authority ] body.

\* \* \* \* \*

CHAPTER 559. NURSING SERVICES

§ 559.2. Director of nursing.

The director of nursing shall be [ an employe ] currently licensed as a registered nurse in this Commonwealth and be responsible and accountable to the person in charge of the ASF for:

\* \* \* \* \*

§ 559.3. Nursing personnel.

(a) An adequate number of licensed and [ ancillary nursing ] unlicensed personnel shall be on duty to assure that staffing levels meet the total nursing needs of patients based on the number of patients in the facility and their individual nursing care needs.

(b) At least one registered nurse shall be in [ the facility ] attendance during the hours [ it is in operation, and available for emergency treatment ] patients are present. Nursing personnel shall be assigned to duties consistent with their training and experience.

(c) [ Persons employed and classified as registered ] Registered professional nurses or licensed practical nurses practicing at an ASF shall be licensed to practice in this Commonwealth. There shall be a procedure to verify the licensure status of the nurses.

CHAPTER 561. PHARMACEUTICAL SERVICES

GENERAL PROVISIONS

§ 561.1. Drugs and biologicals.

The ASF shall provide drugs and biologicals in a safe and effective manner to meet the needs of the patients and to adequately support the organization's clinical capabilities commensurate with their licensed classification, in accordance with accepted ethical and professional practice and applicable State and Federal law, including [ but not limited to ] the Pharmacy Act (63 P. S. §§ 390.1—390.13), 49 Pa. Code Chapter 27 (relating to State Board of Pharmacy), The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) and Chapter 25 (relating to controlled substances, drugs, devices and cosmetics).

§ 561.2. Pharmaceutical service.

[ A pharmacy operated by the ASF shall be supervised by a licensed pharmacist. If the ASF does not operate a licensed pharmacy, a practitioner shall be appointed in charge of the pharmaceutical service and shall be responsible for maintaining an ad-

equated supply of drugs. Practitioners may dispense drugs only to the patients who are in their care ].

(a) Pharmaceutical services shall be supervised by a physician or dentist who is qualified to assume professional, organization and administrative responsibility for the quality of services rendered. Practitioners may dispense drugs only to the patients who are in their care.

(b) A pharmacy owned and operated by the ASF shall be supervised by a licensed pharmacist.

(c) Contracted pharmaceutical services shall be provided in accordance with the same ethical and professional practices and legal requirements that would be required if these services are provided directly by the organization.

PHARMACEUTICAL FACILITIES

§ 561.13. Storage.

The area in the ASF where drugs are stored shall be periodically checked by the responsible pharmacist or practitioner and proper logs maintained.

POLICIES AND PROCEDURES

§ 561.21. Principle.

The scope of the pharmaceutical service shall be consistent with the medication needs of the patients and congruent with the licensed classification of the ASF. The pharmaceutical policies shall include a program for the control and accountability of drug products throughout the ASF. If drugs are used for an experimental purpose, the use thereof shall be approved by an Institutional Review Board (IRB) or an IRB shall waive review and proper consent for shall be obtained.

§ 561.23. Use of [ dangerous drugs ] controlled substances and other drugs.

There shall be policies and procedures developed and approved by the medical staff which establish controls governing the use of [ dangerous drugs ] controlled substances and other drugs, including sedatives, anticoagulants, antibiotics, oxytoxics and corticosteroids. Policies shall be established regarding written orders for appropriate dosage of all drugs.

[ (1) Dangerous drugs include controlled substances, sedatives, anticoagulants, antibiotics, oxytoxics and corticosteroids.

(2) Policies shall be established regarding written orders for appropriate dosage of dangerous drugs. ]

CHAPTER 563. MEDICAL RECORDS

§ 563.8. Automation or computerization of medical records.

Nothing in this subpart [ may be construed to prohibit ] prohibits the use of automation or computerization in the medical records service, if the provisions in this chapter are met and the information is readily available for use in patient care. Innovations in medical record formats, compilation and data retrieval are specifically encouraged.

§ 563.12. Form and content of record.

The ASF shall maintain a separate medical record for each patient. Every record shall be accurate, legible and promptly completed. Patient medical records shall be

constructed to stand alone and be easily identified as ASF records. Medical records shall include at least the following:

\* \* \* \* \*

(2) [ Significant ] Pertinent medical history and results of physical examination.

(3) [ Pre-operative ] Preoperative diagnostic studies—entered before surgery—if performed.

(4) [ Allergies or abnormal ] The presence or absence of allergies and untoward drug reactions recorded in a prominent and uniform location in all patient charts on a current basis.

\* \* \* \* \*

(9) [ Disposition ] Written and verbal disposition recommendations and instructions given to the patient.

\* \* \* \* \*

§ 563.13. Entries.

\* \* \* \* \*

(e) Necessary documentation on the patient's medical record as specified in § 563.12 (relating to form and content of record) shall be completed [ on the day of surgery ] within 24 hours.

CHAPTER 565. LABORATORY AND RADIOLOGY SERVICES

RADIOLOGY SERVICES

§ 565.12. Radiology service policy.

\* \* \* \* \*

(b) Applicable provisions of the Department of Environmental [ Resources ] Protection regulations at 25 Pa. Code Chapters 221—233 and 25 Pa. Code §§ 235.1 and 235.11—235.15, and the United States Nuclear Regulatory Commission regulations at, 10 CFR Chapter I (relating to Nuclear Regulatory Commission) shall be met by the ASF, or its contracted radiology service.

§ 565.13. Organization and staffing.

\* \* \* \* \*

(b) Sufficient adequately trained, certified and experienced personnel shall be available to supervise and conduct the work of the radiology services.

§ 565.15. Records.

Authenticated, dated reports of services performed shall be made a part of the patient's medical record [ , in a timely manner ] within 24 hours.

CHAPTER 567. ENVIRONMENTAL SERVICES

INFECTION CONTROL

§ 567.1. Principle.

The ASF shall have a sanitary environment, properly constructed, equipped and maintained to protect surgical patients and ASF personnel from cross-infection and to protect the health and safety of patients.

§ 567.3. Policies and procedures.

(a) Only authorized persons, who are properly attired, shall be allowed in the surgical area.

(b) Current written policies and procedures to assure definite and valid infection control shall include, [ but not be limited to, ] the following:

\* \* \* \* \*

(3) Sterilization and disinfection, including suitable equipment for routine and rapid sterilization.

(4) Sterilized materials are packaged, labeled and dated in a consistent manner.

[ (4) ] (5) \*\*\*

(6) Cleaning of surgical suites prior to each operation.

[ (5) ] (7) Clean and soiled linen and utility rooms.

[ (6) ] (8) \*\*\*

[ (7) ] (9) \*\*\*

[ (8) ] (10) Isolation [ standards ] protocols.

[ (9) Strict and protective isolation of appropriate patients. ]

[ (10) ] (11) \*\*\*

[ (11) ] (12) \*\*\*

[ (12) ] (13) \*\*\*

[ (13) ] (14) \*\*\*

[ (14) ] (15) \*\*\*

[ (15) ] (16) \*\*\*

[ (16) ] (17) \*\*\*

SUPPLIES

§ 567.11. Operating suite equipment.

The operating suite shall be adequately equipped with age appropriate equipment for the types of procedures to be performed and the recovery area shall be adequately equipped for the proper care of [ post anesthesia ] postanesthesia recovery of surgical patients. The following equipment shall be available in the operating suite and recovery area.

\* \* \* \* \*

(7) Tracheostomy [ set ] and necessary pulmonary reexpansion supplies.

[ (8) Thoracotomy set. ]

HOUSEKEEPING SERVICES

§ 567.32. Policies and procedures.

Procedures shall be developed for cleaning and care of equipment, for establishment of cleaning schedules, for cleaning methods and for proper use of cleaning supplies and disposal of waste. Suitable equipment shall be provided to facilitate cleaning.

CHAPTER 569. FIRE AND SAFETY SERVICES

INTERNAL DISASTER PLAN

§ 569.11. Firefighting service.

The person in charge of the ASF shall establish a workable plan with the nearest fire department for firefighting service. The ASF shall provide the fire department with a current floor plan of the building showing the location of [ fire fighting ] firefighting equipment, exits, patient rooms, storage places of flammable and

explosive [gases] substances and other information that the fire department requires or as may be necessary.

**EVACUATION DRILLS**

**§ 569.21. Fire drills.**

\* \* \* \* \*

(b) [ If multiple shifts are employed, these drills shall be alternated to: ] The CEO shall:

- (1) Ensure that all personnel are trained to perform assigned duties.
- (2) Ensure that all personnel are familiar with the use and operation of the [ fire-fighting ] firefighting equipment in the ASF.

\* \* \* \* \*

[ (c) At least one ASF fire drill each year should be supervised by the local fire department.

(d) ] (c) \*\*\*

[ (e) ] (d) \*\*\*

**SAFETY PRECAUTIONS**

**§ 569.33. Smoking.**

[ (a) The governing body shall adopt written rules governing smoking within the ASF, which shall be made known to ASF personnel, patients and the public.

(b) These rules shall include at least the following:

(1) Smoking shall be prohibited in an area where flammable liquid, combustible gas or oxygen is being used or stored, and in any other hazardous area of the ASF. The areas shall be posted with no smoking signs.

(2) Patients classified as not mentally or physically responsible for their actions shall be prohibited from smoking unless constant supervision is provided. ]

Smoking is not permitted in an ASF.

**§ 569.35. General safety precautions.**

The following safety precautions shall be met:

\* \* \* \* \*

(7) Only nonflammable agents may be present in a surgical suite.

**CHAPTER 571. CONSTRUCTION STANDARDS  
GENERAL PROVISIONS**

**§ 571.2. Modifications to HHS requirements.**

[ The following provisions modify and supplement the HHS Requirements cited in § 571.1 (relating to minimum standards):

(1) An item in the HHS Requirements which refers to the ]

(a) Life Safety Code [ shall meet ] means the standard as defined in § 569.2 (relating to fire safety standards).

[ (2) A design of an ASF which constitutes a single enclosed cubicle or room for patients shall

be a minimum of 100 square feet per cubicle or room, exclusive of equipment, toilet room, vestibule and furnishings.

(3) ] (b) \*\*\*

[ (4) ] (c) \*\*\*

[ (5) Modify Section 9.5 to read as follows:

(N) Elevators.

(1) ] (d) In [ multi-story ] multistory buildings, where the ASF may be provided on floors other than at grade level, at least one hospital type elevator shall be provided.

[ (2) ] (e) Elevators shall conform to [ Section 7.28 of the ] "HHS Requirements" [ . ] and

[ (3) In Section 7.28 of the HHS Requirements, the reference made to ANSI A-17.1 is ] the latest edition of the "American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Stairs."

(f) The Americans with Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12213).

**SUBMISSION OF PLANS**

**§ 571.13. [ Approval of plans ] (Reserved).**

[ For practical reasons, construction drawing should not be submitted for final approval to the Division of Safety Inspection until a Certificate of Need (CON) has been obtained where necessary. Final approval of construction drawings will not be construed as a CON approval. See § 551.31 (relating to Certificate of Need). ]

**CHAPTER 573. [ STATEMENT OF POLICY ]  
(Reserved)**

**§ 573.1. [ Criteria for ambulatory surgical facility ]  
(Reserved).**

[ (a) A facility is considered an ASF if the surgical procedures performed are all of the following:

(1) Commonly performed on an inpatient basis in hospitals, but may be safely performed in an ASF.

(2) Not of the type that are commonly performed, or that may be safely performed in physicians' offices without a separate operating room or suite that is dedicated to the performance of surgery for a set period of time each week.

(3) Limited to those requiring a dedicated operating room—or suite as described in paragraph (2)—and generally requiring a post-operative recovery room or a short term (not overnight) convalescent room.

(b) A facility performing surgical procedures which appear on the list, published by the United States Department of Health and Human Services, of procedures which are reimbursed under Medicare at 47 Fed. Reg. 34099 (August 5, 1982) (relating to Medicare Program, List of Covered Surgical Procedures for Certain Ambulatory Surgical Services) or procedures which appear on the list, to be published by the Department of Public Welfare, of procedures which are reimbursed under Medical Assistance, may be considered an ASF, if the facility meets other criteria in this section.

**(c) A physician's office may be considered an ASF if the following exist:**

**(1) The office has an area dedicated to performing surgery for a set period of time each week.**

**(2) The procedures performed are those described in this section. ]**

§ 573.2. [ Criteria for ambulatory surgical procedures ] (Reserved).

**[ (a) Surgical procedures are limited to those that do not generally exceed:**

**(1) A total of 90 minutes operating time.**

**(2) A total of 4 hours recovery or convalescent time.**

**(b) If the surgical procedures require anesthesia, the anesthesia shall be either of the following:**

**(1) Local or regional anesthesia.**

**(2) General anesthesia of 90 minutes or less duration.**

**(c) Surgical procedures may not be of a type that:**

**(1) Generally result in extensive blood loss.**

**(2) Require major or prolonged invasion of body cavities.**

**(3) Directly involve major blood vessels.**

**(4) Are generally emergency or life threatening in nature. ]**

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