

# PENNSYLVANIA BULLETIN

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January—December 2003

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

**No. 350, January 2004**

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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*.

## **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.

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2004.

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2003 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2003 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2003 GENERAL ACTS ENACTED—ACT 041 through 043</b>					
041	Dec 16	HB0046	PN2872	60 days	Crimes Code (18 Pa.C.S.)—desecration or sale of venerated objects
042	Dec 16	HB1580	PN2612	60 days	Health Care Facilities Act—employment of health care practitioners
043	Dec 16	HB0545	PN0647	immediately	County Pension Law—vesting rights and additional class options

\*denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 04-1. Filed for public inspection January 2, 2004, 9:00 a.m.]



# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Amendments to the Pennsylvania Rules of Professional Conduct; No. 25 Disciplinary Rules; Doc. No. 1

#### Order

*Per Curiam:*

*And Now*, this 22nd day of December, 2003, Rule 1.19 and the Comment to Rule 1.6 of the Pennsylvania Rules of Professional Conduct are promulgated to read as follows.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

##### Rule 1.6. Confidentiality of Information.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

A lawyer who acts as a lobbyist on behalf of a client may disclose information relating to the representation in order to comply with any legal obligation imposed on the lawyer-lobbyist by the legislature, the executive branch or an agency of the Commonwealth which are consistent with the Rules of Professional Conduct. Such disclosure is explicitly authorized to carry out the representation. The Disciplinary Board of the Supreme Court shall retain jurisdiction over any violation of this Rule.

##### Rule 1.19. Lawyers Acting as Lobbyists.

(a) A lawyer acting as lobbyist, as defined in any statute, or in any regulation passed or adopted by either house of the Legislature, or in any regulation promul-

gated by the Executive Branch or any agency of the Commonwealth of Pennsylvania shall comply with all regulation, disclosure, or other requirements of such statute, resolution, or regulation which are consistent with the Rules of Professional Conduct.

(b) Any disclosure of information relating to representation of a client made by the lawyer-lobbyist in order to comply with such a statute, resolution, or regulation is a disclosure explicitly authorized to carry out the representation and does not violate RPC 1.6.

[Pa.B. Doc. No. 04-2. Filed for public inspection January 2, 2004, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 200, 400, 1000, 1500, 1600, 2000, 2020, 2050, 2100, 2120, 2150, 2170, 2200, 2220, 2250, 2300, 2320, 2350, 3000 AND 4000]

Consolidation of the Action in Equity with the Civil Action; No. 402 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

*And Now*, this 16th day of December, 2003, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 1505, 1507, 1514, 1515, 1523 through 1527, 1529, 1530, and 1536 are rescinded.

2. Rules 1501, 1502, 1503, 1508, 1509, 1510, 1511, 1512, 1513, 1516, 1517, 1520, 1522, 1528, 1576, 1577 and 1580 are rescinded and notes are added to read as follows.

3. Rules 205.4 note, 227.1, 227.4, 236, 237, 249, 250, 400, 440, 1001, 1006, 1007.1, 1020, 1028, 1031, 1032, 1037, 1038, 1066, 1141, 1521, 1531, 1532, 1533, 1549, 1550, 1551, 1569, 1570, 1573, 1601, 1602, 2001, 2026, 2051, 2101, 2126, 2129, 2130, 2151, 2154, 2156, 2176, 2178, 2179, 2201, 2226, 2251, 2301, 2318, 2326, 2328, 2351, 3001, 3101, 3131 and 4001 are amended to read as follows.

4. New Rule 1038.3 is promulgated to read as follows.

5. Paragraph (b) of the Order effective February 8, 1969, entitled "Captioning and Docketing of Actions and Proceedings in the Courts of Common Pleas," is suspended.<sup>1</sup>

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2004.

<sup>1</sup>The Order of 1969 is published in the Pennsylvania Rules of Court Pamphlet (West Group 2003) following Rule of Civil Procedure 1018.

Annex A  
**TITLE 231. RULES OF CIVIL PROCEDURE**  
**PART I. GENERAL**  
**CHAPTER 1000. ACTIONS AT LAW**  
**Subchapter A. CIVIL ACTION**  
**GENERAL**

**Rule 1001. Definition. Scope.**

(a) As used in this chapter and in Rules 1506, 1521, and 1531 through 1535, "action" means a civil action brought in or appealed to any court which is subject to these rules.

**[ (b)(1) All claims heretofore asserted in assumpsit or trespass shall be asserted in one form of action to be known as "civil action." ]**

**(b) There shall be a "civil action" in which shall be brought all claims for relief heretofore asserted in**

- (1) the action of assumpsit,**
- (2) the action of trespass, and**
- (3) the action in equity.**

**Official Note:** The procedural distinctions between the forms of action in assumpsit [ and ], trespass and equity are abolished.

**The following rules govern particular types of equitable relief: Rule 1506 (stockholder's derivative suits, Rule 1531 (injunctions), Rule 1532 (perpetuation of testimony), Rule 1533 (receivers), Rule 1534 (Accounting by Fiduciaries) and Rule 1535 (objections to security).**

**The action to prevent waste has been abolished. The relief formerly available in that action may be obtained in a civil action seeking equitable relief**

See Rule 104.1 for special provisions governing asbestos litigation.

**[ (2) ] (c) \* \* \***  
\* \* \* \* \*

**VENUE AND PROCESS**

**Rule 1006. Venue. Change of Venue.**

(a) Except as otherwise provided by subdivisions (a.1), (b) and (c) of this rule, an action against an individual may be brought in and only in a county in which

**(1) the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law[ . ], or**  
\* \* \* \* \*

**(2) the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.**  
\* \* \* \* \*

**Rule 1007.1. Jury Trial. Demand. Waiver.**

(a) In any action in which the right to jury trial exists, that right shall be deemed waived unless a party files and serves a written demand for a jury trial not later than twenty days after service of the last permissible pleading. The demand shall be made by endorsement on a pleading or by a separate writing.

**Official Note:** Rule 1007.1(a) gives no specific guidance on the existence of a right to jury trial. It could not, in the face of Rule 128(f).

\* \* \* \* \*

**[ (d) Rescinded.**

**Official Note:** The Act of June 25, 1937, P. L. 2090, 12 P. S. § 695 relating to demand for or waiver of jury trial in Philadelphia County, formerly suspended by subdivision (d), has been repealed by Act 1978-53, the Judiciary Act Repealer Act. ]

**PLEADINGS**

**Rule 1020. Pleading More Than One Cause of Action. Alternative Pleading. Failure to Join. Bar.**

(a) The plaintiff may state in the complaint more than one cause of action **cognizable in a civil action** against the same defendant **[ heretofore asserted in assumpsit or trespass ]**. Each cause of action and any special damage related thereto shall be stated in a separate count containing a demand for relief.  
\* \* \* \* \*

**(d)[ (1) ]** If a transaction or occurrence gives rise to more than one cause of action **heretofore asserted in assumpsit and trespass**, against the same person, including causes of action in the alternative, they shall be joined in separate counts in the action against any such person. **Failure to join a cause of action as required by this subdivision shall be deemed a waiver of that cause of action as against all parties to the action.**

**Official Note:** [ Subdivision (d)(1) requires the joinder of related causes of action. The joinder of unrelated causes of action is permissive. See subdivision (a). ]

**Mandatory joinder is limited to related causes of action heretofore asserted in assumpsit and trespass. There is no mandatory joinder of related causes of action in equity.**

**[ For Rules governing joinder of parties, see ]** See Rule 2226 et seq. governing joinder of parties.

**See Rule 213(a) and (b) governing the consolidation and severance of causes of action.**

**[ (2) Rescinded.**

**(3) Rescinded.**

**Official Note:** Former subdivision (d)(3) governed election of remedies between assumpsit and trespass, joint trial of multiple causes of action, submission of specific questions to the jury and molding the verdict.

**Any reference to election of remedies has become procedurally irrelevant as the result of the creation of the single form of civil action.**

**See Rule 213(a) and (b) governing the consolidation and severance of causes of action.**

**(4) Failure to join a cause of action as required by subdivision (d)(1) of this Rule shall be deemed a waiver of that cause of action as against all parties to the action.**

**(5) Rescinded. ]**

**Rule 1028. Preliminary Objections.**

(a) Preliminary objections may be filed by any party to any pleading and are limited to the following grounds:

\* \* \* \* \*

(4) legal insufficiency of a pleading (demurrer); [ and ]

\* \* \* \* \*

(5) lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action; [ and ]

(6) pendency of a prior action or agreement for alternative dispute resolution [ . ];

\* \* \* \* \*

(7) failure to exercise or exhaust a statutory remedy, and

(8) full, complete and adequate non-statutory remedy at law.

\* \* \* \* \*

(c)(1) A party may file an amended pleading as of course within twenty days after service of a copy of preliminary objections. If a party has filed an amended pleading as of course, the preliminary objections to the original pleading shall be deemed moot.

(2) The court shall determine promptly all preliminary objections. If an issue of fact is raised, the court shall consider evidence by depositions or otherwise.

**Official Note:** Preliminary objections raising an issue under subdivision (a)(1), (5) [ or ], (6), (7) or (8) cannot be determined from facts of record. In such a case, the preliminary objections must be endorsed with a notice to plead or no response will be required under Rule 1029(d).

\* \* \* \* \*

**Rule 1031. Counterclaim.**

(a) The defendant may set forth in the answer under the heading "Counterclaim" any cause of action [ heretofore asserted in assumpsit or trespass ] cognizable in a civil action which the defendant has against the plaintiff at the time of filing the answer.

\* \* \* \* \*

**Rule 1032. Waiver of Defenses. Exceptions. Suggestion of Lack of Subject Matter Jurisdiction or Failure to Join Indispensable Party.**

(a) A party waives all defenses and objections which are not presented either by preliminary objection, answer or reply, except a defense which is not required to be pleaded under Rule 1030(b), the defense of failure to state a claim upon which relief can be granted, the defense of failure to join an indispensable party, the objection of failure to state a legal defense to a claim, the defenses of failure to exercise or exhaust a statutory remedy and an adequate remedy at law and any other nonwaivable defense or objection.

\* \* \* \* \*

**JUDGMENT UPON DEFAULT OR ADMISSION**

**Rule 1037. Judgment Upon Default or Admission. Assessment of Damages.**

\* \* \* \* \*

(b) The prothonotary, on praecipe of the plaintiff, shall enter judgment against the defendant for failure to file within the required time a pleading to a complaint which

contains a notice to defend or, except as provided by subdivision (d), for any relief admitted to be due by the defendant's pleadings.

**Official Note:**

\* \* \* \* \*

**While the prothonotary may enter a default judgment in an action legal or equitable, only the court may grant equitable relief. See subdivision (d).**

\* \* \* \* \*

**(d) In all cases in which equitable relief is sought, the court shall enter an appropriate order upon the judgment of default or admission and may take testimony to assist in its decision and in framing the order.**

**Rule 1038. Trial Without Jury.**

(a) Except as otherwise provided in this rule, the trial of an action by a judge sitting without a jury shall be conducted as nearly as may be as a trial by jury is conducted and the parties shall have like rights and privileges, including the right to [ suffer or ] move for nonsuit.

\* \* \* \* \*

(c) The decision may be made orally in open court at the end of the trial, and in that event shall be forthwith transcribed and filed in the office of the prothonotary, or it may be made thereafter in writing and filed forthwith. In either event the prothonotary shall notify all parties or their attorneys of the date of filing. The trial judge shall render a decision within seven days after the conclusion of the trial except in protracted cases or cases of extraordinary complexity.

**Official Note:** A decision includes what were formerly known as a decree nisi and an adjudication. A decision is not a final decree, also known as a judgment.

For post-trial relief following a trial without jury, see Rule 227.1.

For entry of judgment upon praecipe of a party, see Rule 227.4.

[ (d) (Rescinded). ]

**Official Note:** For post-trial relief following a trial without jury, see Rule 227.1.

(e) (Rescinded).

**Official Note:** For entry of judgment upon praecipe of a party, see Rule 227.4.

(f) (Rescinded).

**(g) Rule VIII of the Special Rules, Courts of Common Pleas, First Judicial District, Philadelphia County, adopted July 31, 1963 is suspended. ]**

**Rule 1038.3. Equitable Relief. Advisory Verdict by Jury.**

In any case in which there is a claim for equitable relief, the court on its own motion or upon the petition of any party may submit to trial by jury any or all issues of fact arising from that claim. The advisory verdict of the jury shall be in the form of answers to specific questions and shall not be binding upon the court.

**Official Note:** Rule 1038.3 does not confer a right to trial by jury if the right did not exist prior to the consolidation of the action in equity with the civil action.

The rule preserves the practice under former Equity Rule 1513 of allowing a court in its discretion to submit such claims to trial by jury for an advisory verdict.

CHAPTER 1500. [ ACTION IN EQUITY ]  
EQUITABLE RELIEF

Subchapter A. RULES

Rule 1501. [ Conformity to Civil Action ] (Rescinded).

*Official Note:* The action in equity has been abolished. Equitable relief may be obtained through a civil action, Rule 1001 et seq. Rules 1506, 1521 and 1531 through 1535 are special rules governing equitable relief sought in a civil action.

Rule 1502. [ Court Open ] (Rescinded).

*Official Note:* The court is “always open for the transaction of judicial business.” See Section 324 of the Judicial Code, 42 Pa.C.S. § 324

Rule 1503. [ Venue ] (Rescinded).

*Official Note:* See Rule 1006 governing venue in a civil action.

Rule 1505. [ Defendant Not Served ] (Rescinded).

Rule 1507. [ Specific Averments. Possible Persons Interested in Property. Appointment of a Representative ] (Rescinded).

Rule 1508. [ Pleading More Than One Cause of Action ] (Rescinded).

*Official Note:* See Rule 1020 governing the pleading of more than one cause of action.

Rule 1509. [ Preliminary Objections ] (Rescinded).

*Official Note:* See Rule 1028 governing preliminary objections.

Rule 1510. [ Counterclaim ] (Rescinded).

*Official Note:* See Rule 1031 governing counterclaim in a civil action.

Rule 1511. [ Judgment upon Default or Admission ] (Rescinded).

*Official Note:* See Rule 1037 governing judgment upon default or admission.

Rule 1512. [ Nonsuit ] (Rescinded).

*Official Note:* See Rules 230 and 230.1 governing voluntary nonsuit and nonsuit at trial, respectively.

Rule 1513. [ Trial by Jury. Advisory Verdict ] (Rescinded).

*Official Note:* See Rule 1038.3 governing advisory verdict by jury.

Rule 1514. [ Examiners, Masters and Auditors ] (Rescinded).

Rule 1515. [ Accountants and Experts ] (Rescinded).

Rule 1516. [ Oral Argument. Limitation on Requests for Findings and Conclusions ] (Rescinded).

*Official Note:* See Rule 1038 for the conduct of a trial without a jury.

Rule 1517. [ The Adjudication. Notice ] (Rescinded).

*Official Note:* See Rule 1038 for the decision in a trial without a jury.

Rule 1520. [ Form of Decree ] (Rescinded).

*Official Note:* See Rule 1038 for the decision in a trial without a jury.

Rule 1521. Indexing of Decree. Lien and Revival of Decree for Payment of Money.

(a) [ Decrees, nisi ] Orders, interlocutory or final, shall be entered on the judgment index [ of the law side of the court ].

(b) [ Decrees ] Orders for the payment of money shall be a lien on the real estate of the defendant named in the [ decree ] order in the manner, for the period and with the same effect as the lien of judgments [ rendered by the law side of the court ] for the payment of money.

(c) [ Decrees ] Orders for the payment of money or costs and not satisfied may be revived from time to time in the manner provided by law for the revival of judgments.

Rule 1522. [ Rehearing ] (Rescinded).

*Official Note:* See Rule of Appellate Procedure 1701(b) governing reconsideration of an order.

Rule 1523. [ Costs ] (Rescinded).

Rule 1524. [ Security for Costs ] (Rescinded).

Rule 1525. [ Interlocutory Order for Costs ] (Rescinded).

Rule 1526. [ Liability for Costs ] (Rescinded).

Rule 1527. [ Taxation of Costs ] (Rescinded).

Rule 1528. [ Amendments ] (Rescinded).

*Official Note:* See Rule 1033 governing amendment of pleadings.

Rule 1529. [ Enforcement of Orders. Execution Process ] (Rescinded).

Rule 1530. [ Special Relief. Accounting ] (Rescinded).

Rule 1531. Special Relief. Injunctions.

\* \* \* \* \*

(f)(1) When a preliminary or special injunction involving freedom of expression is issued, either without notice or after notice and hearing, the court shall hold a final hearing within three days after demand by the defendant. A final [ decree ] order shall be filed in the office of the prothonotary within twenty-four hours after the close of the hearing. If the final hearing is not held within the three-day period, or if the final [ decree ] order is not filed within twenty-four hours after the close of the hearing, the injunction shall be deemed dissolved.

*Official Note:* The three-day period is the maximum time. In particular cases a shorter period may be required. [ The equity side of the Court is always open. See Rule 1502. ] The court is “always open for the transaction of judicial business.” See Section 324 of the Judicial Code, 42 Pa.C.S. § 324.

(2) When the defendant demands such a final hearing, no further pleadings shall be required and Rule [ 1517 ] 1038(b) and (c) relating to [ adjudication and decree nisi ] decision in a trial without jury and Rules 227.1 to 227.3 relating to post-trial relief shall not apply.

(3) The trial judge shall file a written memorandum supporting the final [ decree ] order within five days after it is filed.

**Rule 1532. Special Relief. Perpetuation of Testimony.**

\* \* \* \* \*

(b) In an action to perpetuate testimony, the testimony may be taken before the court or by depositions. The procedure for the taking of the testimony by depositions shall conform as nearly as practicable to the proceedings under the rules on depositions and discovery. The final [ decree ] order shall direct whether or not the testimony or a part thereof shall be perpetuated.

\* \* \* \* \*

**Rule 1533. Special Relief. Receivers.**

\* \* \* \* \*

(e) Except in the case of a public utility, a [ decree ] order authorizing a receiver to operate a business shall be limited to a fixed period, which may be extended from time to time upon cause shown after notice to all parties in interest.

\* \* \* \* \*

(g) Every [ decree ] order appointing a permanent receiver shall fix the time within which the receiver shall file a report setting forth the property of the debtor, the interests in and claims against it, its income-producing capacity and recommendations as to the best method of realizing its value for the benefit of those entitled.

\* \* \* \* \*

**Rule 1536. [ Effective Date. Pending Actions ] (Re-scinded).**

**Rule 1549. Acts of Assembly Not Suspended.**

[ These ] The rules governing a civil action shall not be deemed to suspend or affect the following Acts of Assembly:

(1) Sections 1 and 2 of the Act approved May 4, 1869, P. L. 1251, 68 P. S. §§ 115, 116.

**Official Note:** These sections make unlawful the cutting, removing or selling of timber by the owner of an undivided interest in land, without the written consent of all interests and authorize proceedings for recovery of timber or damages.

(1.1) Sections 12 and 15 of the Act approved June 4, 1901, P. L. 404, No. 231, 39 P. S. §§ 42, 48.

\* \* \* \* \*

**Rule 1550. Acts of Assembly Suspended.**

The following Acts of Assembly are suspended insofar as they apply to the practice and procedure in [ actions in equity ] a civil action to the extent hereinafter set forth, in accordance with Article V, Section 10(c) of the Constitution of 1968:

\* \* \* \* \*

**CONFORMING AMENDMENTS**

**CHAPTER 200. BUSINESS OF COURTS**

**Rule 205.4. Electronic Filing and Service of Legal Papers.**

\* \* \* \* \*

(g) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served

\* \* \* \* \*

(2) by electronic transmission, other than facsimile transmission, if the parties agree thereto or an electronic mail address is included on an appearance or prior legal paper filed with the court in the action. Service is complete when the legal paper is sent. A paper served electronically is subject to the certifications set forth in subdivision (b)(1).

**Official Note:**

\* \* \* \* \*

See Rule 236(d) providing for the prothonotary to give notice of orders [ , decrees ] and judgments, and also other matters, by facsimile transmission or other electronic means.

\* \* \* \* \*

**Rule 227.1. Post-Trial Relief.**

(a) After trial and upon the written Motion for Post-Trial Relief filed by any party, the court may

\* \* \* \* \*

(4) affirm, modify or change the decision [ or decree nisi ]; or

(5) enter any other appropriate order.

**Official Note:** The motion for post-trial relief replaces the following motions and exceptions: motion for new trial, motion for judgment notwithstanding the verdict, motion upon the whole record after disagreement of a jury, motion in arrest of judgment, motion to remove a nonsuit [ , ] and exceptions following the decision of the judge in a trial without jury [ and exceptions following the adjudication of the judge in an action in equity. However, certain rules retain ]

The following rules provide for the filing of exceptions, e.g., Equity Rule 1530 (exceptions to an auditor's report), Equity Rule 1534 (exceptions to a fiduciary's account), Partition Rule 1569 (exceptions to a master's report) and Divorce Rule 1920.55-2 (exceptions to a master's report), Support Rule 1910.12(e) (exceptions to a hearing officer's report) and Execution Rule 3136(d) (exceptions to sheriff's schedule of proposed distribution).

\* \* \* \* \*

(c) Post-trial motions shall be filed within ten days after

\* \* \* \* \*

(2) notice of nonsuit or the filing of the decision [ or adjudication ] in the case of a trial without jury [ or equity trial ].

If a party has filed a timely post-trial motion, any other party may file a post-trial motion within ten days after the filing of the first post-trial motion.

**Official Note:** A motion for post-trial relief may be filed following a trial by jury [ , ] or a trial by a judge without a jury [ in an action at law ] pursuant to Rule 1038 [ or a trial by a judge without a jury in an action in equity ]. A motion for post-trial relief may not be filed to orders disposing of preliminary objections, motions for judgment on the pleadings or for summary judgment, motions relating to discovery or other proceedings which do not constitute a trial. See *U. S. National Bank in Johnstown v. Johnson*, 506 Pa. 622, 487 A.2d 809 (1985).

\* \* \* \* \*

**Rule 227.4. Entry of Judgment upon Praecipe of a Party.**

In addition to the provisions of any Rule of Civil Procedure or Act of Assembly authorizing the prothonotary to enter judgment upon praecipe of a party, the prothonotary shall, upon praecipe of a party:

(1) enter judgment upon the verdict of a jury or the decision of a judge following a trial without jury, [ or enter the decree nisi as the final decree, ] if

\* \* \* \* \*

(2) enter judgment when a court grants or denies relief but does not itself enter judgment or order the prothonotary to do so.

**Official Note:** See Rule 236 requiring the prothonotary to give notice of the entry of an order [ , decree ] or judgment and Rule 237 requiring notice of filing of praecipe for judgment. For illustrative Rules of Civil Procedure specifically authorizing entry of judgment by the prothonotary on praecipe of a party, see Rules 1037, 1511(a), 1659, 3031(a), and 3146.

Rule 236. Notice by Prothonotary of Entry of Order [ , Decree, ] or Judgment.

(a) The prothonotary shall immediately give written notice of the entry of

\* \* \* \* \*

(2) any other order [ , decree ] or judgment to each party's attorney of record or, if unrepresented, to each party. The notice shall include a copy of the order [ , decree ] or judgment.

\* \* \* \* \*

(d) The prothonotary may give the notice required by subdivision (a) or notice of other matters by facsimile transmission or other electronic means if the party to whom the notice is to be given or the party's attorney has filed a written request for such method of notification or has included a facsimile or other electronic address on a prior legal paper filed in the action.

**Official Note:**

\* \* \* \* \*

Notice by facsimile transmission or other electronic means is applicable not only to [ decrees, ] orders and judgments under subdivision (a) but also to "other matters" such as the scheduling of a conference, hearing or trial or other administrative matters. Where the technology involved provides an acknowledgment for the mailing or the receipt of the notice, the prothonotary should retain that acknowledgment as part of his or her file.

\* \* \* \* \*

Rule 237. Notice of Praecipe for Final Judgment [ or Decree ].

No praecipe for judgment on a verdict [ , ] or for judgment on a decision in a trial without a jury [ or for a final decree following a decree nisi in equity ] shall be accepted by the prothonotary unless it includes a certificate that a copy of the praecipe has been mailed to each other party who has appeared in the action or to the attorney of record for each other party.

**Rule 249. Authority of Individual Judge.**

(a) Except where the court is required to act en banc, a [ law ] judge may perform any function of the court, including the entry of interlocutory or ex parte orders [ , decrees ] and other matters in the nature thereof.

(b) A [ law ] judge may perform a function of the court, other than trying an action, at any time and at any place within the judicial district.

\* \* \* \* \*

**Rule 250. Scope of Chapter.**

The rules of this chapter shall apply to all civil actions and proceedings [ at law and in equity ].

**CHAPTER 400. SERVICE OF ORIGINAL PROCESS  
SERVICE GENERALLY**

**Rule 400. Person to Make Service.**

\* \* \* \* \*

(b) In addition to service by the sheriff, original process may be served also by a competent adult in the following actions: [ equity, ]

(1) civil action in which the complaint includes a request for injunctive relief under Rule 1531, perpetuation of testimony under Rule 1532 or appointment of a receiver under Rule 1533,

(2) partition, [ prevent waste, ] and

(3) declaratory judgment when declaratory relief is the only relief sought.

\* \* \* \* \*

**SERVICE OF LEGAL PAPERS OTHER THAN ORIGINAL PROCESS**

**Rule 440. Service of Legal Papers Other than Original Process.**

\* \* \* \* \*

(d)(1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is included on an appearance or prior legal paper filed with the court.

\* \* \* \* \*

(3) Service is complete when transmission is confirmed as complete

**Official Note:** See Rule 236(d) providing for the prothonotary to give notice of orders [ , decrees ] and judgments, and also other matters, by facsimile or other electronic means.

\* \* \* \* \*

CHAPTER 1000. ACTIONS AT LAW

Subchapter D. ACTION TO QUIET TITLE

Rule 1066. Form of Judgment or Order.

\* \* \* \* \*

(b) Upon granting relief to the plaintiff, the court

\* \* \* \* \*

(3) shall enter a final judgment ordering the defendant, the prothonotary, or the recorder of deeds to file, record, cancel, surrender or satisfy of record, as the case may be, any plan, document, obligation or deed determined to be valid, invalid, satisfied or discharged, and to execute and deliver any document, obligation or deed necessary to make the [ decree ] order effective; or

\* \* \* \* \*

Subchapter I. ACTION OF MORTGAGE FORECLOSURE

Rule 1141. Definition. Conformity to Civil Action.

(a) As used in this chapter,

“action” means an action [ at law ] to foreclose a mortgage upon any estate, leasehold or interest in land but shall not include an action to enforce a personal liability

\* \* \* \* \*

CHAPTER 1500. ACTION IN EQUITY

Subchapter B. PARTITION OF REAL PROPERTY

Rule 1551. Form of Action.

Except as otherwise provided in this chapter, the procedure in an action for the partition of real estate shall be in accordance with the rules relating to the civil action [ in equity ].

\* \* \* \* \*

Rule 1569. Master’s Report. Exceptions.

(a) A master who is appointed by the court shall file a report with respect to the matters submitted. The report shall follow the form of [ adjudication ] decision in Rule 1570, insofar as the scope of the reference to the master permits.

(b) The master shall give all persons in interest written notice of the date on which he or she intends to file the report and proposed [ decree ] order and shall specify an address within the county where they may be examined. The master may change the report and proposed [ decree ] order as he or she deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) Within ten days after notice of the filing of the report exceptions may be filed by any party to rulings on evidence, to findings of fact, to conclusions of law and to the proposed [ decree nisi ] order. The court may, with or without taking testimony, remand the report or enter [ an adjudication ] a decision in accordance with Rule 1570 which may incorporate by reference the findings and conclusions of the master in whole or in part.

Rule 1570. [ Adjudication and Decree ] Decision and Order.

(a) The [ adjudication ] decision shall include findings of fact as follows:

\* \* \* \* \*

(b) The [ decree ] order shall include:

\* \* \* \* \*

(4) [ an order for ] a public or private sale of the property or part thereof where required.

Rule 1573. Return of Sale and Schedule of Distribution.

(a) Where the sale has been conducted by a master, the master shall promptly file with the prothonotary a return of sale together with a proposed [ decree ] order which shall

\* \* \* \* \*

(b) The master shall give all persons in interest written notice of the date on which he or she intends to file the return of sale and proposed [ decree ] order and shall specify an address within the county where they may be examined. The master may change the return of sale and proposed [ decree ] order as he or she deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) If the court approves the return of sale in whole or in part, the court shall enter an appropriate [ decree nisi ] order. Any part of the [ decree nisi ] order as to which a motion for post-trial relief is not filed within ten days shall become final.

Subchapter C. ACTIONS TO PREVENT WASTE

Rule 1576. [ Remedies in Pending Actions ] (Rescinded).

Official Note: A claim to prevent waste may be brought as a civil action for equitable relief.

Rule 1577. [ Original Actions. Conformity to Equity ] (Rescinded).

Official Note: An original action to restrain waste should be brought as a civil action seeking equitable relief.

Subchapter D. ACTS OF ASSEMBLY NOT SUSPENDED

Rule 1580. [ Actions to Prevent Waste. Act of Assembly Not Suspended ] (Rescinded).

Official Note: The provision of this rule has been transferred to Rule 1549(1).

CHAPTER 1600. ACTION FOR DECLARATORY JUDGMENT

Rule 1601. Action for Declaratory Relief Alone. Jury Trial. Waiver.

(a) A plaintiff seeking only declaratory relief shall commence an action by filing a complaint captioned “Action for Declaratory Judgment.” The practice and procedure shall follow, as nearly as may be, the rules governing the [ Action in Equity ] civil action.

\* \* \* \* \*

Official Note: Rule 1601(b) gives no specific guidance on the existence of a right to jury trial. It could not, in the face of Rule 128(f). Section 7539(b) of the Judicial Code provides:

\* \* \* \* \*

The existence of a right to jury trial on disputed issues of fact will be a matter of determination in each action where only declaratory relief is sought. If the right is

claimed and disputed, the court must determine the question on the basis of the nature of the cause of action, the right to be enforced and the "other civil action" which would be brought to enforce it if declaratory judgment did not exist. The flexible Federal practice under Fed. R. Civ. P. 38, 39 and 57, including the procedure for the jury trial of selected issues, may be helpful. Pa. R.C.P. [ 1513 ] 1038.3 may also be applicable.

**Rule 1602. Declaratory Judgment as Ancillary Relief.**

In any civil action [ at law or in equity ], a party may include in the claim for relief a prayer for declaratory relief and the practice and procedure shall follow, as nearly as may be, the rules governing that action.

**CHAPTER 2000. ACTIONS BY REAL PARTIES IN INTEREST**

**Rule 2001. Definitions**

As used in this chapter

"action" means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court of record which is subject to these rules.

**CHAPTER 2020. MINORS AS PARTIES**

**Rule 2026. Definitions.**

As used in this chapter

"action" means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court of record which is subject to these rules;

\* \* \* \* \*

"judgment" means any final judgment or final [ decree ] order entered in any action.

**CHAPTER 2050. INCAPACITATED PERSONS AS PARTIES**

**Rule 2051. Definitions.**

As used in this chapter

"action" means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court of record which is subject to these rules;

\* \* \* \* \*

**CHAPTER 2100. THE COMMONWEALTH AND POLITICAL SUBDIVISIONS AS PARTIES**

**Rule 2101. Definitions.**

As used in this chapter

"action" means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court which is subject to these rules.

\* \* \* \* \*

**CHAPTER 2120. PARTNERSHIPS AS PARTIES**

**Rule 2126. Definitions.**

As used in this chapter

"action" means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court which is subject to these rules;

\* \* \* \* \*

**Rule 2129. Actions between partnerships and partners.**

An action may be prosecuted [ at law ] by a partnership against one or more of the partners thereof, or against such partners together with persons not partners; or by one or more partners, or by such partners together with other persons not partners, against the partnership. [ No such action may be prosecuted in equity unless there is ground for equitable jurisdiction other than the fact that the action is between a partnership and one or more partners. ]

**Rule 2130. Venue.**

(a) Except as otherwise provided by Rule 1006(a.1) and by subdivision (c) of this rule, an action against a partnership may be brought in and only in a county where the partnership regularly conducts business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of actions arose or in the county where the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

\* \* \* \* \*

**CHAPTER 2150. UNINCORPORATED ASSOCIATIONS AS PARTIES**

**Rule 2151. Definitions.**

As used in this chapter

"action" means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court which is subject to these rules;

\* \* \* \* \*

**Rule 2154. Actions between associations and members.**

An action may be prosecuted [ at law ] by an association against one or more of the members thereof, or against such members together with persons not members; or by one or more members, or by such members together with other persons not members, against the association. [ No such action may be prosecuted in equity unless there is ground for equitable jurisdiction other than the fact that the action is between an association and one or more members. ]

\* \* \* \* \*

**Rule 2156. Venue.**

(a) Except as otherwise provided by Rule 1006(a.1) and by subdivision (b) of this rule, an action against an association may be brought in and only in a county where the association regularly conducts business or any association activity, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of actions arose or in the county where the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

\* \* \* \* \*

**CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES**

**Rule 2176. Definitions.**

As used in this chapter



“action” means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court which is subject to these rules;

\* \* \* \* \*

**Rule 2178. Actions between a corporation or similar entity and members thereof.**

An action may be prosecuted by a corporation or similar entity against one or more of the members thereof, or against members together with persons not members; or by one or more members, or by members together with other persons not members, against the corporation or similar entity. [ No such action may be prosecuted in equity unless there is ground for equitable jurisdiction other than the fact that the action is between a corporation or similar entity and one or more members thereof. ]

*Official Note:* This rule is [ an adaptation of Pa. R.C.P. No. 2129 (Partnerships as Parties), and Pa. R.C.P. No. 2154 (Unincorporated associations as parties). ]

It is ] designed to apply to all actions between a corporation or similar entity and its members, including those actions in which an accounting has been asked.

**Rule 2179. Venue.**

(a) Except as otherwise provided by an Act of Assembly, by Rule 1006(a.1) or by subdivision (b) of this rule, a personal action against a corporation or similar entity may be brought in and only in

\* \* \* \* \*

- (3) the county where the cause of action arose; [ or ]
- (4) a county where a transaction or occurrence took place out of which the cause of action arose[ . ], or
- (5) a county where the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

\* \* \* \* \*

**CHAPTER 2200. ACTIONS FOR WRONGFUL DEATH**

**Rule 2201. Definitions.**

As used in this chapter

“action” means any civil action or proceeding [ at law ] brought in or appealed to any court of record which is subject to these rules;

\* \* \* \* \*

**CHAPTER 2220. JOINDER OF PARTIES**

**Rule 2226. Definitions.**

As used in this chapter

“action” means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court of record which is subject to these rules.

**CHAPTER 2250. JOINDER OF ADDITIONAL DEFENDANTS**

**Rule 2251. Definitions.**

As used in this chapter

“action” means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court of record which is subject to these rules.

\* \* \* \* \*

**CHAPTER 2300. INTERPLEADER BY DEFENDANTS**

**Rule 2301. Definitions.**

As used in this chapter

“action” means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court which is subject to these rules;

\* \* \* \* \*

**Rule 2318. Exclusive method [ at law; equity ]. Civil Action** interpleader preserved.

The right of interpleader conferred by these rules shall be the exclusive method of interpleader in any action [ at law ] and shall be in addition to, and not in lieu of, the right to [ file a bill in equity ] commence a civil action for an interpleader.

**CHAPTER 2320. INTERVENTION**

**Rule 2326. Definitions.**

As used in this chapter

“action” means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court of record which is subject to these rules.

**Rule 2328. Petition to intervene.**

(a) Application for leave to intervene shall be made by a petition in the form of and verified in the manner of a plaintiff’s initial pleading in a civil action, setting forth the ground on which intervention is sought and a statement of the relief or the defense which the petitioner desires to demand or assert. The petitioner shall attach to the petition a copy of any pleading which the petitioner will file in the action if permitted to intervene or shall state in the petition that the petitioner adopts by reference in whole or in part certain named pleadings or parts of pleadings already filed in the action.

[ Official Note: This subdivision adopts the equity practice. See Franklin Nat. Bank v. Kennerly Coal & Coke Co., 300 Pa. 479, 483, 484, 150 A. 902 (1930). ]

\* \* \* \* \*

**CHAPTER 2350. SUBSTITUTION OF PARTIES**

**Rule 2351. Definitions.**

As used in this chapter

“action” means any civil action or proceeding [ at law or in equity ] brought in or appealed to any court of record which is subject to these rules, including actions to obtain judgment upon a mechanics’ lien claim but shall not include actions to enforce municipal liens and claims;

\* \* \* \* \*

**CHAPTER 3000. JUDGMENTS**

**Subchapter A. TRANSFER OF JUDGMENTS TO OTHER COUNTIES**

**Rule 3001. Definition.**

As used in this chapter

“judgment” means a judgment[, ] or order [ or decree ] requiring the payment of money or adjudicating the right to possession in an action of replevin, including a final or interlocutory order for the payment of costs entered in any court which is subject to these rules, either originally or upon transcript or certification from another court within the same county.

**Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY**

**Rule 3101. Definitions; garnishee.**

(a) As used in this chapter

“judgment” means a judgment[, ] or order[, or decree ] requiring the payment of money entered in any court which is subject to these rules, including a final or interlocutory order for payment of costs, except a judgment against the Commonwealth, a political subdivision or a public authority;

**Official Note:** The enforcement of judgments in special actions of ejectment, replevin and mortgage foreclosure [ are ] is governed by Rules of Civil Procedure 3160 et seq.

\* \* \* \* \*

**Rule 3131. Sale of real property located in more than one county.**

\* \* \* \* \*

(c) The court may enter judgment upon the pleadings or take evidence by deposition or otherwise, shall [ decree ] order the extent of the real property which shall be subjected to execution, describing it by metes and bounds, shall designate the place of sale, and shall control the distribution of the proceeds of sale. The court may apportion the proceeds so as to satisfy prior lienors, including those having a lien upon a portion of a single tract which lay in a different county and which was not sold on execution.

\* \* \* \* \*

**CHAPTER 4000. DEPOSITIONS AND DISCOVERY**

**Rule 4001. Scope. Definitions.**

(a) The rules of this chapter apply to any civil action or proceeding [ at law or in equity ] brought in or appealed to any court which is subject to these rules including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923.

\* \* \* \* \*

**EXPLANATORY COMMENT**

**Consolidation of the Action in Equity with the Civil Action**

**Introduction**

**I. Amendments to the Rules Governing the Civil Action**

**II. Amendment of the Rules Governing the Action in Equity**

**III. Conforming Amendments Tables**

**Introduction**

The separate action in equity has been abolished and the rules governing the civil action have been amended to include equitable relief. The consolidated civil action

allows the court in a “unified judicial system” to grant the relief to which the parties are entitled, whether legal or equitable.

The amendments address the concept of form of action, not cause of action. In merging the action in equity into the civil action, the action in equity as a separate form of action has been abolished but the cause of action in equity remains. The amendments have no effect upon a party’s entitlement to equitable relief. Stated another way, a court may grant equitable relief only if a party is entitled to such relief as a matter of law.<sup>1</sup>

While a substantial number of civil action and equity rules have been affected by the consolidation, many rules remain unchanged. Table I appended to this comment lists the civil action and equity rules which have been amended. Table II lists those equity rules which have been rescinded. Table III sets forth those rules which are not affected by the consolidation of the civil action and the action in equity. Finally, Table IV lists the conforming amendments, i.e., additional rules of civil procedure affected by the consolidation.

**I. Amendments to the Rules Governing the Civil Action**

*a. Scope of the Civil Action*

Rule 1001(b) has been amended to define the civil action as one “in which shall be brought all claims for relief heretofore asserted in” the actions of assumpsit, trespass and equity. Rule 1501 conforming the procedure in the action in equity to the procedure of the civil action has been rescinded.

Rule 1506 (stockholder’s derivative suits), Rule 1521 (indexing of the decree), Rule 1531 (injunctive relief), Rule 1532 (perpetuation of testimony), Rule 1533 (receivers), Rule 1534 (accounting by fiduciaries) and Rule 1535 (objections to security) continue as part of the civil action. These rules provide the procedure when equitable relief is sought in the context of the civil action.

The action to prevent waste has been abolished. The relief sought in that action is injunctive relief which may be obtained in the consolidated civil action.

The action for declaratory judgment remains a separate form of action. Rule 1601 governing the action when declaratory relief alone is sought has been amended to provide that the procedure will conform to the civil action rather than to the action in equity. Rule 1602 governing the procedure when declaratory relief is sought as ancillary relief has been amended to delete the phrase “at law or in equity” but is otherwise unchanged.

The action for partition of real property also remains a separate form of action. Rules 1551, 1569, 1570 and 1573 are amended to conform the procedure to the civil action rather than the action in equity.

*b. Venue*

The former civil action venue provision in Rule 1006(a) continues as subdivision (a)(1). New subdivision (a)(2) has been added to provide venue when equitable relief is sought with respect to property. Similar to its counterpart in rescinded Rule 1503, subdivision (a)(2) authorizes venue in the county in which

(2) the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

<sup>1</sup>The discussion under Rule 1028 (Preliminary objections) of the objection of the existence of a full, complete and adequate non-statutory remedy at law illustrates this point.

Conforming amendments are made to Venue Rules 2130 (partnerships), 2156 (unincorporated associations) and 2178 (corporations and similar entities).

*c. Service of Original Process*

Prior to the present amendment, Rule 400(b), in relevant part, authorized service in an action in equity to be made by the sheriff or a competent adult. The rule as amended is more limited, applying to a "civil action in which the complaint includes a request for injunctive relief under Rule 1531, perpetuation of testimony under Rule 1532 or appointment of a receiver under Rule 1533."

Rule 400(b) is also amended to delete the reference to the action to prevent waste which, as noted above, is no longer a separate form of action.

The note to Service Rule 440(d) has been amended by deleting the reference to a "decree." As noted later in this comment, the term "decree" has been eliminated in favor of the term "order."

Equity Rule 1505. "Defendant Not Served," has been rescinded as unnecessary.

*d. Trial by Jury*

The right to trial by jury is either constitutionally mandated or provided by Act of Assembly. The merger of the action in equity into the civil action does not affect the right so provided.

Consequently, Rule 1007.1 governing trial by jury remains unchanged. A note has been added to Rule 1007.1(a) to cross-refer to Rule 128(f) providing that "no rule shall be construed to confer a right to trial by jury where such right does not otherwise exist." The elimination of the reference to subdivision (d) (previously rescinded) and the rescission of the note to subdivision (d) effect no change in practice.

Rule 1513 providing for trial by jury and an advisory verdict in the action in equity has been retained in the civil action as new Rule 1038.3. Language is added to ensure that the rule will be limited to civil actions in which there is a claim for equitable relief.

A case may involve claims, one or more of which are triable by jury and others which are triable by the court without a jury. Such a case will necessarily require that the court exercise its discretion in the manner in which the case will proceed. For instance, the court may need to decide whether all claims should be tried at the same time or certain claims should be bifurcated, whether claims triable by jury should be tried before or after claims tried to the court, and whether to invoke new Rule 1038.3 providing for an advisory verdict. Rules cannot dictate the procedure for a particular case. The course of the proceedings will depend upon the "good judgment" of the court in viewing the totality of the case.

*e. Joinder of Causes of Action*

Rule 1020(a) governing the permissive joinder of causes of action is revised to refer to a "cause of action cognizable in a civil action" rather than a "cause of action heretofore asserted in assumpsit and trespass." Causes of action cognizable in a civil action are set forth in Rule 1001(b) and include the former actions of assumpsit, trespass and equity.

Subdivision (d)(1) of Rule 1020 governs mandatory joinder of related causes of action. It is revised to include related causes of action "heretofore asserted in assumpsit and trespass" but makes no mention of causes of action in equity. Thus, the former mandatory provision is continued only as to related claims previously asserted in assumpsit

and trespass. The former practice of permissive joinder of related claims in equity is also continued.

The mandatory joinder of related causes of action for equitable relief is not feasible. It frequently occurs that equitable relief is needed quickly before a suit with all of its aspects may be prepared and filed. In addition, the full ramifications of a transaction or occurrence may not be fully known at the time an action is commenced, making it impossible to initially request all of the relief which eventually may be determined to be appropriate.

Subdivision (d) of Rule 1020 was formerly divided into five paragraphs, three of which were previously rescinded. Subdivision (d)(4) has been transposed to paragraph (1) as the second sentence. Consequently, subdivisions (d)(2) through (5) have been deleted and subdivision (d)(1) has become simply subdivision (d).

In light of the foregoing, Rule 1508 governing the pleading of more than one cause of action in equity has been rescinded.

With respect to a counterclaim, Equity Rule 1510 has been rescinded and Civil Action Rule 1031 has been amended to allow the pleading as a counterclaim of "any cause of action cognizable in a civil action."

*f. Preliminary Objections and Defenses*

Prior to the present amendment, Rule 1028(a) set forth six preliminary objections which applied to the civil action and which were incorporated into the action in equity by Rule 1509(a). These six preliminary objections, subdivision (a)(1) through (6), will continue to be applicable to the consolidated civil action.

Two new objections have been added to Rule 1028(a) as subparagraphs (7) and (8). These new provisions are derived from former Equity Rule 1509(b) and (c).

Rule 1509(b) provided for the objections of laches and failure to exercise or exhaust a statutory remedy to be raised by preliminary objection, answer or reply. However, the objections were not waived if not pleaded. These two objections have been disposed of separately. First, the objection of laches will be raised in new matter only. To this end, laches has not been included in amended Rule 1028(a) as a preliminary objection but continues as part of the list of defenses set forth in Rule 1030 governing new matter. Second, the objection of failure to exercise or exhaust a statutory remedy will be limited to preliminary objections. To this end, this objection has been included in Rule 1028(a) as new paragraph (7). Under Rule 1032(a) governing waiver of defenses, as amended, the objection of laches will be waived for failure to plead it but the objection of failure to exercise or exhaust a statutory remedy will not be waived.

Rule 1509(c) provided for the objection of the existence of a full, complete and adequate non-statutory remedy at law to be raised by preliminary objection. The rule made two points with respect to the objection. First, the objection was waived for failure to plead it. Second, if the objection was sustained, the court was required to certify the action to the law side of the court.

The objection of the existence of a full, complete and adequate non-statutory remedy at law has been added to Rule 1028(a) as new paragraph (8). At the same time, Rule 1032(a) has been amended to provide that there will be no waiver if the defense is not pleaded.

The provision of the present equity rule for transfer to the law side of the court in the event the objection is sustained, has not been continued. Under the consoli-

dated civil action, there is no law side and no equity side. There is simply "the court" which is empowered to grant appropriate relief whether legal or equitable.

Although the procedural aspect of the objection of the existence of a full, complete and adequate non-statutory remedy at law is not continued, the objection retains vitality as a principle of substantive law barring the court from granting equitable relief.

*g. Default Judgment*

Civil Action Rule 1037 (b) is revised to prohibit the prothonotary from granting equitable relief admitted to be due by the defendant's pleadings. This is left to new subdivision (d) which incorporates the substance of former Equity Rule 1511(b) providing that "In all cases, the court shall enter an appropriate final decree . . ." In view of the amendment to Rule 1037, Equity Rule 1511 has been rescinded.

*h. Decision and Adjudication*

Civil Action Rule 1038, "Trial without Jury," will govern trials of the consolidated civil action by a judge without a jury. There are two technical revisions to the rule which are unrelated to the basic purpose of consolidating the civil action and the action in equity. The first is a conforming amendment to subdivision (a)(1) deleting as unnecessary the words "suffer or" with respect to a nonsuit. The second is the deletion of references to previously rescinded subdivisions (d) through (f) and obsolete subdivision (g).

A note has been added to the rule explaining that a decision includes what were formerly known as an adjudication and a decree nisi. Thus, a trial judge sitting without a jury will, at the conclusion of the trial, render a decision which will grant or deny relief, whether legal or equitable, as may be appropriate. Unless there is an Act of Assembly or general rule to the contrary, the decision will not constitute a final order or judgment.

The former practice in an action in equity set forth in the following rules has been abolished:

1. Rule 1516 governing oral argument and providing a limitation on requests for findings and conclusions,
2. Rule 1517 governing the adjudication, and
3. Rule 1520 governing the form of decree.

**II. Amendments to the Rules Governing the Action in Equity**

*a. Equity Rules Rescinded*

The following rules were discussed In Part I and have been rescinded in light of amendments to the civil actions rules.

Rule 1501.	Conformity to Civil Action
Rule 1503.	Venue
Rule 1505.	Defendant Not Served
Rule 1508.	Pleading More than One Cause of Action
Rule 1509.	Preliminary Objections
Rule 1510.	Counterclaim
Rule 1511.	Judgment upon Default or Admission
Rule 1513.	Trial by Jury. Advisory Verdict
Rule 1516.	Oral Argument. Limitation on Requests for Findings and Conclusions
Rule 1517.	The Adjudication. Notice
Rule 1520.	Form of Decree

The following rules have also been rescinded:

*1. Rule 1502. Court Open*

Rule 1502 providing that the equity side of the court shall always be open has been rescinded as unnecessary in light of Section 324 of the Judicial Code, 42 Pa.C.S. § 324, which contains a similar provision.

*2. Rule 1507. Possible Persons Interested in Property*

Rule 1507 was concerned with "a person interested in property" who should be made a party "but the person's name or interest in the property cannot be ascertained and the person is not represented in the action." The rule has been rescinded as unnecessary since the subject of the rule is covered by the law relating to indispensable parties.

*3. Rule 1514. Examiners, Masters and Auditors*

*4. Rule 1515. Accountants and Experts*

The court has inherent power to appoint such persons as are necessary to enable or facilitate the court in deciding cases. Rules providing for the appointment of such persons or denying that power are not required in the consolidated civil action.

*5. Rule 1522. Rehearing*

Rule 1522 governing rehearing is rescinded as unnecessary in light of Rule of Appellate Procedure 1701(b) providing for reconsideration of an order.

*6. Rules 1523 through 1527. Costs*

Costs have been sought in a civil action though no rules prescribe a procedure to do so. Special rules are not required simply because the civil action will include equitable as well as legal relief. Thus, Rules 1523 through 1527 have been rescinded.

*7. Rule 1528. Amendments*

Rule 1528 governed amendment of the prayer for relief in an action in equity. Civil Action Rule 1033 provides a procedure for the amendment of a pleading. Consequently, Rule 1528 has been rescinded as unnecessary.

*8. Rule 1529. Enforcement of Orders. Execution Process*

Rule 1529, concerned with several aspects of execution process, has been rescinded.

Subdivision (a) of the rule made execution process available in actions at law available also to actions in equity. With the consolidation of the forms of action, this provision is no longer necessary.

Subdivision (b) authorized the court to order the prothonotary or sheriff to perform an act which the party fails to perform. The power of contempt rendered this provision unnecessary.

Subdivision (c) referred to arrest by attachment. Arrest, though limited by the Judicial Code, is an inherent power for which a rule is not necessary.

*9. Rule 1530. Special Relief. Accounting*

Civil Action Rule 1021 presently permits a party to demand relief in the alternative or of several different types, "including an accounting." There are no special civil action rules governing an accounting yet the remedy is available in the civil action. No special rule is required to govern an accounting so that Rule 1530 has been rescinded.

*10. Rule 1536. Effective Date. Pending Actions*

Rule 1536 has been rescinded as obsolete. It had application only upon promulgation of the original equity rules in 1952.

b. *Equity Rules Amended*

1. *Rule 1521. Indexing of Decree. Lien and Revival of Decree for Payment of Money*

Rule 1521 is revised to eliminate references to the law side of the court. Otherwise, the rule remains unchanged.

2. *Rule 1531. Special Relief. Injunctions*

Rule 1531(f) is revised by substituting the term "order" in place of "decree." In addition, the cross-reference is revised as it referred to Rule 1517 which is rescinded. The revised reference is to Rule 1038(b) and (c) which govern trials without a jury whether the relief sought is legal or equitable.

3. *Rule 1532. Special Relief. Perpetuation of Testimony*

*Rule 1533. Special Relief. Receivers*

Rule 1532(b) and Rule 1533(e) and (g) of Rule 1533 are revised by substituting the term "order" in place of "decree."

c. *Equity Rules Unchanged*

Three former equity rules remain unchanged. However, instead of being viewed as rules governing the action in equity, they will be considered as rules governing equitable relief in the context of a civil action. These rules are:

1. Rule 1506. Stockholder's Derivative Action
2. Rule 1534. Accounting by Fiduciaries
3. Rule 1535. Objections to Security

**III. Conforming Amendments**

The conforming amendments revise various rules to accommodate the consolidated civil action. These amendments do not themselves affect practice or procedure. Generally, the amendments delete references to actions at law and actions in equity, replacing them with the "civil action." Similarly, the terms "decree" and "adjudication" found in a number of rules are deleted and replaced with the terms "order" and "decision."

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

**Tables**

**I. Civil Action and Equity Rules Amended**

**Civil Action Rules**

Rule 1001.	Definition. Scope
Rule 1006.	Venue. Change of Venue
Rule 1007.1.	Jury Trial. Demand. Waiver
Rule 1020.	Pleading More than One Cause of action. Alternative Pleading. Failure to Join. Bar
Rule 1028.	Preliminary Objections
Rule 1031.	Counterclaim
Rule 1032.	Waiver of Defenses. Exceptions. Suggestion of Lack of Subject Matter Jurisdiction of Failure to Join Indispensable Party
Rule 1037.	Judgment Upon Default or Admission. Assessment of Damages
Rule 1038.	Trial Without Jury

Order Effective February 8, 1969

Captioning and Docketing of Actions and Proceedings in the Courts of Common Pleas

**Equity**

Rule 1521.	Indexing of Decree. Lien and Revival of Decree for Payment of Money
Rule 1531.	Special Relief. Injunctions
Rule 1532.	Special Relief. Perpetuation of Testimony
Rule 1533.	Special Relief. Receivers
Rule 1549.	Acts of Assembly Not Suspended
Rule 1550.	Acts of Assembly Suspended

**II. Equity Rules Rescinded**

Rule 1501.	Conformity to Civil Action
Rule 1502.	Court Open
Rule 1503.	Venue
Rule 1504.	(Previously rescinded)
Rule 1505.	Defendant Not Served
Rule 1507.	Specific Averments. Possible Persons Interested in Property. Appointment of a Representative
Rule 1508.	Pleading More than One Cause of Action
Rule 1509.	Preliminary Objections
Rule 1510.	Counterclaim
Rule 1511.	Judgment upon Default or Admission
Rule 1512.	Nonsuit
Rule 1513.	Trial by Jury. Advisory Verdict
Rule 1514.	Examiners, Masters and Auditors
Rule 1515.	Accountants and Experts
Rule 1516.	Oral Argument. Limitation On Requests for Findings and Conclusions
Rule 1517.	The Adjudication. Notice
Rule 1518.	(Previously rescinded)
Rule 1519.	(Previously rescinded)
Rule 1520.	Form of Decree
Rule 1522.	Rehearing
Rule 1523.	Costs
Rule 1524.	Security for Costs
Rule 1525.	Interlocutory Order for Costs
Rule 1526.	Liability for Costs
Rule 1527.	Taxation of Costs
Rule 1528.	Amendments
Rule 1529.	Enforcement of Orders. Execution Process
Rule 1530.	Special Relief. Accounting
Rule 1536.	Effective Date. Pending Actions

**III. Civil Action and Equity Rules Unaffected**

**Civil Action**

Rule 1002.	Authority of Attorney
Rule 1003.	Waiver of Rules. Extension of Time
Rule 1007.	Commencement of Action
Rule 1012.	Entry of Appearance. Withdrawal of Appearance. Notice
Rule 1018.	Caption
Rule 1018.1.	Notice to Defend. Form
Rule 1019.	Contents of Pleadings. General and Specific Averments
Rule 1021.	Claim for relief. Determination of Amount in Controversy
Rule 1022.	Paragraphing
Rule 1023.1 et seq.	Signing of Documents
Rule 1024.	Verification
Rule 1025.	Endorsement
Rule 1026.	Time for Filing. Notice to Plead
Rule 1029.	Denials. Effect of Failure to Deny
Rule 1030.	New Matter

- Rule 1033. Amendment  
 Rule 1034. Motion for Judgment on the Pleadings  
 Rules 1035.1— Summary Judgment  
 1035.5.  
 Rule 1036. Dismissal Upon Affidavit of  
 Noninvolvement  
 Rule 1038.1. Case Submitted on Stipulated Facts  
 Rule 1038.2. Abolition of Case Stated

**Equity**

- Rule 1506. Stockholder's Derivative Action  
 Rule 1534. Accounting by Fiduciaries  
 Rule 1535. Objections to Security

**IV. Conforming Amendments****Business of the Courts**

- Rule 205.4. Electronic Filing And Service of Legal  
 Papers  
 Rule 227.1. Post-Trial Relief  
 Rule 227.4. Entry of Judgment upon Praecept of a  
 Party  
 Rule 236. Notice by Prothonotary of Entry of  
 Order, Decree, or Judgment  
 Rule 237. Notice of Praecept for Final Judgment  
 or Decree  
 Rule 249. Authority of Individual Judge  
 Rule 250. Scope of Chapter

**Service**

- Rule 400. Person to Make Service  
 Rule 440. Service of Legal Papers other than  
 Original Process

**Action to Quiet Title**

- Rule 1066. Form of Judgment or Order

**Action of Mortgage Foreclosure**

- Rule 1141. Definitions. Conformity to Civil Action

**Partition of Real Property**

- Rule 1551. Form of Action  
 Rule 1569. Master's Report. Exceptions  
 Rule 1570. Adjudication and Decree. Decision  
 Rule 1573. Return of Sale and Schedule of  
 Distribution

**Action to Prevent Waste**

- Rule 1576. Remedies in Pending Actions  
 Rule 1577. Original Actions. Conformity to Equity

**Action for Declaratory Judgment**

- Rule 1601. Action for Declaratory Relief Alone.  
 Jury Trial. Waiver  
 Rule 1602. Declaratory Judgment as Ancillary  
 Relief

**Actions by Real Parties in Interest**

- Rule 2001. Definitions

**Minors as Parties**

- Rule 2026. Definitions

**Incapacitated Persons as Parties**

- Rule 2051. Definitions

**The Commonwealth and Political Subdivisions as Parties**

- Rule 2101. Definitions

**Partnerships as Parties**

- Rule 2126. Definitions  
 Rule 2129. Actions between Partnerships and  
 Partners  
 Rule 2130. Venue

**Unincorporated Associations as Parties**

- Rule 2151. Definitions  
 Rule 2154. Actions between Associations and  
 Members  
 Rule 2156. Venue

**Corporations and Similar Entities as Parties**

- Rule 2176. Definitions  
 Rule 2178. Actions between a Corporation or  
 Similar Entity and Members Thereof  
 Rule 2179. Venue

**Actions for Wrongful Death**

- Rule 2201. Definitions

**Joinder of Parties**

- Rule 2226. Definitions

**Joinder of Additional Defendants**

- Rule 2251. Definitions

**Interpleader by Defendants**

- Rule 2301. Definitions  
 Rule 2318. Exclusive Method at Law. Equity  
 Interpleader Preserved

**Intervention**

- Rule 2326. Definitions  
 Rule 2328. Petition to Intervene

**Substitution of Parties**

- Rule 2351. Definitions

**Transfer of Judgments to Other Counties**

- Rule 3001. Definition

**Enforcement of Judgments for the Payment of Money**

- Rule 3101. Definitions. Garnishee  
 Rule 3131. Sale of Real Property Located in More  
 than One County

**Discovery**

- Rule 4001. Definitions

[Pa.B. Doc. No. 04-3. Filed for public inspection January 2, 2004, 9:00 a.m.]

**[231 PA. CODE CHS. 1300, 2950 AND 3000]****Amendment of Rules of Civil Procedure Governing Judgment Liens and Revival of Judgment Liens; No. 403 Civil Procedural Rules; Doc. No. 5****Order**

*Per Curiam:*

*And Now*, 19th day of December, 2003, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 3028 and 3049 are rescinded.

2. Rules 1307, 2963, 3002, 3025, 3026, 3027, 3029 note, 3030, 3031 note, 3032, 3033, 3034, 3048, 3101, 3104 and 3251 are amended to read as follows.

3. New Rules 3020, 3021, 3022, 3023, 3025.1, 3026.1, 3026.2, 3026.3, 3028, 3031.1, 3049.1, and 3101.1 are promulgated to read as follows.

With respect to liens upon real property created or continued prior to the effective date, the rules and amendments to rules promulgated by this Order shall not govern (1) the procedures by which the liens were created or continued, (2) the creation of the liens, (3) the time of creation of the liens, or (4) the priority of the liens.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2004.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1300. COMPULSORY ARBITRATION**

**Subchapter A. RULES**

**Rule 1307. Award. Docketing. Notice. Lien. Judgment. Molding the Award.**

- (a) The prothonotary shall
  - (1) enter the award of record

\* \* \* \* \*

(B) when the award is for the payment of money, in the judgment index;

**Official Note: Rule 3021 governs the requirements for the entry in the judgment index.**

\* \* \* \* \*

(b) The award for the payment of money when entered in the judgment index shall create a lien [upon the party's real estate, which] on real property located within the county, title to which is recorded in the name of the person against whom the award was entered. The lien shall continue during the pendency of an appeal or until extinguished according to law.

[ **Official Note: Subdivision (b) continues the practice under the Act of June 16, 1836, P. L. 715, 5 P. S. § 54, repealed by the Judiciary Act Repealer Act of 1978 (JARA), 42 P. S. § 20002(a)(149). ]**

(c) If no appeal is taken within thirty days after the entry of the award on the docket, the prothonotary on praecipe shall enter judgment on the award.

[ **Official Note: Subdivision (c) continues the practice under the Act of June 16, 1836, P. L. 715, 5 P. S. § 58, repealed by JARA, and under superseded Rule 247.1. ]**

\* \* \* \* \*

**CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY**

**Rule 2963. Praecipe for Writ of Execution. Certification. Form.**

The praecipe for a writ of execution upon a confessed judgment shall be substantially in the following form:

(Caption)

**PRAECIPE FOR WRIT OF EXECUTION UPON A CONFESSSED JUDGMENT**

To the Prothonotary:

Issue a writ of execution upon a judgment entered by confession in the above matter,

\* \* \* \* \*

(4) and [ **index** ] enter this writ in the judgment index

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

Paragraph (4)(a) should be completed only if [ **indexing** ] entry of the execution in the county of issuance is desired as authorized by Rule 3104(a). When the writ issues to another county [ **indexing** ] entry is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4)(b) should be completed only if real property in the name of a garnishee is attached and [ **indexing** ] entry as a lis pendens is desired. See Rule 3104(c).

\* \* \* \* \*

**CHAPTER 3000. JUDGMENTS**

**Subchapter A. TRANSFER OF JUDGMENTS TO OTHER COUNTIES**

**Rule 3002. Transfer to another county.**

\* \* \* \* \*

(b) The prothonotary of the court to which a judgment is transferred shall forthwith enter it in the appropriate docket and in the judgment index [ **it** ] against the defendant.

\* \* \* \* \*

**Rule 3020. Definition.**

As used in this chapter, "judgment" means a judgment, order or decree requiring the payment of money entered in any court which is subject to these rules, including a final or interlocutory order for payment of costs, except a judgment against the Commonwealth or a political subdivision.

**Official Note:** Political subdivision includes a municipal or other local authority. See Definition Rule 76.

**Rule 3021. Verdict. Order. Judgment. Entry in Judgment Index.**

(a) The prothonotary shall immediately enter in the judgment index

(1) a verdict or order for a specific sum of money with the notation "verdict" or "order." The entry shall state the amount of the verdict or order;

**Official Note:** See also Rule 1307(a) governing the entry by the prothonotary of an award in compulsory arbitration and Rule 3027(a) governing the entry of a writ of revival.

(2) an order for equitable relief, interlocutory or final; and

(3) a judgment, whether entered by the court, on order of court or on praecipe of a party. The entry shall state the amount of the judgment if for a sum certain.

**Official Note:** Section 8142(e) of the Judicial Code, 42 Pa.C.S. § 8142(e), requires the prothonotary to “note on the dockets in such office where each verdict, judgment, order, instrument or writ creating a lien against real property is entered, the time it was recorded, rendered, left for filing, or issued.”

The rule presumes a channel of communication between the court and prothonotary so that the prothonotary may “immediately” docket a judgment entered by the court.

(b) In all cases, the entry in the judgment index shall state the names of the parties, the number of the case, and the date and time of entry in the judgment index.

**Rule 3022. Verdict or Order. Lien. Duration.**

(a) A verdict or order for a specific sum of money when entered in the judgment index shall create a lien on real property located within the county, title to which at the time of entry is recorded in the name of the person against whom the verdict or order was rendered. The lien shall continue for five years unless the verdict is sooner reduced to judgment or the court sooner awards a new trial or enters a judgment notwithstanding the verdict.

**Official Note:** An order is defined by Section 102 of the Judicial Code, 42 Pa.C.S. § 102, to include, inter alia, a decision, a decree and an adjudication.

Section 8142(b) of the Judicial Code, 42 Pa.C.S. § 8142(b), provides for the endorsement of time on recorded verdicts.

An award of arbitrators in compulsory arbitration is a lien as provided by Rule 1307(b).

“Overdue support obligations of this or any other state which are on record at the county domestic relations section shall constitute a lien by operation of law against all real property owned by the obligor within the county as provided in subsection (d.1).” See Section 4352(d) of the Domestic Relations Code, 23 Pa.C.S. § 4352(d).

(b)(1) Except as provided by paragraph (2), the lien of a verdict or order for a specific sum of money shall have the priority prescribed by Section 8141 of the Judicial Code from the time the verdict or order is entered in the judgment index.

(2) Paragraph (1) shall not affect the priority of the lien of a verdict or order for a specific sum of money created prior to the effective date of this rule.

**Official Note:** The effective date of this rule was

For the priority of the lien of a verdict or order governed by subdivision (b)(2), see Section 8141 of the Judicial Code.

(3) Section 8141(3) of the Judicial Code, 42 Pa.C.S. § 8141(3), is suspended in accordance with Article V, Section 10(c) of the Constitution of 1968 and Section 1722(b) of the Judicial Code, 42 Pa.C.S. § 1722(b), insofar as it is inconsistent with this rule.

**Official Note:** Section 8141(3) of the Judicial Code provides that the lien of a verdict for a specific sum of money shall have priority from the time it is recorded by the court.

**Rule 3023. Judgment. Lien. Duration.**

(a) Except as provided by subdivision (b), a judgment when entered in the judgment index shall create a lien on real property located in the county, title to which at the

time of entry is recorded in the name of the person against whom the judgment is entered.

**Official Note:** See Rule 3001 et seq. for the transfer of a judgment to another county.

See Rule 3027 for the lien of the writ of revival or of the agreement to revive and Rule 3031.1 for the lien of a judgment of revival.

(b) A judgment upon a verdict, an order or an award in compulsory arbitration, when entered in the judgment index, shall

(1) continue the lien upon real property located in the county which is subject to the lien of the verdict, order or award upon which the judgment is entered, and

**Official Note:** The lien of a verdict or order dates from the time the verdict or order is entered in the judgment index. See Rule 3022(a).

The lien of an award in compulsory arbitration dates from entry of the award in the judgment index. See Rule 1307(b).

(2) create a lien upon all other real property located in the county, title to which at the time of entry in the judgment index is recorded in the name of the person against whom the judgment is entered.

(c) The lien shall continue for five years from the date the judgment was entered in the judgment index unless the judgment is sooner discharged or the lien is sooner revived.

**Official Note:** A judgment lien may be revived in the manner provided by Rule 3025 et seq.

Subchapter B. REVIVAL OF [ JUDGMENTS ]  
JUDGEMENT LIENS

**Rule 3025. Commencement of proceedings. Venue.**

A proceeding to revive [ and continue ] which continues or creates the lien of a judgment may be commenced by filing with the prothonotary of the county in which the judgment has been entered

(1) a praecipe for a writ of revival [ in ] substantially in the form provided by Rule [ 3033 ] 3032, or

(2) an agreement to revive [ judgment in ] substantially in the form provided by Rule 3034.

**Official Note:** [ For the substantive law governing the revival of judgments against defendants and terre tenants see the Judgment Lien Law of 1947, 12 P. S. 877 et seq.

The Acts approved September 26, 1951, P. L. 1505, 12 P. S. 885, as amended, and May 16, 1923, P. L. 207, as amended, 53 P. S. 7183, providing additional methods of revival of judgments in favor of the Commonwealth and for municipal and tax claims by the filing of suggestion of nonpayment remain unsuspended by these rules.

The Act approved April 22, 1909, P. L. 112, 12 P. S. 875, providing for consolidation and revival of separate judgments against the same defendant remains unsuspended by these rules. ]

Section 5526(1) of the Judicial Code, 42 Pa.C.S. § 5526(1), requires that an action for revival of a judgment lien on real property must be commenced within five years. See also Section 605 of the Goods and Services Installment Sales Act, 69 P. S. § 1605(b), requiring that a proceeding for revival of



a judgment lien subject to the Act and entered by confession be commenced within one year from the lapse of the lien.

The revival of a judgment lien pursuant to the Commercial Real Estate Broker Lien Act is governed by these rules. See 68 P. S. § 1062.

A lien arising from an overdue support obligation retains its priority "without renewal or revival." See Section 4352(d.1)(5)(ii) of the Domestic Relations Code, 23 Pa.C.S. § 4352(d.1)(5)(ii).

The following statutes provide for revival or continuation of liens by filing with the prothonotary a suggestion of nonpayment and an averment of default:

Section 9 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7143 relating to municipal claims for taxes, water rents or rates, lighting rates, power rates and sewer rates.

Section 15 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7183, providing for continuation of liens on municipal and tax claims;

Section 1404 of the Act of April 9, 1929, P. L. 343, as amended, 72 P. S. § 1404, providing for revival of liens for state taxes, unpaid bonus, interest and penalties;

See also statutory provisions relating to revival of municipal claims and liens, 53 P. S. § 7391 et seq.

Tax liens required to be filed by the Department of Revenue continue without the necessity of revival. See the Act of April 9, 1929, P. L. 343, No. 176, § 1404.1, added by Section 5 of the Act of December 12, 1994, P. L. 1015, No. 138, 72 P. S. § 1404.1.

#### Rule 3025.1. Consolidation of Judgments.

(a) A judgment creditor who holds two or more judgments entered against the same person in the same county may consolidate the judgments by filing

- (1) a single praecipe requesting the issuance of a single consolidated writ of revival, or
- (2) an agreement to enter a consolidated judgment and revive the lien thereof.

(b) The praecipe or the agreement shall contain the court, docket number and amount claimed to be due on each judgment being consolidated.

(c) The consolidated judgment shall be entered as of the docket number of one of the judgments being consolidated and shall include the amounts due on all the consolidated judgments.

(d) The court and docket number of the consolidated judgment shall be noted on the docket of each original judgment substantially as follows: "Consolidated as part of the consolidated judgment entered at Docket No. \_\_\_\_\_ of the Court of Common Pleas of \_\_\_\_\_ County."

**Official Note:** Consolidation does not affect the lien priority of each judgment consolidated.

#### Rule 3026. Parties. Generally.

(a) The [ **plaintiff shall name in the** ] caption shall contain the name of the original defendant and any terre-tenant against whom [ **he** ] the plaintiff seeks to revive [ **and continue** ] the lien of the judgment.

**Official Note:** The terms "plaintiff" and "defendant" as used in the rules governing judgment liens

and revival of judgments refer generally to the judgment creditor and judgment debtor, respectively. Thus, a defendant who holds a judgment against the plaintiff on a counterclaim would be a plaintiff for the purpose of these rules. See also Definition Rule 3101(a).

(b) If the judgment has been assigned or transferred, the caption shall contain the name of the original judgment plaintiff and the name of the real party in interest.

**Official Note:** [ For the effect of failure to name a defendant or terre tenant, see § 3 of the Judgment Lien Law of 1947, 12 P. S. 879. ] See Rule 3026.2 governing terre-tenants as parties and Rule 3026.3 governing revival against a terre-tenant.

As to joinder of personal representatives of a deceased defendant, see Section 3382 of the Probate, Estates and Fiduciaries Code, [ Act of June 30, 1972, P. L. 508, No. 164, § 3382, ] 20 Pa.C.S. § 3382.

#### Rule 3026.1. Parties. Joint Defendants.

(a) Except as provided by subdivision (b), if there is a judgment against two or more joint defendants, no revival of the lien of the judgment shall be effective against any of such defendants unless all joint defendants are made parties to the revival proceedings.

(b) If all or fewer than all joint defendants agree to be bound, the revival shall be effective against all of the defendants so agreeing.

**Official Note:** This rule does not apply where defendants are jointly and severally liable or severally liable only.

#### Rule 3026.2. Parties. Terre-Tenants.

(a) As used in Rule 3025 et seq., a terre-tenant is a person other than the original defendant in whom title to real property subject to a lien provided by the Rules of Civil Procedure has vested.

**Official Note:** The rules governing the action of mortgage foreclosure use the term "real owner" in a similar sense. See Rule 1144(a)(3).

See the following rules of civil procedure providing for liens upon real property: Rule 1307(b) (lien of an award in compulsory arbitration), Rule 3022 (lien of a verdict or order), Rule 3023 (lien of a judgment), Rule 3027 (lien of a writ of revival or an agreement to revive), Rule 3131.1 (lien of a judgment of revival) and Rule 3104 (lien of a writ of execution).

(b) The term "terre-tenant" shall not include

(1) any person claiming under or whose claim of title passes through a deed which is not recorded in the county where the real property is located, or

(2) any person claiming under or through a deceased defendant or terre-tenant whose will has not been filed with, or letters of administration on whose estate have not been issued by, the register of wills or orphans' court of such county.

(c) Any person claiming under or through a deceased defendant or a deceased terre-tenant, who was not a resident of the county at the time of death, may qualify as a terre-tenant under this rule by recording in the office of the recorder of deeds of the county where the real property is located,

(1) a certified copy of the will of the decedent, or,

(2) if the decedent died intestate, a declaration of interest accompanied by a certificate of the register of wills or probate court or officer of the county, state or country in which the decedent resided at the time of death that letters of administration have been issued in the estate of the decedent.

**Rule 3026.3. Revival of Lien of Judgment as to Property of Terre-Tenant.**

(a) Except as provided by subdivision (b), if an interest in real property subject to a lien of a judgment has been acquired by a terre-tenant, then the lien of the judgment on the property shall be revived only if the terre-tenant within the five-year period of Rule 3023(c) or Rule 3031.1(a) joins in an agreement to revive or is made a party to the writ of revival.

**Official Note:** The revival of a judgment lien continues or creates a lien upon real property. See Rule 3025.

(b) If a writ of revival or an agreement to revive is entered in the judgment index against the defendant at a time when a terre-tenant's deed or other evidence of title is of record, but without the joinder of the terre-tenant, the lien of the judgment may be revived as to the terre-tenant within five years after the recording of the terre-tenant's deed or other evidence of title by (1) agreement between the plaintiff and the terre-tenant alone or between the plaintiff, defendant and terre-tenant, or (2) a writ of revival issued against the terre-tenant alone, or against the defendant and terre-tenant jointly. The lien shall continue as to the terre-tenant for the same period as it continues against the defendant, when it must be revived against both parties.

**Official Note:** The mere recording of a terre-tenant's deed or other evidence of title is ineffective to revive a lien as to any part of the property acquired by a terre-tenant without specific revival by agreement or by writ.

For the effect of a judgment of revival against a terre-tenant, see Rules 3027(b)(3) and 3031.1(b).

\* \* \* \* \*

**Rule 3027. Writ of Revival. [ Indexing. ] Entry. Lien.**

(a) Upon issuance of the writ of revival or the filing of an agreement [ for a judgment of revival ] to revive, the prothonotary shall [ index ] enter it in the judgment index against each defendant and terre-tenant named therein.

\* \* \* \* \*

(b) [ The writ when indexed shall be a lien upon all real property within the county which at the time of indexing is owned by the defendant against whom the original judgment is entered. ] The writ or agreement, when entered in the judgment index, shall

(1) continue the lien upon real property located in the county which is subject to the lien of the judgment which is sought to be revived,

(2) create a lien upon all other real property located in the county, title to which at the time of entry in the judgment index is recorded in the name of the defendant, and

**Official Note:** The lien attaches whether or not the real property was owned by the defendant at the time the original judgment was [ indexed ] entered in the judgment index or the lien of the judgment was

previously revived and whether or not the lien of the judgment had been lost as to the property.

**The priority of the lien is preserved only if the praecipe or the agreement is filed within the five-year period prescribed by these rules.**

(3) create a lien upon all other real property located in the county, title to which at the time of entry in the judgment index is recorded in the name of a terre-tenant, and which was subject to the lien of the judgment sought to be revived but the lien lapsed prior to the entry of the writ or agreement in the judgment index.

(c) The lien of a writ of revival or of an agreement to revive shall continue for a period of five years from the date on which the writ or agreement was [ indexed ] entered in the judgment index.

**Rule 3028. Service of the Writ.**

(a) The writ shall be served within ninety days after its issuance by the sheriff by handing a copy in the manner provided by Rule 402 or by mailing a copy in the manner provided by Rule 403.

(b) If service cannot be made as provided by subdivision (a), then service may be made

(1) in the manner prescribed by order of court pursuant to Rule 430(a), or

**Official Note:** For example, where the Postal Service shows a good address and mail service under subdivision (a) is returned unclaimed, the court pursuant to Rule 430 may permit service by regular mail.

(2) by publication in the manner prescribed by Rule 430(b) upon the filing of an affidavit showing reasonable efforts to make service pursuant to subdivision (a) and the reasons why such service could not be made.

**Official Note:** A special order of court under Rule 430(a) is not a prerequisite to service by publication under this rule.

**Rule 3029. Reissuance and substitution of writ.**

The writ may be reissued or substituted as in a civil action.

**Official Note:** See Rule [ 1010 ] 401(b) governing reissuance and substitution of a writ of summons.

**Rule 3030. Pleadings. Further Proceedings. Continuance of Lien.**

\* \* \* \* \*

(c) If judgment cannot be entered on the writ within a period of five years after the [ indexing ] entry of the writ in the judgment index because of the further proceedings, the court before which the further proceedings are pending may enter an order continuing the lien of the writ for a period not exceeding five years. The order shall become effective when [ indexed ] entered in the judgment index.

**Rule 3031. Judgment upon Default or Admission. Assessment of Damages.**

(a) The prothonotary, on praecipe of the plaintiff, shall enter judgment against a defendant or terre-tenant for failure within the required time to plead to the writ or for any relief admitted to be due by the defendant's or terre-tenant's pleading. The prothonotary shall assess damages as directed in the praecipe for judgment.

**Official Note:** See the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. § 520 requiring an affidavit setting forth facts showing that the defendant is not in military service as a prerequisite to the entry of a default judgment.

See Rule 237.1 et seq. which requires a ten-day notice as a prerequisite to the entry of a default judgment.

\* \* \* \* \*

**Rule 3031.1. Judgment of Revival. Lien.**

(a) A judgment of revival when entered in the judgment index shall continue or create a lien as provided by Rule 3027(b) governing the lien of a writ of revival. The lien shall continue for five years from the date the judgment was entered in the judgment index unless the judgment is sooner discharged or the lien is sooner revived.

(b) If an interest in real property subject to the lien of a judgment has been acquired by a terre-tenant, a judgment of revival entered against the terre-tenant shall not be a personal judgment against the terre-tenant and shall not extend to any other property of the terre-tenant.

**Subchapter C. FORMS**

Rule 3032. Praecipe for writ of revival. **Form.**

**The praecipe for writ of revival shall be substantially in the following form:**

(Caption)

PRAECIPE FOR WRIT OF REVIVAL

To the Prothonotary:

Issue writ of revival of lien of judgment entered [ to ] at \_\_\_\_\_ and [ index ] enter it

(Court, [ Term, ] Number) in the judgment index against \_\_\_\_\_ (Name of Defendant(s)) and \_\_\_\_\_

(Name of Terre-Tenant(s)) in the amount of \$ \_\_\_\_\_ with interest from \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Plaintiff

**Official Note:** For the definition of terre-tenant [ and the substantive effect of omission of a defendant, a joint defendant, or a terre tenant ], see [ the Judgment Lien Law of 1947, 12 P. S. 877 et seq. ] Rule 3026.2.

Rule 3033. Writ of revival. **Form.**

**The writ of revival shall be substantially in the following form:**

(Caption)

WRIT OF REVIVAL

TO \_\_\_\_\_ :  
(Name of Defendant(s) and Terre-Tenant(s))

(1) You are notified that the plaintiff has commenced a proceeding to revive [ and continue ] the lien of the judgment entered [ to ] at \_\_\_\_\_ .  
(Court, [ Term, ] Number)

\* \* \* \* \*

(3) You are required within twenty (20) days after service of this writ to file an answer or otherwise plead to

this writ. If you fail to do so judgment of revival [ will ] in the amount claimed by the plaintiff may be entered without a hearing and you may lose your property or other important rights.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

\_\_\_\_\_  
(Name of Office)

\_\_\_\_\_  
(Address of Office)

\_\_\_\_\_  
(Telephone Number)

Date: \_\_\_\_\_ (Name of Prothonotary (Clerk))

By \_\_\_\_\_ (Deputy)

**Official Note:** For definition of terre-tenant, see [ § 3(d) of the Judgment Lien Law of 1947, 12 P. S. 879(d) ] Rule 3026.2.

Rule 3034. Agreement to revive. **Form.**

**The agreement to revive shall be substantially in the following form:**

(Caption)

AGREEMENT TO REVIVE

The undersigned hereby agree(s) that the lien of the judgment entered on \_\_\_\_\_ Date

[ 19 \_\_ to ] at \_\_\_\_\_ be  
(Court, [ Term, ] Number)

revived and [ the lien continued and ] authorize(s) the prothonotary to enter [ and ] in the judgment index a judgment of revival in the amount of \$ \_\_\_\_\_ plus costs.

Signed and dated [ this \_\_\_\_ day of \_\_\_\_\_ 19 \_\_, ] \_\_\_\_\_ :

\_\_\_\_\_  
(Defendants(s))

\_\_\_\_\_  
(Terre-Tenant(s))

**Official Note:** [ For the substantive effect of omission of a defendant, a joint defendant or a terre tenant see the Judgment Lien Law of 1947. See Rule 3025.1(b) for additional requirements when there is an agreement to consolidate two or more judgments against the same person and revive the lien thereof.

**Rule 3048. Acts of Assembly not suspended.**

The Rules governing the Revival of Judgment Liens shall not be deemed to suspend or affect:

(1) [ Section 1 of the Act approved April 22, 1909, P. L. 112, 12 P. S. 875. ] Section 9 of the Act of May 16, 1923, P. L. 207, as amended, 53 P. S. § 7143;

*Official Note:* This Section provides for [ consolidation and revival of separate judgments against the same person in one proceeding ] revival of municipal claims for taxes, water rents or rates, lighting rates, power rates and sewer rates.

(2) Section 15 of the Act approved May 16, 1923, P. L. 207, as [ last ] amended [ June 7, 1961, P. L. 263 ], 53 P. S. § 7183 insofar as it authorizes revival of municipal claims by suggestion of nonpayment and averment[ . ];

(3) Section 1404 of the Fiscal Code of April 9, 1929, P. L. 343 as [ last ] amended [ by Act No. 296 approved August 7, 1963 ], 72 P. S. § 1404[ . ];

\* \* \* \* \*

(4) [ The Act approved September 26, 1951, P. L. 1505, as last amended May 3, 1956, P. L. (1955) 1528, 12 P. S. 885. ] Section 1404.1 of the Act of April 9, 1929, P. L. 343, No. 176, added by Section 5 of the Act of December 12, 1994, P. L. 1015, No. 138, 72 P. S. § 1404.1;

*Official Note:* [ This Act provides for revival of judgment in favor of the Commonwealth by filing and notice of suggestion of nonpayment. ] This Section provides that tax liens required to be filed by the Department of Revenue are continued without the necessity of revival.

(5) [ AND all other Acts or parts of Acts authorizing special procedures for the Revival of Judgments in favor of the Commonwealth or political subdivisions. ] Section 605 of the Act of October 28, 1966, Special Session No. 1, P. L. 55, known as the Goods and Services Installment Sales Act, added by Section 6 of the Act of March 25, 1982, P. L. 199, No. 68, 69 P. S. § 1605;

*Official Note:* This section requires that a proceeding for revival of a judgment entered by confession, which is subject to the Act, be commenced within one year from the lapse of the lien.

(6) Section 3382 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3382;

*Official Note:* Section 3382 provides for the joinder of the personal representative of a decedent as a defendant and for the continuation of the lien on a decedent's real estate.

(7) Section 4352(d) and (d.1) of the Domestic Relations Code, 23 Pa.C.S. § 4352(d) and (d.1);

*Official Note:* Section 4352(d) imposes a lien upon real property for overdue support and Section 4352(d.1) provides for the lien to retain its priority without renewal or revival.

(8) Section 5526(1) of the Judicial Code, 42 Pa.C.S. § 5526(1);

*Official Note:* This section requires that an action for revival of a judgment lien must be commenced within five years.

(9) And all other Acts or parts of Acts authorizing special procedures for the revival of judgment liens in favor of the Commonwealth or political subdivisions.

Rule 3049. [ Acts of Assembly suspended ] (Rescinded).

*Official Note:* The statutory provisions governing revival of judgment liens previously suspended by Rule 3049 have been repealed.

**Rule 3049.1. Abolition of Practice and Procedure Under Repealed Statutes.**

The practice and procedure provided in the following Acts of Assembly which have been repealed by the Judiciary Act Repealer Act (JARA), Act of April 28, 1978, No. 53, are hereby abolished and shall not continue as part of the common law of the Commonwealth:

(1) Sections 1 and 2 of the Act of March 23, 1877, P. L. 34, 12 P. S. §§ 861, 862.

*Official Note:* The Act of 1877 relating to lien of verdict was repealed by Section 2(a) of JARA, 42 P. S. § 20002(a).

(2) Section 1 of the Act of April 22, 1909, P. L. 112, 12 P. S. § 875.

*Official Note:* The Act of 1909 relating to consolidation of judgments by scire facias was repealed by Section 2(a) of JARA, 42 P. S. § 20002(a).

(3) Sections 2 through 7 inclusive of the Act of July 3, 1947, P. L. 1234, No. 504, known as the Judgment Lien Law, 12 P. S. §§ 878 through 883.

*Official Note:* The Judgment Lien Law was repealed by Section 2(a) of JARA, 42 Pa.C.S. § 20002(a). The repealed sections concerned the property subject to lien and duration of lien (§ 2), the manner of reviving lien and duration of revived lien (§ 3), scire facias as lien (§ 4), revival of lien against person in armed forces (§ 5), service of scire facias; and judgment on return of nihil habet (§ 6), and property subject to execution, lien of execution and execution after five years (§ 7).

**Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY**

**Rule 3101. Definitions; garnishee.**

(a) As used in this chapter

“judgment” means a judgment, order, or decree requiring the payment of money entered in any court which is subject to these rules, including a final or interlocutory order for payment of costs, except a judgment against the Commonwealth[ , ] or a political subdivision [ or a public authority ];

*Official Note:*

\* \* \* \* \*

**Political subdivision includes a municipal or other local authority. See Definition Rule 76.**

\* \* \* \* \*

**Rule 3101.1. Property Subject to Execution. Execution Within and After Five Years.**

(a)(1) Execution may issue within five years after entry of the judgment sought to be enforced or any judgment of revival or agreement to revive, against

(i) real property which is subject to the lien of the judgment, and

(ii) real property, title to which at the time of the entry of the writ of execution in the judgment index is recorded in the name of the person against whom the judgment is entered.

(2) If more than five years have expired since the entry of the judgment or of the last preceding judgment of revival or agreement to revive, no execution against real property may issue until a writ of revival shall have issued and been reduced to judgment or an agreement to revive entered. The execution shall issue on the judgment or agreement so entered and not on the original judgment.

(b) Execution may issue against personal property within the time allowed by law.

**Official Note:** Subdivisions (a)(1) and (2) continue the practice under Section 7 of the Act of July 3, 1947, P. L. 1234, 12 P. S. § 883 (repealed) relating to property subject to execution and execution after five years.

For the applicable law under subdivision (b), see Section 5529(a) of the Judicial Code, 42 Pa.C.S. § 5529(a) (twenty-year limitation to issue execution upon personal property). See also *Shearer v. Naftzinger*, 747 A.2d 859 (Pa. 2000).

A proceeding to revive a judgment lien is not relevant to an execution upon personal property.

**Rule 3104. [Indexing] Writ of Execution. Entry. Lien.**

(a)(1) When **issuing the writ**, the prothonotary **[ issues the writ he shall, upon praecipe of the plaintiff, index ]** shall enter it against the defendant in the judgment index. **The writ, when entered, shall**

(i) **continue the lien upon real property which is then subject to the lien of the judgment, and**

(ii) **create a lien on real property acquired by the defendant subsequent to the entry of the judgment, located in the county, title to which at the time of entry of the writ is recorded in the name of the defendant.**

**Official Note:** As to the effect of **[ indexing see ]** entry of the writ, **Rule 3104 continues the practice under the Judgment Lien Law of 1947, 12 P. S. § 883 (repealed). See also Section 4303 of the Judicial Code, 42 Pa.C.S. § 4303.**

**[ The provisions of the Allegheny County Court Act of May 5, 1911, P. L. 198, as amended providing that county court judgments shall not constitute liens on real property and providing for transfer to the common pleas remain unsuspended by these rules. ]**

The praecipe for the writ of execution contains a direction to the prothonotary to enter the writ in the judgment index. See Rule 3251.

(2) A lien created or continued solely by the entry of a writ of execution in the judgment index shall continue for a period of five years from the date the writ was entered.

**Official Note:** The lien of a writ of execution is not subject to revival under Rule 3025 et seq. governing revival of the lien of a judgment.

(b) **[ When a writ is received by the sheriff of another county, it shall be his duty to ]** Upon receiving a writ from another county, the sheriff shall deliver it to the prothonotary of his or her county who shall thereupon **[ index ]** enter it in the judgment index and return it to the sheriff for execution. Such **[ indexing ]** entry shall have the same effect as the

**[ indexing ]** entry of a judgment against the defendant. **[ If the plaintiff so directs, the sheriff may levy or attach under the writ before he delivers it to the prothonotary for indexing. ]**

(c) When the writ directs attachment of real property of the defendant in the name of a garnishee, the prothonotary of the county in which the writ is to be executed, upon praecipe of the plaintiff so directing and describing the real property in that county, shall **[ index ]** enter the writ against the garnishee **in the judgment index** as a lis pendens. **[ Indexing ]** Entry against the garnishee shall constitute a lis pendens against the described property only in the county where the writ is **[ indexed ]** entered and not against any other property of the garnishee.

\* \* \* \* \*

**Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIFIC ACTIONS FORMS**

**Rule 3251. Praecipe for Writ of Execution. Money Judgments.**

Except as provided by Rule 2963 governing execution upon a judgment entered by confession, the praecipe for a writ of execution shall be substantially in the following form:

(Caption)

PRAECIPE FOR WRIT OF EXECUTION

To the Prothonotary:

Issue writ of execution in the above matter,

\* \* \* \* \*

(4) and **[ index ]** enter this writ **in the judgment index**

(a) against \_\_\_\_\_, defendant, and  
(Name of Defendant)

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

Paragraph (4)(a) should be completed only if **[ indexing ]** entry of the execution in the county of issuance is desired as authorized by Rule 3104(a)(1). When the writ issues to another county **[ indexing ]** entry is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4)(b) should be completed only if real property in the name of a garnishee is attached and **[ indexing ]** entry as a lis pendens is desired. See Rule 3104(c).

\* \* \* \* \*

**EXPLANATORY COMMENT**

- I. Introduction**
- II. Terminology**
- III. Judgment Liens**
- IV. Revival of Judgment Liens**
- V. Enforcement of Judgments for the Payment of Money**

**I. Introduction**

The Supreme Court of Pennsylvania promulgated Rules 3025 through 3049 in 1964 to provide the procedure in

proceedings “to revive and continue the lien of a judgment.” The note to Rule 3025 advised the bench and bar: “For the substantive law governing the revival of judgment against defendants and terre tenants see the Judgment Lien Law of 1947, 12 P. S. 877 et seq.”

The Judgment Lien Law was repealed by the Judiciary Act Repealer Act (JARA) in 1978 but no successor provisions were enacted as part of the Judicial Code or otherwise. A consequence of the repeal was that the 1947 Act disappeared from Purdon’s Pennsylvania Statutes along with the rest of Title 12 relating to Judicial Procedures and Remedies. Unless the superseded volumes of former Title 12 were retained, the Judgment Lien Law became unavailable to the legal community. Yet, as no general rules had been promulgated to date to replace the repealed Act, the Judgment Lien Law continued as part of the common law of the Commonwealth under the fail-safe provision of JARA, 42 P. S. § 20003(b).

The amendments to the rules of civil procedure promulgated in 2003 fill the void. The General Assembly in Section 1722(b)(1) of the Judicial Code, 42 Pa.C.S. § 1722(b)(1), authorized the governing authority to prescribe and modify general rules governing:

(1) The effect of judgments and other orders of, and the right to and effect of attachments and other process issuing out of, a tribunal, and the manner of the enforcement of any thereof, including the time during which and the property with respect to which they shall be a lien, the relative priority of liens and other claims, stays of execution which may or shall be granted, satisfaction of judgments and dissolution of attachments, and all other matters relating to judgments and other orders and attachments and other process which have been regulated heretofore by statute.

The amendments do not effect a radical change in the law of judgment liens and revival of judgment liens. Rather, their purpose is to make the law accessible to the bench and bar, to integrate the substantive and procedural law of judgment liens and revival, and to state the law in clear terms.

## II. Terminology

The rules use the terms “plaintiff” and “defendant.” In the context of a judgment, the plaintiff is the judgment creditor or the party in whose favor the judgment is entered and the defendant is the judgment debtor or the party against whom the judgment is entered. It may be that a judgment has been entered in favor of the defendant on a counterclaim in which case the defendant will be the “plaintiff” under these rules and the plaintiff will be the “defendant.” A note has been added to Rule 3026 to this effect.

Prior statutes referred to the “indexing” of verdicts and judgments and the rules of civil procedure promulgated when those statutes were in effect used that term. The present law, Section 4303 of the Judicial Code, refers to a judgment or order being a lien “when it is entered of record.” Consistent with the Judicial Code, the amended rules use the terms “entry,” “enter” and “entered” as may be appropriate.

## III. Judgments

A new chapter of four rules has been added which encompasses the entry of judgment in the judgment index and the effect of a judgment as a lien upon real property. The four rules are Rule 3020 (Definition), Rule 3021 (Verdict. Order. Judgment. Entry in Judgment Index),

Rule 3022 (Verdict or Order. Lien. Duration) and Rule 3023 (Judgment. Lien. Duration).

*Rule 3020. Definition and*

*Rule 3101. Definitions. Garnishee*

Rule 3101(a) governing the enforcement of money judgments defines the term “judgment.” The definition has been amended by deleting the phrase “or a public authority.” This phrase became unnecessary in light of a recent amendment to Definition Rule 76 defining the term “political subdivision” to include “a municipal or other local authority.” The definition of “judgment” in Rule 3101(a) uses the term “political subdivision” and provides as follows:

“judgment” means a judgment, order, or decree requiring the payment of money entered in any court which is subject to these rules, including a final or interlocutory order for payment of costs, except a judgment against the Commonwealth or a political subdivision;

New Rule 3020 defines the term “judgment” using identical language and applies to the rules of the new chapter, Rule 3020 et seq.

Notes to both Rule 3020 and 3101(a) cross-refer to the definition of “political subdivision” found in Rule 76.

*Rule 3021 Verdict. Judgment. Entry in Judgment Index*

Section 2737 of the Judicial Code provides that the “office of the prothonotary shall have the power and duty to . . . (3) Enter all civil judgments, including judgments by confession.” Section 4303(a) of the Judicial Code provides that any judgment or order for the payment of money shall be a lien upon real property when it is “entered of record” in the office of the clerk of the court of common pleas of the county where the real property is situated.

These sections of the Judicial Code give scant direction to the prothonotary with respect to the judgment index when contrasted with prior repealed statutes such as the Act of 1827, 16 P. S. § 9871. The new rule provides the necessary direction by setting forth, first, the duty of the prothonotary to enter verdicts, orders and judgments in the judgment index and, second, the content of the entry in the index.

*Rule 3022. Verdict or Order. Entry. Lien*

New Rule 3022 is derived from the repealed Act of March 23, 1877, P. L. 34, § 1, 12 P. S. § 861. The statute provided in part that “the verdict shall be a lien upon the real estate situate within the proper county of the party or parties against whom said verdict shall be rendered. . . .” In its formulation of the nature of the lien, the rule states:

(a) A verdict or order for a specific sum of money when entered in the judgment index shall be a lien on real property located within the county, title to which at the time of entry is recorded in the name of the person against whom the verdict or order was rendered. . . .

This rule changes the prior law with respect to the inception of the lien. Under the repealed Act of 1877 and current Section 8141(3) of the Judicial Code, the creation of the lien and its priority dated from the rendition of the verdict or order. Under New Rule 3022(a), a verdict or order for a specific sum of money creates a lien “when entered in the judgment index.” This new rule is consistent with Rule 1307 which provides that an award in compulsory arbitration for the payment of money creates

a lien "when entered in the judgment index" and also with Rule 3023 which similarly provides that a judgment shall create a lien "when entered in the judgment index." However, Rule 3022(a) is inconsistent with Section 8141(3) of the Judicial Code and subdivision (b)(3) of the rule suspends Section 8141(3) only to the extent of this inconsistency with the new rule.

Rule 3021(a) minimizes the opportunity of a judgment debtor to avoid the lien of a verdict or order by providing that the prothonotary shall "immediately" enter a verdict or order for the payment of money in the judgment index. A party aggrieved by the transfer of property to avoid the lien may pursue remedies provided by the law governing fraudulent transfers of property.

The language used in Rule 3022(a) is the basic formulation used to describe the lien in each rule prescribing a lien. Rules 1307, 3023, 3027 and 3104 all contain in almost identical form the following italicized language: "*a lien on real property located within the county, title to which at the time of entry is recorded in the name of the person against whom the verdict or order was entered.*"

Subdivision (a) also provides a five-year limit upon the life of the lien. The lien terminates earlier if, prior to the expiration of the five-year period, the verdict or order is reduced to judgment or the court awards a new trial or enters a judgment notwithstanding the verdict.

The rule refers to an "order" as well as a "verdict." The term "order" is broadly defined by the Section 102 of the Judicial Code to include a "judgment, decision, decree, sentence and adjudication." However, a judgment is specifically governed by Rule 3023.

#### *Rule 3023. Judgment. Lien*

New Rule 3023 sets forth the lien of a judgment and its duration and replaces two prior statutes, Section 2 of the Judgment Lien Law of 1947, 12 P. S. § 878, and Section 2 of the Act of 1877, 12 P. S. § 862. Subdivision (a) states the general rule using the basic language of Rule 3022 governing the lien of a verdict and order but appropriately particularized to a judgment:

(a) Except as provided by subdivision (b), a judgment when entered in the judgment index shall create a lien on real property located in the county, title to which at the time of entry is recorded in the name of the person against whom the judgment is entered.

Subdivision (b) states the rule governing the lien of two particular judgments: a judgment entered upon a verdict or order and a judgment entered upon an award in compulsory arbitration. The subdivision begins with entry in the judgment index and then provides for the effect of the entry of the judgment as continuing or creating a lien on real property:

(b) A judgment upon a verdict, an order or an award in compulsory arbitration, when entered in the judgment index, shall

(1) continue the lien upon real property located in the county which is subject to the lien of the verdict, order or award upon which the judgment is entered, and

NOTE: . . .

(2) create a lien upon all other real property located within the county, title to which at the time of entry in the judgment index is recorded in the name of the person against whom the judgment is entered.

The continuing of a lien under subdivision (b)(1) parallels the concept of new Rule 3027(b)(1) by which the lien

of a writ of revival or agreement to revive when entered in the judgment index shall "continue the lien upon all real property located in the county which is subject to the lien of the judgment which is sought to be revived." Since the rule continues the lien of the verdict, the date of the commencement of the lien is determined by reference to Rule 3022, discussed above, which provides that a verdict or order for a specific sum of money shall be a lien when entered in the judgment index. Similarly, the date of commencement of the lien of an award in compulsory arbitration is determined by referring to Rule 1307(b), discussed below. A note to subdivision (b)(1) sets forth the cross-references.

The creating of a lien under subdivision (b)(2) parallels the concept of new Rule 3027(b)(2) by which the lien of a writ of revival or agreement to revive when entered in the judgment index shall "create a lien upon all other real property located in the county, title to which at the time of entry in the judgment index is recorded in the name of the defendant." Subdivision (b)(2) pertains to after-acquired property and generally follows the statute.

Subdivision (c) provides for a five-year duration of the lien and applies to the liens of all judgments under the rule. The life of the lien is unchanged from prior practice.

#### *Other Rules Affecting Liens*

Several additional rules of civil procedure govern liens on real property and are affected by the proposed amendments.

#### *Rule 1307. Award. Docketing. Notice. Lien. Judgment. Molding the Award*

Rule 1307 is a rule governing compulsory arbitration which formerly provided in subdivision (b) that the "award when entered in the judgment index shall be a lien upon the party's real estate, which shall continue during the pendency of an appeal or until extinguished according to law." The language has been revised to conform to that of other rules of civil procedure imposing a lien on real property:

(b) The award for the payment of money when entered in the judgment index shall create a lien on real property located within the county, title to which is recorded in the name of the person against whom the award was entered. The lien shall continue during the pendency of an appeal or until extinguished according to law.

#### *Rule 3027. Writ of Revival. Entry. Lien*

*and*

#### *Rule 3031.1. Judgment of Revival. Lien*

Rule 3027 governing the entry and lien of a writ of revival was amended in 1994 to incorporate the substance of Section 4 of the Judgment Lien Law, 12 P. S. § 880. The present amendment to that rule and new Rule 3031.1 governing the entry and lien of a judgment of revival are described below under the comment discussing the revisions to the rules governing revival of judgment.

#### *Rule 3104. Writ of Execution. Entry. Lien*

The amendment to Rule 3104(a) incorporates without substantial change Section 7 of the Judgment Lien Law, 12 P. S. § 883, relating to the property subject to execution, the lien of execution and the duration of the lien. The rule is discussed at the end of the comment in connection with the rules governing the enforcement of judgments for the payment of money.

#### IV. Revival of Judgment Liens

The rules governing “revival of judgments” are revised generally to be gender neutral and to delete obsolete references. In addition, the phrase “revival of judgments” is revised to read “revival of judgment lien.”

The source of the revision providing for “revival of judgment lien” is the concurring opinion by Mr. Justice Zappala in *Shearer v. Naftzinger*, 747 A.2d 859, 861 (Pa. 2000), which described the effect of a judgment and the necessity for revival of a judgment lien:

... A money judgment acts as a lien against real property, but only for five years. The lien must be continued (or revived) to maintain (or obtain a new) place of priority. However, properly speaking, it is the lien that is revived, not the judgment. There is no outer time limit to executing against real property to satisfy a judgment, but the proceeds of such a sale must be distributed according to the priority of liens. . . .

##### *Rule 3025. Commencement of Proceedings. Venue*

In addition to providing for the venue and commencement of a proceeding to revive, Rule 3025 states the scope of the chapter. Prior to the present amendments, the scope of the chapter was described as a “proceeding to revive and continue the lien of a judgment.” This language is revised as follows: “A proceeding to revive which continues or creates the lien of a judgment.”

The words “which continues or creates the lien of a judgment” reveal the nature of the proceeding. The proceeding to revive will, first, continue the lien as to real property which is subject to an existing lien and, second, create a lien with respect to property which is not subject to an existing lien because either the lien has been lost or the lien had not attached to the property (after-acquired property). The concept is similar to that of Rule 3023(b) governing the lien of a judgment entered upon a verdict or order which provides that the judgment when entered in the judgment index shall “continue” the lien of the verdict or order as to property subject to the lien and “create” a lien as to all other property recorded in the name of the person against whom the judgment is entered.

##### (1) *Continuing a lien*

A proceeding to revive “continues . . . the lien of a judgment.” The continuing of a lien presupposes an existing lien. Rule 3023 governing the lien of a judgment provides that the “lien shall continue for five years from the date the judgment was entered in the judgment index unless the judgment is sooner discharged or the lien is sooner revived.” If a proceeding to revive a judgment lien is commenced within the five-year period prescribed by Rule 3023, there exists a lien to be continued. This is the import of Rule 3027(b)(1) which provides that a writ of revival or an agreement to revive when entered in the judgment index shall “continue the lien upon real property located in the county which is subject to the lien of the judgment which is sought to be revived.”

##### (2) *Creating a lien*

A proceeding to revive also “creates the lien of a judgment.” The creation of a lien presupposes that there is no existing lien. There may be no existing lien on real property because either the lien has been lost or because the lien did not attach.

If a proceeding to revive a judgment is not brought within the five-year period after entry of the judgment in

the judgment index as required by Rule 3023, the lien is lost as to property which had been subject to it and there exists no lien to continue. However, the proceeding will create a new lien on property as to which a lien has been lost. This is the import of Rule 3027(b)(2) which provides that a writ of revival or an agreement to revive when entered in the judgment index shall

(2) create a lien upon all other real property located in the county, title to which at the time of entry in the judgment index is recorded in the name of the defendant. . . .

Rule 3023(a) provides in part that “a judgment when entered in the judgment index shall create a lien on real property located in the county, title to which at the time of entry is recorded in the name of the person against whom the judgment is entered.” Thus, property which is acquired by the defendant after entry of the judgment in the judgment index is not subject to the lien of the judgment. In this case also, the proceeding to revive the judgment will create a lien as provided by Rule 3027(b)(2).

Rule 3027(b)(3) applies to property recorded in the name of a terre-tenant. It makes clear that the only property subject to the lien of a writ of revival or an agreement to revive is property which at the time of the entry of the writ or agreement in the judgment index had been subject to the lien of the judgment but the lien had lapsed. The lien does not attach to any other property of the terre-tenant. This provision is reinforced by Rule 3031.1(b) which provides that a judgment of revival is not a personal judgment against the terre-tenant.

Though a proceeding to revive a judgment may be commenced after the expiration of the five-year period, the importance of commencing a proceeding within the five-year period to continue a lien cannot be ignored. If a lien is lost, its priority is lost and the new lien will date from the entry of the writ of revival or agreement to revive in the judgment index. As stated by former Chief Justice Zappala in *Shearer v. Naftzinger*, 747 A.2d at 861, “The lien must be continued (or revived) to maintain (or obtain a new) place of priority.”

Rule 3025 with its “definition” of a proceeding to revive encapsulates the law and procedure of the chapter. Rules 3027 and 3031.1 provide the substantive effect of the writ of revival and judgment of revival while the remaining rules of the chapter provide the procedure to effectuate the substantive law.

##### *Rule 3025.1. Consolidation of Judgments*

Subdivision (a) of this new rule governing consolidation of judgments provides for consolidation by writ of revival and is derived from the Judgment Lien Law of 1947, 12 P. S. § 875. Subdivision (b) adds the option of consolidating judgments by agreement.

There needs to be a trail leading to and from the consolidated judgment. Subdivisions (c) and (d) provide for cross-references to enable the searcher to trace the history of both the individual judgments and the consolidated judgment.

A note advises that consolidation does not affect the priority of the lien of each judgment consolidated.

##### *Rule 3026. Parties. Generally*

There is no change in substance to Rule 3026. The title is revised by adding the word “Generally” in light of new Rules 3026.1 through 3026.3 which govern specific parties, i.e., joint defendants and terre-tenants.



The two subdivisions which comprise Rule 3026 are revised to be parallel in style. A note is added to subdivision (a) describing the use in the rules of the words "plaintiff" and "defendant" to mean judgment creditor and judgment debtor, respectively. The note to subdivision (b) is made current by deleting obsolete material and adding cross-references to the new rules governing terre-tenants.

*Rule 3026.1. Parties. Joint Defendants*

New Rule 3026.1 relating to joint defendants incorporates the substance of Section 3(b) of the Judgment Lien Law, 12 P. S. § 879(b).

*Rule 3026.2. Parties. Terre-Tenants*

and

*Rule 3026.3. Revival of Lien of Judgment as to Property of Terre-Tenant*

New Rule 3026.2 provides a definition of the term "terre-tenant." Subdivision (a) is derived from *Eberhart's Appeal*, 39 Pa. 509, 512 (1861): "A terre-tenant is one in whom the title to the encumbered estate has vested."

Subdivisions (b) and (c) of Rule 3026.2 limiting the term "terre-tenant" incorporate a corresponding provision of the Judgment Lien Law, 12 P. S. § 879(d).

A portion of Section 3 of the 1947 Act, 12 P. S. § 879(a), set forth the manner of revival against the property of a terre-tenant. New Rule 3026.3 incorporates the substance of that provision, dividing it into two subdivisions and a note.

*Rule 3027. Writ of Revival. Entry. Lien*

Rule 3027 is the heart of the rules governing revival of judgment liens, setting forth the substantive law pertaining both to the writ of revival and, by incorporation by reference in Rule 3031.1, to the judgment of revival.

Subdivision (a) provides for the prothonotary to enter the writ of revival or agreement to revive in the judgment index "against each defendant and terre-tenant named therein." The provision might be compared to the requirement of new Rule 3021 requiring the prothonotary to enter verdicts, orders and judgments into the judgment index.

Subdivision (b) provides for the effect of the writ or agreement when entered in the judgment index as continuing or creating a lien upon real property. The effect of this subdivision is described under the comment to Rule 3025.

Subdivision (c) providing for the lien to continue for five years has been revised only to accommodate the reference to an agreement to revive and to substitute the word "entered" in place of "indexed."

*Rule 3028. Service of the Writ*

The former rule that a "return of no service shall be equivalent to personal service" was derived from at least two repealed statutory sources: Section 6 of the Judgment Lien Law, 12 P. S. § 882, and Section 1 of the Act of 1901, 12 P. S. § 295. Under the former, the prothonotary was authorized to enter judgment of revival upon praecipe following a return of nihil habet. The latter provided that "a return of nihil habet shall be equivalent to personal service, in writs of scire facias to revive judgments entered in personal actions."

The new rule places a greater emphasis upon serving the writ of revival and provides procedures beyond those normally available for service of original process. Subdivi-

sion (a) provides that the writ shall be served by the sheriff by handing a copy as provided by Rule 402 or mailing a copy as provided by Rule 403.

If service cannot be made by handing or mailing a copy, then subdivision (b) provides two alternatives. The first alternative is service pursuant to an order of court under Rule 430(a). The second is service by publication without an order of court but upon filing an affidavit "showing reasonable efforts to make service pursuant to subdivision (a) and the reasons why such service could not be made." In effect, the party seeking to make service by publication under subdivision (b)(2) is making a record by affidavit which will support the right granted by the rule.

*Rule 3029. Reissuance and Substitution of Writ*

There is no change in practice under the rule as only the note is revised. The note contained an obsolete reference to former Rule 1010 as governing reissuance and substitution of a writ of summons. A reference to the current rule, Rule 401(b), has been substituted.

*Rule 3030. Pleadings, Further Proceedings. Continuance of Lien*

Again, there is no change in practice under the revised rule. The only revision to the rule is the substitution in subdivision (c) of the new language relating to the "entry" of a judgment in the judgment index in place of the "indexing" of a judgment.

*Rule 3031. Judgment upon Default or Admission. Assessment of Damages*

The addition of a note is the only change to this rule governing judgment upon default or admission. The note which refers to the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. App. § 520, replaces Section 5 of the Judgment Lien Law of 1947, 12 P. S. § 881, relating to revival of a lien against a person in the armed forces.

*Rule 3031.1. Judgment of Revival. Lien*

Rule 3031.1 governs the judgment of revival and its lien. Subdivision (a) of Rule 3031.1 replaces the first sentence of section 3(c) of the Judgment Lien Law of 1947, 12 P. S. § 879(c) and cross-refers to Rule 3027 governing the lien of the writ of revival for the extent and duration of the lien. The comment set forth under Rule 3027 relating to the lien of a writ of revival applies equally to the lien of a judgment of revival under this rule.

Subdivision (b) of the new rule has no statutory antecedent and is a clarification of the extent of the judgment of revival against a terre-tenant.

The second sentence of section 3(c) of the Judgment Lien Law, 12 P. S. § 879(c), relating to extension of the lien was incorporated in 1994 into Rule 3030 as subdivision (c).

*Rules 3032, 3033 and 3034. Forms*

The revisions to the rules governing forms are directed primarily to matters of style and updating obsolete references. The only revision of substance is the addition to the form of writ of revival of a notice based upon the Notice to Defend prescribed by Rule 1018.1.

*Rules 3048, 3049 and 3049.1. Acts of Assembly*

Rule 3048 governing Acts of Assembly Not Suspended has been revised to take cognizance of statutes which have been repealed as well as statutes enacted subsequent to the original promulgation of the rule. No change in practice is intended as the result of the revision of this rule.

Rule 3049 governing Acts of Assembly Suspended is rescinded as all of the statutes formerly suspended by the rule have been repealed. However, the practice and procedure under certain of these statutes have remained in force as the result of the "fail-safe" provision of Section 3(b) of JARA, 42 Pa.C.S. § 20003(b). New Rule 3049.1 sets forth those repealed statutes, the practice and procedure under which, as the result of the promulgation of these rules, will no longer continue as part of the common law of the Commonwealth.

#### V. Enforcement of Judgments for the Payment of Money

##### *Rule 3101. Definitions. Garnishee*

The amendment to the definition of the word "judgment" in Rule 3101, mentioned previously, deletes the phrase "or public authority." No change in practice is effected by this amendment as the term "political subdivision" used in the definition is defined by Rule 76 to include a municipal or other local authority.

##### *Rule 3101.1. Property Subject to Execution. Execution Within and After Five Years*

New Rule 3101.1 replaces two Acts of Assembly relating to the property subject to the execution, the lien of execution and execution after five years.

Subdivision (a) incorporates the substance of Section 7 of the Judgment Lien Law, 12 P.S. § 883 (repealed). Subdivision (a)(1) provides for execution against real property within five years of the entry of the original judgment, judgment of revival or agreement to revive. The execution may issue against real property which is subject to the lien of the judgment or against after-acquired real property (i.e., "real property, title to which at the time of the entry of the writ of execution in the judgment index is recorded in the name of the person against whom the judgment is entered"). The effect of the writ of execution as continuing or creating a lien is governed by Rule 3104(a).

Subdivision (a)(2) is concerned with an execution against real property where five years have elapsed since the entry of the original judgment, the last preceding judgment of revival or the last preceding agreement to revive. In that case, "no execution against real property may issue until a writ of revival shall have issued and been reduced to judgment or an agreement to revive shall have been entered." The execution is issued on the judgment of revival or agreement entered and not on the original judgment.

Subdivision (b) incorporates the Act of 1887, 12 P.S. § 2094 (repealed). This subdivision provides for execution upon personal property "within the time allowed by law." It is immaterial whether the judgment is a lien upon real property or whether the lien of the judgment has been revived within five years since the entry of the original judgment or any judgment of revival or agreement to revive. In distinguishing between execution upon real and personal property, Mr. Justice Zappala in *Shearer v. Naftzinger* stated, 747 A.2d at 861—862:

... There is no outer time limit to executing against real property to satisfy a judgment, but the proceeds of such a sale must be distributed according to the priority of liens. . . .

Different rules apply with respect to personal property. A judgment continues to exist, and can be executed on by having the sheriff sell personal property, whether or not a writ of revival is ever filed. . . .

Section 5529 simply places an outer limit of 20 years on executing against personal property to satisfy a judgment. . . .

The note to the rule cites Section 5529(a) of the Judicial Code, 42 Pa.C.S. § 5529(a), prescribing a twenty-year limitation upon execution against personal property. The note also refers to the *Shearer* case for additional guidance.

##### *Rule 3104. Writ of Execution. Entry. Lien*

Rule 3104, also a part of the chapter governing the enforcement of judgments for the payment of money, was previously entitled "Indexing" and provided for the indexing of a writ of execution. The title of the rule has been revised to indicate the subject matter of the rule.

The amendment to Rule 3104(a) is intended to incorporate without substantial change a portion of Section 7 of the Judgment Lien Law, 12 P.S. § 883, relating to the property subject to execution, the lien of execution and the duration of the lien. Subdivision (a)(1) tracks the language of the other rules creating liens and provides for the writ of execution not only to continue the lien upon property which is already subject to the lien of the judgment but also to create a lien upon property, not subject to the lien of the judgment, which is recorded in the name of the defendant at the time of the entry of the writ in the judgment index.

An additional revision to subdivision (a) is the deletion of the phrase "upon praecipe of the plaintiff." The writ of execution is issued upon a praecipe prescribed by Rule 3251 which contains a direction to the prothonotary to "enter this writ in the judgment index." It was not the intention of the rule that the plaintiff be required to file a second praecipe for the prothonotary to enter the writ in the judgment index. The deletion of the phrase quoted above and an addition to the note make this point clear.

Subdivision (b) of the rule governs the delivery of the writ of execution to the sheriff of another county. The last sentence formerly provided that the plaintiff could direct the sheriff to levy or attach under the writ before delivering it to the prothonotary for indexing. This sentence has been deleted. There should be no execution proceedings until the writ of execution is entered of record within the county.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 04-4. Filed for public inspection January 2, 2004, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 4]

### Suppression Motions in Summary Cases

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rule 450 (Suppression of Evidence). This new rule would require that suppression motions in summary cases only may be handled in the court of common pleas when a summary case is appealed for a trial de novo.

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed new rule precedes the Report. We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 800  
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fax: (717) 795-2106  
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no later than Friday, January 23, 2004.

*By the Criminal Procedural Rules Committee*

JOHN J. DRISCOLL,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART E. General Procedures in Summary Cases

#### Rule 450. Suppression of Evidence.

No district justice shall entertain a defendant's motion to suppress any evidence in a summary case alleged to have been obtained in violation of the defendant's rights. All such motions shall be made in the court of common pleas on an appeal for a trial de novo as provided in Rule 581.

#### Comment

This rule was adopted in 2004 to provide the procedures in summary cases for the suppression of evidence alleged to have been obtained in violation of the defendant's rights. See Rule 581 concerning suppression of evidence in court cases.

**Official Note:** Rule 450 adopted \_\_\_\_\_, effective \_\_\_\_\_.  
*Committee Explanatory Reports:*

Report explaining the proposed new rule published at 34 Pa.B. 35 (January 3, 2004).

#### REPORT

#### *Proposed New Pa.R.Crim.P. 450<sup>1</sup>*

#### SUPPRESSION MOTIONS IN SUMMARY CASES

The Criminal Procedural Rules Committee is proposing the Court adopt new Rule 450 (Suppression of Evidence). The new rule would prohibit district justices from hearing suppression issues in summary cases and provide that summary case suppression motions shall be made in the court of common on an appeal for a trial de novo. The new rule fills the existing gap in the summary case rules concerning the procedures for handling summary case suppression issues.

<sup>1</sup>The proposed new rule would be numbered Rule 450, a number reserved for motions in Chapter 4 Part E (General Procedures in Summary Cases).

#### *Background*

Over the past several years, the Committee has undertaken an ongoing review of the summary case rules. As part of this review, some members requested the Committee consider the issue of motions in summary cases before district justices generally, and specifically the issue of summary case suppression motions. The members and a number of correspondents pointed out that because the Criminal Rules are silent concerning summary case suppression issues, and the courts have not provided much guidance,<sup>2</sup> there is a lot of confusion among members of the bench and bar when a suppression issue is raised before the district justice: some district justices make rulings on suppression issues that are raised before them, and other district justices do not consider a suppression issue when a defendant raises one.

In view of the Committee's ongoing review of the summary case rules, the interest of the members and the correspondents in procedures for handling a summary case suppression issue raised before a district justice, the lack of uniformity in and among the judicial districts, and the controversy that has arisen concerning district justices deciding suppression motions, the Committee agreed that the summary case rules should be amended to provide the procedures for handling summary case suppression issues.

Agreeing that the rules should provide the procedures for summary case suppression issues was "easy;" much more difficult was deciding whether the rules should permit a district justice to make a ruling on a suppression motion when one is raised before or during a summary trial or whether the summary suppression motions should be handled in the common pleas court. The members of the Committee, as well as the correspondents, were divided on the issue.

#### *Discussion*

During our discussions, the Committee considered the option of providing that a district justice may hear the suppression motion and providing the attorney for the Commonwealth an immediate right to appeal to the court of common pleas if the decision on the suppression issue is adverse to the Commonwealth, and the final disposition of the summary trial would occur after the resolution of the Commonwealth appeal.<sup>3</sup> The members in favor of this option pointed out that because district justices are finders of fact and law and regularly hear admissibility issues, they should hear suppression issues. These members also argued that if the judicial function of a district justice is to preside over a summary offense, then they should preside over the whole proceeding including suppression issues, and referenced 42 Pa.C.S. § 1515 (Jurisdiction and venue). In addition, these members recognized that if the rules specifically do not permit the district justices to hear suppression motions, this will eradicate the "filtering mechanism" of the district justice courts. In addition, they pointed out that when important rights are violated they should be addressed as soon as practicable, and thought this procedure would serve to quickly address illegal police conduct. Finally, these members noted that when a defendant is precluded from raising the

<sup>2</sup>Our research revealed two cases that recognize the common pleas court has the duty to address motions to suppress when they are raised in a summary case. See *Commonwealth v. Trunzo*, 589 A.2d 1147 (Pa. Super. 1991) and *Commonwealth v. Breslin*, 732 A.2d 629 (Pa. Super. May 21, 1999). In addition, in *Commonwealth v. Taylor* (Lebanon County, September 25, 2002), Judge Bradford H. Charles held "District Justices in Lebanon County do not have jurisdiction to hear or decide suppression issues. Exclusive jurisdiction to decide these issues rests with the Court of Common Pleas."

<sup>3</sup>This procedure would be similar to the procedure in Municipal Court cases set forth in Rule 1005 (Pretrial Application for Relief).

suppression issue in the district justice court, then most will not raise it because they will "just want to get the case over and pay the fine," rather than wait to have the issue addressed by the common pleas court on appeal for a trial de novo.

The members who were not in favor of having district justices rule on suppression issues pointed out that the minor court is not a court of record. These members strongly felt there should be a record created when suppression matters are heard, and since the district justices cannot put the suppression proceedings on the record, they should not be hearing suppression issues. In addition, these members reasoned that many district justices do not have legal backgrounds, and suppression issues are among the most complicated and controversial issues facing the courts.

After debating at length all these considerations, the Committee majority ultimately were persuaded that the reasons to require that summary case suppression motion be raised and decided in the court of common pleas outweighed the arguments for permitting the district justices to decide these motions.

Having agreed that the summary case suppression issues should be decided in the court of common pleas, the Committee considered providing that the issue be raised at the outset of case and before the time of the summary trial because this would ensure that some sort of notice given to the attorney for the Commonwealth. The Committee agreed, however, that this solution would be unworkable because many times, the defendant is unaware of the suppression issue until the time of the summary trial, and in these cases there would be no prior notice to the attorney for the Commonwealth, and this would result in delay of the case.

The Committee also considered including a provision for keeping the case in common pleas for disposition. However, we rejected this idea because having the summary trial in the court of common pleas would remove the authority of the district justices to decide cases over which he or she has a statutory right to preside, see 42 Pa.C.S. § 1515 (Jurisdiction and venue), and also increase the burden on the court of common pleas.

Ultimately, the Committee settled on providing that suppression issues in summary cases can be raised only when the summary case is appealed for a trial de novo in the court of common pleas. Although the Committee as a whole recognized the inherent unfairness of requiring a defendant, when there is case dispositive issue such as a suppression issue, to pay the fee to appeal and then wait for the suppression issue to be addressed in the court of common pleas at the trial de novo, the Committee members concluded that this option best protects the defendant's rights because the issue would be addressed on the record, and best protects the Commonwealth's right to appeal an adverse ruling on suppression. Accordingly, the Committee is proposing that new Rule 450 provide no district justice shall entertain a defendant's motion to suppress in a summary case and that these motions shall be made in the court of common pleas on an appeal for a trial de novo.

[Pa.B. Doc. No. 04-5. Filed for public inspection January 2, 2004, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Termination of Inactive Citations Issued Between January 1, 1993 and December 31, 1997; Admin- istrative Order No. 02 of 2003

##### Order

*And Now*, this 24th day of November, 2003, the Traffic Court having determined that approximately 462,760 citations issued between January 1, 1993 and before December 31, 1997 have not resulted in a plea, adjudication or judgment against the violators, upon compliance with the Procedure for Terminating Inactive Traffic Court Citations pursuant to Pa.R.J.A. No. 1901, and as provided in Administrative Docket No. 1 of 2001, issued by the Traffic Court on March 13, 2001, and having determined that there has been no activity on these citations for a period of five years or more, and that the citations are thus both legally and practically unenforceable, and the City of Philadelphia and the Commonwealth of Pennsylvania having been informed of the intent to terminate these cases, and no objections having been received;

*Now, Therefore, It Is Hereby Ordered, Adjudged and Decreed* that all Traffic Court citations issued between January 1, 1993 and December 31, 1997, for which there has been no plea or adjudication, and for which there has been a lack of activity for a period of five (5) years or more, shall be terminated thirty (30) days after the issuance of this Order.

The full list of citations to be terminated shall be available for public inspection at the Philadelphia Traffic Court, 800 Spring Garden Street, Philadelphia, PA 19130, during the Traffic Court's normal business hours. *It Is Further Provided* that on or before the termination date, any interested party may petition the Court and show cause why any citation on the termination list should not be removed from that list.

This Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Philadelphia Traffic Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Criminal Procedural Rules Committee, and the Minor Court Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania.

*By the Court*

FRANCIS E. KELLY,  
*President Judge*

[Pa.B. Doc. No. 04-6. Filed for public inspection January 2, 2004, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## SCHUYLKILL COUNTY

Adopted Criminal Rules of Procedure; M03-643

### Order of Court

*And Now*, this 9th day of December, 2003, at 9:00 a.m., Schuylkill County Criminal Rule of Procedure, Rule 545(a) is adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Clerk of Courts of Schuylkill County is Ordered and Directed to do the following:

- 1) File seven (7) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Criminal Procedural Rules Committee.
- 4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

WILLIAM E. BALDWIN,  
*President Judge*

### Rule 545 Compulsory Process of Incarcerated Witnesses

(a) Whenever the Commonwealth or the defendant require the attendance at a court proceeding of a witness who is known to be incarcerated, the party seeking to compel the witness' appearance shall petition the court for an order directing the transport of that witness from his or her place of incarceration for the purpose of testifying at the court proceeding. The petition for transport shall be submitted to the court not later than three weeks prior to the date of the proceeding for which the witness' appearance is required. If the court provides the parties with less than three weeks notice of the proceeding, the petition for transport shall be submitted to the court immediately upon receiving notice of the date and time when the proceeding will be conducted. Failure to file a timely petition may result in the unavailability of the witness.

[Pa.B. Doc. No. 04-7. Filed for public inspection January 2, 2004, 9:00 a.m.]

# SUPREME COURT

Designation of Administrative Judges of the Civil and Criminal Divisions of the Court of Common Pleas of Allegheny County, Fifth Judicial District; No. 250 Judicial Classification; Doc. No. 2

### Order

*Per Curiam:*

*And Now*, this 19th day of December, 2003, pursuant to Pa.R.J.A. No. 706(d), the following Judges are hereby designated as Administrative Judges of the indicated divisions of the Court of Common Pleas of Allegheny County, Fifth Judicial District, for a term of three years or at the pleasure of the Court, effective December 23, 2003:

The Honorable R. Stanton Wettick, Jr.  
Civil Division

The Honorable Donna Jo McDaniel  
Criminal Division

[Pa.B. Doc. No. 04-8. Filed for public inspection January 2, 2004, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 14, 2003, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 14, 2003 for Compliance Group 1 due April 30, 2003.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Khadijah R. Ali  
Washington, DC

Carm Regan Almonor  
Edison, NJ

Ralph J. Argen III  
Tampa, FL

Linda M. Babecki  
Trenton, NJ

Jon D. Batastini  
Linwood, NJ

Charles Lyman Becker  
Raleigh, NC

Mark E. Belland  
Waterford Works, NJ

Geoffrey Neff Blue  
Lakewood, CO

William R. Bostic  
Camden, NJ

Kevin M. Bothwell  
Bellmawr, NJ

Gerald J. Boudreaux  
Wilmington, DE

Shawn C. Carver  
Newark, DE

Milton Cerny  
Washington, DC

Nina Wisznat Chase  
Boca Raton, FL

Erik Benjamin Cherdak  
North Potomac, MD

Gary Carl Chiumento  
Cherry Hill, NJ

Kevin Walker Cyr  
Minneapolis, MN

William T. DiCiurcio II  
Cherry Hill, NJ

Robert John Ellis Jr.  
New York, NY

Howard Alan Enders  
Westampton, NJ

Michael B. Evans  
Danbury, CT

Jaimie Beth Finberg  
Cherry Hill, NJ

Irwin Jay Fredman  
Washington, DC

Robert Andrew Greitz  
Toms River, NJ

George William Gunner  
Wellsville, NY

Curtis A. Hehn  
Wilmington, DE

Carla Brown Horn  
Wilmington, DE

Robert F. Housman  
Washington, DC

Albert J. Jones  
Monroe, LA

Francis P. Karam  
New York, NY

Joseph Patrick Kazielski  
Burr Ridge, IL

Christopher L. Klabonski  
West Orange, NJ

David Alan Laughlin  
Neptune, NJ

Gary Peter Levin  
Northfield, NJ

Leonard Charles Lintner  
Duxbury, MA

Ronald Jay Maas  
Somerville, NJ

Steven J. Maher  
Naples, FL

Stephen Males Jr.  
Dover, NH

Stephen Michael Matarazzo  
Northfield, NJ

Bruce Jeffrey Meltzer  
Livingston, NJ

Michael Henry Nieschmidt  
East Windsor, NJ

William D. Pastorick  
Chicago, IL

Wayne Powell  
Cherry Hill, NJ

Margarita M. Prieto  
Washington, DC

James Earl Rollins Jr.  
Washington, DC

Howard M. Rossen  
Cleveland, OH

Stephen A. Saville  
Voorhees, NJ

Mary A. Scheuhing  
Key West, FL

Frances Asokwu Sea  
East Orange, NJ

E. Douglas Sederholm  
Chilmark, MA

Daniel Adam Shabel  
Mt. Laurel, NJ

Erik Shanni  
Fanwood, NJ

Steven James Sheldon  
Florham Park, NJ

Donald E. Souders Jr.  
Phillipsburg, NJ

Michael Allan Stankan  
Cumberland, MD

Christopher R. Stockton  
Moorestown, NJ

Matthew Louis Stolper  
Briarcliff Manor, NY

Gregory J. Sullivan  
Hamilton, NJ

F. James Tennes  
Baltimore, MD

Cara R. Weinrich  
Morristown, NJ

Robert F. Whalen  
Endicott, NY

Kevin Theodore Williams  
Southfield, MI

ELAINE M. BIXLER,  
*Executive Director and Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 04-9. Filed for public inspection January 2, 2004, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF FUNERAL DIRECTORS [49 PA. CODE CH. 13] Renewal Fee

The State Board of Funeral Directors (Board) amends § 13.12 (relating to fees).

*Description and Need for Final-Form Rulemaking*

This final-form rulemaking raises the biennial renewal fee from \$130 to \$185.

The Board is required by law to support its operations from revenue it generates from fees, fines and civil penalties and to periodically review its expenditures and revenue streams to assure that revenues meet or exceed expenses. If the revenues are not sufficient to meet expenditures over a 2-year period, the Board must increase its fees by regulation. The Department of State's Bureau of Financial Operations (Bureau) has projected that, with the current renewal fee, the Board will have a deficit of almost \$26,000 at fiscal year ending June 30, 2003, a deficit of over \$230,000 at fiscal year ending June 30, 2005, and a deficit of over \$500,000 at fiscal year ending June 30, 2007. The Board will begin recovering that deficit during the 2004-06 biennial period. The Board anticipates that it will be able to meet its estimated expenditures for the upcoming fiscal years and generate a surplus of approximately \$160,000 at the end of fiscal year 2004-05. The Board was last required to increase its biennial renewal fees in 1992.

*Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 33 Pa.B. 1358 (March 15, 2003) with a 30-day public comment period. The Board received comments from the Pennsylvania Funeral Directors Association (PFDA). The Board also received comments from the Independent Regulatory Review Commission (IRRC) as part of its review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of their review of proposed rulemaking under the Regulatory Review Act.

The PFDA commented that, because the renewal fee would increase over 40% from \$130 to \$185, the Board should consider smaller incremental increases of a period of several biennial renewal cycles. Given the temporary and relatively modest savings to licensees under a graduated approach, as well as the cost to the Board to recreate renewal forms with the changing renewal fees and potential for confusion as to the actual fee to be paid, the Board believes that licensees would be better served by a single increase in the renewal fee at this time.

As part of the proposed rulemaking, the Board provided a table of projected revenue and expenditures and end of year balances from fiscal years 2000-01—2006-07. IRRC commented that, to fulfill its duty under the Regulatory Review Act to measure the reasonableness of the proposed rulemaking, it needed additional information. In response, the Board provides the following tables (in actual dollars) of projected expenditures by cost center and revenue by source.

<i>Expense Cost Center</i>	<i>Actual FY 00-01</i>	<i>Projected FY 01-02</i>	<i>Projected FY 02-03</i>	<i>Projected FY 03-04</i>	<i>Projected FY 04-05</i>	<i>Projected FY 05-06</i>	<i>Projected FY 06-07</i>
BPOA Admin.	\$ 13,297	\$ 11,234	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Commissioner's Office	8,001	5,874	9,000	9,000	10,000	10,000	10,000
Law Enforcement	209,347	235,012	245,000	252,000	260,000	269,000	277,500
Board Members	16,539	19,233	20,000	21,000	22,000	23,000	24,000
Hearing Expenses	2,710	2,079	5,000	5,000	5,000	5,000	5,000
Departmental Services	17,521	21,250	22,000	23,000	24,000	25,000	26,000
Board Admin.	68,015	74,239	75,000	77,000	79,000	81,000	83,000
Public Info. Office	1,462	1,000	1,000	1,000	1,000	1,000	1,000
Legis. and Reg. Analyses	5,326	2,433	3,000	3,000	3,000	3,000	3,000
Legal Office	107,039	114,875	135,000	140,000	144,000	149,000	153,500
<b>Total</b>	<b>\$449,258</b>	<b>\$487,228</b>	<b>\$525,000</b>	<b>\$541,000</b>	<b>\$557,000</b>	<b>\$575,000</b>	<b>\$592,000</b>
<i>Revenue Source</i>	<i>Actual FY 00-01</i>	<i>Projected FY 01-02</i>	<i>Projected FY 02-03</i>	<i>Projected FY 03-04</i>	<i>Projected FY 04-05</i>	<i>Projected FY 05-06</i>	<i>Projected FY 06-07</i>
Renewals	\$19,460	\$797,096	\$27,200	\$797,096	\$27,200	\$797,096	\$27,200
Applications	13,265	14,000	14,000	14,000	14,000	14,000	14,000
Letters of Good Standing	925	1,050	1,000	1,050	1,000	1,050	1,000
Act 48	9,100	6,500	7,000	6,500	7,000	6,500	7,000
Fines	29,000	23,000	0	23,000	0	23,000	0
<b>Total</b>	<b>\$71,750</b>	<b>\$841,646</b>	<b>\$49,200</b>	<b>\$841,646</b>	<b>\$49,200</b>	<b>\$841,646</b>	<b>\$49,200</b>

*Fiscal Impact*

According to projections of the Bureau, the final-form rulemaking will generate approximately \$358,050 in additional revenue in each biennial renewal cycle as the result of increasing the renewal fee from \$130 to \$185 for each of the approximately 6,510 licensees.

*Paperwork Requirements*

The final-form rulemaking will require the Board to change its biennial renewal forms to reflect the new fees. The final-form rulemaking will not create additional paperwork requirements for licensees.

*Effective Date*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will initially apply to licensees who renew their licenses for the 2004-2006 biennial renewal period.

*Statutory Authority*

Section 18.1 of the Funeral Director Law (act) (63 P. S. § 479.18.1) requires the Board to establish fees by regulation and to increase its fees by regulation so that projected revenues will meet or exceed projected expenditures.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 2003, the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 1358, to IRRC and the Chairpersons of the SCP/PLC and the HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the SCP/PLC and the HPLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the SCP/PLC, the HPLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 17, 2003, the final-form rulemaking was deemed approved by the SCP/PLC and approved by the HPLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 4, 2003, and approved the final-form rulemaking.

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Michelle Smey, Administrator, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397, funeral@pados.dos.state.pa.us.

*Findings*

The Board finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 13, are amended by amending § 13.12 to read as set forth at 33 Pa.B. 1358.

(b) The Board shall submit this order and 33 Pa.B. 1358 to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and 33 Pa.B. 1358 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES O. PINKERTON, FD,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 6376 (December 20, 2003).)*

**Fiscal Note:** Fiscal Note 16A-4811 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-10. Filed for public inspection January 2, 2004, 9:00 a.m.]

## STATE BOARD OF MEDICINE

## [49 PA. CODE CH. 16]

## Sexual Misconduct

The State Board of Medicine (Board) amends § 16.1 (relating to definitions) and adds § 16.110 (relating to sexual misconduct) to read as set forth in Annex A.

*A. Effective Date*

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

*B. Statutory Authority*

Under sections 8 and 41(8) of the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.8 and 422.41(8)), the Board has authority to establish standards of professional conduct for Board-regulated practitioners under its jurisdiction. These individuals include physicians, physician assistants, nurse midwives, respiratory care practitioners, drugless therapists, acupuncturists and athletic trainers. The final-form rulemaking identifies when sexual contact by Board-regulated practitioners with patients, and under certain circumstances, immediate family members of patients, will be deemed unprofessional conduct.

*C. Background and Purpose*

The final-form rulemaking seeks to better protect patients by providing guidance to the profession and the public as to prohibited conduct relating to sexual contact between practitioners and patients. The final-form rulemaking prohibits any sexual contact between a Board-regulated practitioner and a current patient. The final-form rulemaking further prohibits any sexual contact between a Board-regulated practitioner and a former patient prior to the 2-year anniversary of the termination of the professional relationship when the Board-regulated practitioner has been involved with the management or treatment of a patient for a mental health disorder. This 2-year period was developed from professional literature which indicates that an imbalance of power between health care practitioners and patients continues after the professional relationship ends. The final-form rulemaking



specifically exempts spouses of Board-regulated practitioners from the provisions prohibiting sexual contact with patients.

The final-form rulemaking also prohibits sexual exploitation by a Board-regulated practitioner of a current or former patient or immediate family member of a patient. "Sexual exploitation" is defined as sexual behavior that uses the trust, knowledge, emotions or influence derived from the professional relationship. The Board believes that it is appropriate to protect immediate family members from sexual exploitation by Board-regulated practitioners because immediate family members are often as vulnerable as the patients.

The final-form rulemaking also provides that Board-regulated practitioners who engage in prohibited sexual contact with patients or former patients will not be eligible for placement in the Board's impaired professional program in lieu of disciplinary or corrective actions. The impaired professional program is unable to effectively monitor Board-regulated practitioners who have engaged in sexual misconduct.

The final-form rulemaking also provides that patient consent will not be considered a defense to disciplinary action in these cases. The imbalance of power inherent in the health care practitioner-patient relationship not only serves as the basis for the prohibition but also undermines the patient's ability to consent to the sexual contact as an equal. Indeed, the Board's experience in adjudicating these cases has repeatedly demonstrated the reality of the inherent imbalance of the relationship and the patient's inability to give meaningful consent to sexual contact.

#### *D. Summary of Comments and Responses to Proposed Rulemaking*

Notice of proposed rulemaking was published at 31 Pa.B. 6453 (November 24, 2001). The Board received comments from the Independent Regulatory Review Commission (IRRC), the Pennsylvania Medical Society (PMS), Representative Kerry Benninghoff and several individuals.

IRRC commented that the rulemaking should be broken into two sections—one for definitions and one for substantive regulatory provisions. The Board incorporated this recommendation into the final-form rulemaking by moving the definitions to § 16.1. IRRC also recommended that the Board add the definition of "Board-regulated practitioner" to its definition section. Although this definition is included in the act, the Board accepted IRRC's suggestion and added it to the general definition section of the final-form rulemaking as well. The Board also accepted IRRC's recommendation that the definition of "immediate family member" clarify that the term included those related by blood or marriage. The Board chose not to adopt IRRC's recommendation to extend the final-form rulemaking's protection to "significant others," as they felt that "significant others" are not a legally recognized, defined group of people and that inclusion would create undue vagueness to the final-form rulemaking. The Board did incorporate IRRC's suggestion that the final-form rulemaking provide a cross-reference to the statutory citation for disciplinary actions. IRRC recommended that the Board delete the phrase "mental health disorder" and substitute diagnoses under the Diagnostic and Statistical Manual of Mental Disorders-IV (DSM-IV). The Board chose not to make this change. There are certain "mental health disorders" that are not included in the DSM-IV, but which may nonetheless make an individual partially

vulnerable, such as an individual suffering from anxiety, fearfulness and sadness, who is not clinically depressed.

Finally, IRRC expressed concern that the rulemaking appeared to be somewhat vague and suggested that the Board consider providing examples of prohibited conduct. It has been the Board's experience that when examples are used, situations not depicted are often deemed acceptable. The Board does not wish to inadvertently approve sexual misconduct by omission, and therefore declines IRRC's invitation to provide examples of prohibited conduct.

The PMS opined that it is impossible to write regulations for sexual misconduct that clearly define prohibited behavior without also creating the possibility of prosecution for innocent behavior. While the Board agrees that these are difficult regulations to write, it believes that sexual contact with patients and certain vulnerable family members so severely threatens public safety that an effort must be made to put physicians on further notice that the conduct is prohibited. While some practitioners are currently being prosecuted for sexual exploitation of patients, the Board feels strongly that it must be as clear as possible that a healthcare practitioner-patient relationship must never contain elements of sexual behavior. Moreover, prosecutors are routinely responsible for exercising professional judgment in regard to matters more complex than these.

Representative Benninghoff wrote in support of the proposed rulemaking, but suggested that the rulemaking be amended to specifically prohibit voyeurism. While the Board was mindful of the Representative Benninghoff's concerns, the Board finds that the current definition of sexual exploitation would permit prosecution for voyeurism.

An attorney who frequently represents physicians in disciplinary matters before the Board wrote to object to the Board's determination that a physician engaging in conduct prohibited by this section would not be eligible for the impaired professional program instead of discipline. The Board based its determination on information from peer reviewed literature and experts in the field of sexual behaviors that practitioners who engage in sexual misconduct are not impaired and are not good candidates for a monitoring program such as the Professional Health Monitoring Program.

The Governor's Policy Office recommended that the final-form rulemaking specifically exempt spouses of Board-regulated practitioners from the provisions prohibiting sexual contact with patients. The Board amended the final-form rulemaking to comply with this request.

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

The final-form rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions. Likewise, the final-form rulemaking should not necessitate any legal, accounting, reporting or other paperwork requirements.

#### *F. Sunset Date*

The Board continuously monitors the cost effectiveness of its regulation. Therefore, no sunset date has been assigned.

#### *G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 7, 2001, the Board submitted a copy of the notice of proposed rulemaking, published at 31 Pa.B. 6453, to IRRC and the Chairpersons of the

Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the SCP/PLC and the HPLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was approved by the HPLC on November 18, 2003, and deemed approved by SCP/PLC on November 19, 2003. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2003, and approved the final-form rulemaking.

#### H. *Contact Person*

Further information may be obtained by contacting Amy L. Nelson, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

#### I. *Findings*

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) These amendments do not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 6453.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this preamble.

#### J. *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 16, are amended by amending § 16.1 and by adding § 16.110 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

CHARLES D. HUMMER, Jr., M.D.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 5994 (December 6, 2003).)*

**Fiscal Note:** Fiscal Note 16A-497 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

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

#### CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

##### Subchapter A. BASIC DEFINITIONS AND INFORMATION

#### § 16.1. Definitions.

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

*Accredited medical college*—An institution of higher learning accredited by the Liaison Committee on Medical Education to provide courses in the arts and sciences of medicine and related subjects and empowered to grant professional and academic degrees in medicine.

*Act*—The Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.45).

*Board*—The State Board of Medicine.

*Board-regulated practitioner*—A medical doctor, midwife, physician assistant, drugless therapist, athletic trainer, acupuncturist or an applicant for a license or certificate that the Board may issue.

*Conviction*—A judgment of guilt, an admission of guilt or a plea of nolo contendere.

*ECFMG*—The Educational Commission for Foreign Medical Graduates.

*FLEX*—This examination provided by the Federation of State Medical Boards of the United States, Inc., comprised of FLEX I and FLEX II, was used by the Board to test applicants for a license to practice medicine and surgery without restriction. This uniform examination was administered simultaneously in most of the states, territories and possessions of the United States.

*FLEX I*—The examination component of the FLEX designed to evaluate measurable aspects of knowledge and understanding of basic and clinical science principles and mechanisms underlying disease and modes of therapy. This component will be last regularly administered in December 1993.

*FLEX II*—The examination component of the FLEX designed to measure a core of competence involved in the diagnosis and management of selected clinical problems frequently encountered by a physician engaged in the independent practice of medicine. This component will be last regularly administered in December 1993.

*Federation*—The Federation of State Medical Boards of the United States, Inc.

*Fifth pathway program*—A program that satisfies standards equivalent to those recommended for fifth pathway programs by the Council on Medical Education of the American Medical Association, and which is recognized by the licensing authority in the state, territory or possession of the United States in which the program is physically located.

*Graduate medical training*—Training accredited as graduate medical education by the Accreditation Council for Graduate Medical Education or by another accrediting body recognized by the Board for the purpose of accrediting graduate medical education, or training provided by a hospital accredited by the Joint Commission on Accreditation of Hospitals which is acceptable to an American Board of a Medical Specialty towards the training it requires for the certification it issues in a medical specialty or subspecialty.

*Immediate family member*—A parent or guardian, child, sibling, spouse, or other family member, whether related by blood or marriage, with whom a patient resides.

*NBME*—The National Board of Medical Examiners of the United States, Inc.

*National Boards*—The examination of the National Board of Medical Examiners of the United States, Inc. NBME Part I was last administered in June 1992, NBME Part II was last administered in April 1992 and NBME Part III will be last administered in May 1994.

*SPEX*—Special purpose examination offered by the Federation and NBME to assist the assessment of current competence requisite for the practice of medicine and surgery by physicians who hold or have held a license in the United States or another jurisdiction.

*Sexual behavior*—Any sexual conduct which is nondiagnostic and nontherapeutic; it may be verbal or physical and may include expressions of thoughts and feelings or gestures that are sexual in nature or that reasonably may be construed by a patient as sexual in nature.

*Sexual exploitation*—Any sexual behavior that uses trust, knowledge, emotions or influence derived from the professional relationship.

*USMLE*—The United States Medical Licensing Examination, a single, uniform examination for medical licensure consisting of three steps.

*USMLE, Step 1*—Assesses whether an examinee understands and can apply key concepts of basic biomedical science, with an emphasis on principles and mechanisms of health, disease and modes of therapy.

*USMLE, Step 2*—Assesses whether an examinee possesses the medical knowledge and understanding of clinical science considered essential for the provision of patient care under supervision, including emphasis on health promotion and disease prevention.

*USMLE, Step 3*—Assesses whether an examinee possesses the medical knowledge and understanding of biomedical and clinical science considered essential for the unsupervised practice of medicine.

*Unaccredited medical college*—An institution of higher learning which provides courses in the arts and sciences of medicine and related subjects, is empowered to grant professional and academic degrees in medicine, is listed by the World Health Organization or is otherwise recognized as a medical college by the country in which it is situated, and is not accredited by an accrediting body recognized by the Board.

**Subchapter H. SEXUAL MISCONDUCT**

**§ 16.110. Sexual misconduct.**

(a) Sexual exploitation by a Board-regulated practitioner of a current or former patient, or of an immediate

family member of a patient, constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action under section 41(8) of the act (63 P. S. § 422.41(8)).

(b) Sexual behavior that occurs with a current patient other than the Board-regulated practitioner's spouse constitutes unprofessional conduct, is prohibited and subjects the practitioner to disciplinary action under section 41(8) of the act.

(c) When a Board-regulated practitioner is involved with the management or treatment of a patient other than the practitioner's spouse for a mental health disorder, sexual behavior with that former patient which occurs prior to the 2-year anniversary of the termination of the professional relationship constitutes unprofessional conduct, is prohibited and subjects the practitioner to disciplinary action under section 41(8) of the act.

(d) A practitioner who engages in conduct prohibited by this section will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective actions.

(e) Consent is not a defense to conduct prohibited by this section.

[Pa.B. Doc. No. 04-11. Filed for public inspection January 2, 2004, 9:00 a.m.]

**[49 PA. CODE CH. 18]**

**Physician Delegation of Medical Services**

The State Board of Medicine (Board) adds §§ 18.401 and 18.402 (relating to definitions; and delegation) to read as set forth in Annex A.

**A. Effective Date**

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

**B. Statutory Authority**

Section 17(b) of the Medical Practice Act of 1985 (act) (63 P. S. § 422.17(b)) authorizes the Board to promulgate criteria under which a medical doctor may delegate the performance of medical services, preclude a medical doctor from delegating the performance of certain types of medical services or otherwise limit the ability of a medical doctor to delegate medical services.

**C. Background and Purpose**

The Board routinely receives inquiries about whether particular delegations are appropriate. To assist medical doctors in exercising professional judgment regarding delegation, the Board published in its Summer 1997 newsletter an article which provided an analytical framework for making delegation decisions. The concepts discussed in that article were well received by the medical doctor community. However, the Board continued to receive numerous requests for regulatory guidelines pertaining to delegation. In an effort to be responsive to the regulated community, and to provide a framework that placed patient safety and welfare at the forefront of the medical doctor's decision making process, the Board determined to codify basic criteria under which a medical doctor may delegate the performance of medical services.

#### D. Description of Amendments

Section 17 of the act authorizes medical doctors to delegate the performance of medical services. Section 17 of the act provides as follows:

(a) *General rule.* A medical doctor may delegate to a health care practitioner or technician the performance of a medical service if:

(1) The delegation is consistent with the standards of acceptable medical practice embraced by the medical doctor community in this Commonwealth.

(2) The delegation is not prohibited by regulations promulgated by the Board.

(3) The delegation is not prohibited by statutes or regulations relating to other licensed health care practitioners.

(b) *Regulations.* The board may promulgate regulations which establish criteria pursuant to which a medical doctor may delegate the performance of medical services, preclude a medical doctor from delegating the performance of certain types of medical services or otherwise limit the ability of a medical doctor to delegate medical services.

(c) *Responsibility.* A medical doctor shall be responsible for the medical services delegated to the health care practitioner or technician in accordance with subsections (a) and (b). A medical doctor's responsibility for the medical service delegated to the health care practitioner or technician is not limited by any provisions of this section.

Section 18.402 establishes general criteria under which a medical doctor may exercise professional judgment in making the decision to delegate medical services. In response to comments received, the Board added § 18.401. This section adds the statutory definition of "emergency medical services personnel," which is referenced in § 18.402(e).

Section 18.402(a) establishes criteria under which delegation could occur.

Section 18.402(a)(1) reiterates the statutory requirement found in section 17(a)(1) of the act that the delegation be consistent with standards of acceptable medical practice. The final-form rulemaking identifies examples of sources of standards of acceptable medical practice such as current medical literature and texts, medical teaching facilities, publications and faculty, expert practitioners in the field and the commonly accepted practice of practitioners experienced in the field.

Section 18.402(a)(2) reiterates section 17(a)(3) of the act. This section prohibits a medical doctor from expanding the scope of practice of other health care practitioners when the General Assembly or the licensing board responsible for regulating the other health care practitioner has prohibited the performance of those services by the other health care practitioner. Section 18.402(a)(3) requires the medical doctor to assure that the individual practitioner or technician to whom the delegation is being given has sufficient education, training, experience and competency so that they know how to perform the service safely. Accordingly, the medical doctor is obligated to determine whether the delegatee is competent to perform the procedure. This may be accomplished by determining whether the delegatee is licensed, certified or possesses documented education and training related to the service.

The physician may choose to monitor the delegatee to become satisfied as to the delegatee's competence.

Section 18.401(a)(4) as proposed was deleted; the requirement that the physician determine that the delegatee is competent to perform the delegated task was incorporated into § 18.402(a)(3). Renumbered § 18.402(a)(4) (proposed paragraph (5)) prohibits delegations when the particular patient presents with unusual complications, family history or condition so that the performance of the medical service poses a special risk to that particular patient. Unlike the other provisions, this provision directs the medical doctor's attention to the needs of the particular patient. A determination must be made that the service may be rendered to the particular patient without undue risk. It is the physician's responsibility to make that assessment.

Section 18.402(a)(5) (proposed § 18.401(a)(6)) recognizes that patients are autonomous and that consideration of patient autonomy and dignity is a responsibility of the medical doctor. Thus, it is the medical doctor's responsibility to assure that the patient is advised as to the nature of the medical service and the reason for the delegation, so that the patient might exercise the right to request the service be performed by the medical doctor. The primary relationship in the delivery of medical services is between the patient and the physician. The person in charge of this relationship is the patient. Communication with the patient and education of the patient is essential to the proper delivery of medical services, and a primary obligation of physicians.

Section 18.402(a)(6) (proposed § 18.401(a)(7)) directs the medical doctor to provide the level of supervision and direction appropriate to the circumstance surrounding the delivery of the medical service. It underscores the fact that the medical doctor is ultimately responsible for the patient's well being and requires the doctor to maintain the level of involvement in the treatment process as required by section 21 of the act (63 P. S. § 422.21).

Section 18.402(b) prohibits the delegation of a medical service when the service is sufficiently complicated, difficult or dangerous so that it would require a degree of knowledge and skill possessed by medical doctors, but not commonly possessed by nonphysicians. Additionally, this subsection prohibits delegation of medical services in situations when potential adverse reactions may not be readily apparent to an individual without medical doctor training. These criteria are intended to prohibit the delegation of medical services when the delegation poses undue risk to patients generally.

Section 18.402(c) requires the medical doctor to be sufficiently knowledgeable about the medical service so that the medical doctor is not merely a straw man. It should be axiomatic that the individual who has responsibility and authority for directing others in delivering medical services has the knowledge, ability, and competency pertaining to the performance of those services.

Section 18.402(d) reiterates the statutory requirement contained at section 17(c) of the act. It reminds medical doctors that they retain responsibility for the performance of the service whether they perform it themselves or direct another to do so.

Section 18.402(e) recognizes the reality that emergencies arise when available health care personnel must immediately attend to patients, even though under nonemergency circumstances, the medical doctor would be

the most appropriate person to care directly for the patient.

Section 18.402(f) recognizes that licensed or certified health care practitioners have scope of practice defined by statute and regulations. This final-form rulemaking is not intended to restrict or limit the performance of medical services that fall within the parameters established by law. Specific examples have been provided because of concerns that were expressed to the Board pertaining to those practitioners. They are provided as examples and are not intended to be all inclusive.

#### E. *Public Comment.*

The Board entertained public comment for a period of 30 days during which time the Board received 11 comments from individuals and organizations. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The following is a summary of the comments and the Board's response.

IRRC submitted several comments and suggestions. IRRC expressed concern that the rulemaking merely restated the statutory delegation provisions and did not provide guidance beyond those. The Board disagrees with that assessment. The rulemaking provides a framework for practitioners to determine if delegation is appropriate. IRRC also suggested that the Board define the terms "medical service," "health care practitioner" and "technician." Because those terms are defined in the act, the Board declined to restate the definitions in the final-form rulemaking. IRRC also recommended that the Board clarify in subsection (a)(1) what constitutes standards of acceptable medical practice. The law firm of Kalogredis, Sansweet, Dearden and Burke also recommended that an explanation of that term be added to subsection (a)(1). The Board agreed that an explanation would be helpful, and therefore it amended the final-form rulemaking to include the explanation set forth in the preamble.

IRRC also expressed concern that subsection (a)(4) of the proposed rulemaking did not indicate how a doctor was to determine that a delegatee was competent to perform the delegated service. The Board agreed, and amended the final-form rulemaking by deleting subsection (a)(4) and amending (a)(3) to require the doctor to have actual knowledge that the delegatee has the necessary education, training, experience and competency to safely perform the delegated task. The Board declined IRRC's suggestion that proposed subsection (a)(5) (now subsection (a)(4)) be amended to require the doctor to document in the patient's chart that the delegation does not present an undue risk to the patient. Many of the delegated tasks are routine medical procedures such as taking blood pressure or giving a shot. It would be burdensome to require that each delegated task be separately documented. The Board did amend proposed subsection (a)(6) (now subsection (a)(5)) to further clarify the manner in which the nature of the service and delegation are explained to the patient. IRRC also recommended amending proposed subsection (a)(7) (now subsection (a)(6)) to clarify that the physician must retain responsibility for the delegated service. The Board agreed with this suggested and amended the final-form rulemaking.

The Board also accepted IRRC's recommendation that it replace the language "medical doctor education and training" in section (b) with the phrase "knowledge and skill

not ordinarily possessed by nonphysicians." The Board also accepted IRRC's suggestion that it use the term "health care practitioner" rather than "health care provider" in subsections (e) and (f).

The HPLC questioned why delegation is necessary if a nonphysician health care provider is licensed or certified to perform the delegated service. Section 17 of the act specifically permits a doctor to delegate the performance of a medical service to a health care practitioner. A health care practitioner is defined in section 2 of the act (63 P. S. § 422.2) as an individual, other than a physician assistant, who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Commonwealth licensing agency or board. A medical service is defined in section 2 of the act as an activity which lies within the scope of the practice of medicine and surgery. In the Board's view the legislation signifies an intent that delegation of a medical service to a licensed or certified individual is appropriate, and that the individual's license or certificate does not authorize the individual to perform medical services absent delegated authority from the physician.

The HPLC shared IRRC's concerns about the manner in which the nature of the service and delegation are explained to the patient in proposed subsection (a)(6) (now subsection (a)(5)). The Board added language to further clarify that subsection. The Board also amended proposed subsection (a)(7) (now subsection (a)(6)) to include the language suggested by the HPLC.

The HPLC asked "what kind of medical services do not require medical education and training as opposed to those that do require medical education and training." A medical doctor may not delegate the performance of a medical service if performance of the medical service requires medical doctor education and training or if recognition of the complications or risks associated with the delegated medical services requires medical doctor education and training knowledge and skill not ordinarily possessed by nonphysicians. That subsection was included to prohibit a physician from delegating those medical services which are so complicated, difficult or dangerous that they would normally require a degree of education and training possessed by physicians, but not normally possessed by nonphysicians. Subsection (f) was added in response to concerns expressed by groups representing various nonphysician licensed or certified health care practitioners that the proposed rulemaking may prohibit these licensees from performing medical services that fall within the parameters established by their licensing acts.

The Pennsylvania Medical Society (PMS) wrote in favor of the rulemaking, but suggested that proposed subsection (a)(5) (now subsection (a)(4)) be amended to indicate that the individual explaining the nature and delegation of the service be the physician or the physician's designee so that only the physician or a direct agent of the physician is responsible for this task. The Board agreed that this change clarified the lines of responsibility. The PMS also suggested that subsection (c) be amended to read that the physician must be trained, qualified and currently competent to perform the delegated service. The Board determined that adding the word "currently" would be superfluous, since a doctor who was not currently competent would not be considered qualified to perform the delegated service.

The Pennsylvania Academy of Family Physicians (PAFP) and the Pennsylvania College of Internal Medi-

cine wrote to request clarification of proposed subsection (a)(6) (now subsection (a)(5)) regarding the manner in which the explanation of the medical service and delegation is given, as well as who will have responsibility for giving the explanation. The Board amended that language accordingly. The PAFP also requested clarification of the terms "education and training" in subsection (b). As previously noted, the Board replaced this language with the phrase "knowledge and skill not ordinarily possessed by nonphysicians." The PAFP also objected to the language "trained and qualified and competent" in subsection (c), claiming that it was too vague. The Board disagrees and believes that this subsection is consistent with existing § 16.61(a)(3) (relating to unprofessional and immoral conduct) and provides sufficient guidance to physicians that they may not delegate medical services which they do not have sufficient knowledge, ability and competency to perform themselves.

The Hospital and Healthsystem Association of Pennsylvania, the Pennsylvania Association of Nurse Anesthetists, the Pennsylvania State Nurses Association and the Pennsylvania Higher Education Nursing Schools Association all expressed concern that the proposed rulemaking would restrict the practice of other licensed health care practitioners. The Hospital and Healthsystem Association of Pennsylvania also expressed concern that this rulemaking could enable doctors to delegate things to unlicensed individuals that should be done by other licensed health care practitioners. Under the act, this delegation may currently occur. The final-form rulemaking will give further guidance to physicians in delegating medical services to both licensed health care practitioners as well as unlicensed technicians. A private attorney, Louis J. Dell'Aquila, wrote to oppose the rulemaking claiming that it would create an additional basis for negligence or malpractice litigation. Obviously, there are some individuals and attorneys who will use the final-form rulemaking and any others published by the Board for their own gain. However, the Board believes that the final-form rulemaking will be helpful and will provide guidance to most physicians. Subsection (f) specifically states that the final-form rulemaking does not prohibit or restrict other licensed or certified health care practitioners from practicing within the scope of their license or certification. The Insurance Federation of Pennsylvania asked the Board to delay implementation of the regulation until the Pennsylvania Supreme Court decided *Kleinberg v. SEPTA*. The Board has long been of the opinion that these regulations do not favor either party's position in *Kleinberg*. Moreover, that case was decided by the Supreme Court on November 13, 2002.

The Pennsylvania Society of Anesthesiologists wrote in support of the final-form rulemaking.

#### F. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivisions or the private sector. Citizens of this Commonwealth will benefit in that this final-form rulemaking promotes patient safety and welfare as a consideration in making medical service delegation decisions.

#### 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 August 24, 2001, the Board submitted a copy of the notice of proposed rulemaking, published at

31 Pa.B. 5113 (September 8, 2001), to IRRC and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the SCP/PLC and the HPLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 17, 2003, the final-form rulemaking was approved by the HPLC and deemed approved by SCP/PLC on November 19, 2003. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2003, and approved the final-form rulemaking.

#### I. Contact Person

Further information may be obtained by contacting Gerald S. Smith, Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, [gerasmith@state.pa.us](mailto:gerasmith@state.pa.us).

#### J. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 5113.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this preamble.

#### K. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 18, are amended by adding §§ 18.401 and 18.402 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

CHARLES D. HUMMER, Jr. M.D.,  
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 5994 (December 6, 2003).)

**Fiscal Note:** Fiscal Note 16A-4912 remains valid for the final adoption of the subject regulations.

**Annex A**  
**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS**  
**Subchapter G. MEDICAL DOCTOR DELEGATION OF MEDICAL SERVICES**

Sec.  
 18.401. Definitions.  
 18.402. Delegation.

**§ 18.401. Definitions.**

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

*Emergency medical services personnel*—Individuals who deliver emergency medical services and who are regulated by the Department of Health under the Emergency Medical Services Act (35 P. S. §§ 6921—6938).

**§ 18.402. Delegation.**

(a) A medical doctor may delegate to a health care practitioner or technician the performance of a medical service if the following conditions are met:

(1) The delegation is consistent with the standards of acceptable medical practice embraced by the medical doctor community in this Commonwealth. Standards of acceptable medical practice may be discerned from current peer reviewed medical literature and texts, teaching facility practices and instruction, the practice of expert practitioners in the field and the commonly accepted practice of practitioners in the field.

(2) The delegation is not prohibited by the statutes or regulations relating to other health care practitioners.

(3) The medical doctor has knowledge that the delegatee has education, training, experience and continued competency to safely perform the medical service being delegated.

(4) The medical doctor has determined that the delegation to a health care practitioner or technician does not create an undue risk to the particular patient being treated.

(5) The nature of the service and the delegation of the service has been explained to the patient and the patient does not object to the performance by the health care practitioner or technician. Unless otherwise required by law, the explanation may be oral and may be given by the physician or the physician's designee.

(6) The medical doctor assumes the responsibility for the delegated medical service, including the performance of the service, and is available to the delegatee as appropriate to the difficulty of the procedure, the skill of the delegatee and risk level to the particular patient.

(b) A medical doctor may not delegate the performance of a medical service if performance of the medical service or if recognition of the complications or risks associated with the delegated medical service requires knowledge and skill not ordinarily possessed by nonphysicians.

(c) A medical doctor may not delegate a medical service which the medical doctor is not trained, qualified and competent to perform.

(d) A medical doctor is responsible for the medical services delegated to the health care practitioner or technician.

(e) A medical doctor may approve a standing protocol delegating medical acts to another health care practitioner who encounters a medical emergency that requires medical services for stabilization until the medical doctor or emergency medical services personnel are available to attend to the patient.

(f) This section does not prohibit a health care practitioner who is licensed or certified by a Commonwealth agency from practicing within the scope of that license or certificate or as otherwise authorized by law. For example, this section is not intended to restrict the practice of certified registered nurse anesthetists, nurse midwives, certified registered nurse practitioners, physician assistants, or other individuals practicing under the authority of specific statutes or regulations.

[Pa.B. Doc. No. 04-12. Filed for public inspection January 2, 2004, 9:00 a.m.]

**STATE BOARD OF OSTEOPATHIC MEDICINE**  
**[49 PA. CODE CH. 25]**  
**Sexual Misconduct**

The State Board of Osteopathic Medicine (Board) adds §§ 25.215 and 25.216 (relating to definitions; and sexual misconduct) to read as set forth in Annex A.

**A. Effective Date**

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

**B. Statutory Authority**

Under sections 10.1(c), 15(a)(8) and (b)(9) and 16 of the Osteopathic Medical Practice Act (act) (63 P. S. §§ 271.10a(c), 271.15(a)(8) and (b)(9) and 271.16), the Board has authority to establish standards of professional conduct for Board-regulated practitioners under its jurisdiction. These individuals include osteopathic physicians, physician assistants, respiratory care practitioners and athletic trainers. The final-form rulemaking identifies when sexual contact by Board-regulated practitioners with patients, and under certain circumstances, immediate family members of patients, will be deemed unprofessional conduct.

**C. Background and Purpose**

It should be axiomatic that it is unprofessional conduct for a health care practitioner to engage in sexual contact with patients. Past decisions of the Board have been upheld by the Commonwealth Court; the Code of Ethics, as published by the American Osteopathic Association; and responsible professional publications addressing the issue denounce sexual contact between practitioner and patient. Nevertheless, complaints are filed each year by consumers who have been harmed by Board-regulated practitioners who engage in this conduct.

The final-form rulemaking seeks to better protect patients by providing guidance to the profession and the public as to prohibited conduct relating to sexual contact between practitioners and patients. The final-form rulemaking prohibits any sexual contact between a Board-regulated practitioner and a current patient. The final-form rulemaking further prohibits any sexual contact between a Board-regulated practitioner and a former

patient prior to the 2-year anniversary of the termination of the professional relationship when the Board-regulated practitioner has been involved with the management or treatment of a patient for a mental health disorder. This 2-year period was developed from professional literature which indicates that an imbalance of power between health care practitioners and patients continues after the professional relationship ends. The final-form rulemaking specifically exempts spouses of Board-regulated practitioners from its provisions prohibiting sexual contact with patients.

The final-form rulemaking also prohibits sexual exploitation by a Board-regulated practitioner of a current or former patient or immediate family member of a patient. "Sexual exploitation" is defined as sexual behavior that uses the trust, knowledge, emotions or influence derived from the professional relationship. The Board believes that it is appropriate to protect immediate family members from sexual exploitation by Board-regulated practitioners because immediate family members are often as vulnerable as the patients.

The final-form rulemaking further provides that Board-regulated practitioners who engage in prohibited sexual contact with patients or former patients will not be eligible for placement in the Board's impaired professional program instead of disciplinary or corrective actions. The impaired professional program is unable to effectively monitor Board-regulated practitioners who have engaged in sexual misconduct.

The final-form rulemaking also provides that patient consent will not be considered a defense to disciplinary action in these cases. The imbalance of power inherent in the health care practitioner-patient relationship not only serves as the basis for the prohibition but also undermines the patient's ability to consent to the sexual contact as an equal. Indeed, the Board's experience in adjudicating these cases has repeatedly demonstrated the reality of the inherent imbalance of the relationship and the patient's inability to give meaningful consent to sexual contact.

#### *D. Summary of Comments and Responses on Proposed Rulemaking*

Notice of proposed rulemaking was published at 32 Pa.B. 1734 (April 6, 2002). The Board received comments from the Independent Regulatory Review Commission (IRRC) and the Pennsylvania Medical Society (PMS). The Board also received public comments from five osteopathic physicians and one member of the public, including representatives of the Pennsylvania Osteopathic Medical Association.

IRRC recommended that the definitions section be separated from the substantive portions of the rulemaking. The Board agreed that this change would improve clarity and created § 25.216 for the substantive portions of the final-form rulemaking. Additionally, IRRC recommended amending the definition of "immediate family member" to clarify whether the phrase "other family member" included those related by blood, marriage or law. The Board amended the language to indicate that it included those related by blood or marriage. The Board declined IRRC's recommendation to extend the final-form rulemaking's protections to nonfamily members and to those immediate family members not residing with the patient because it felt that the current definitions included those individuals most likely to be victims of sexual exploitation. Expanding the definition would increase the risk of prosecution for innocent behavior.

IRRC further recommended that the term "Board-regulated practitioner" in subsection (b) (now § 25.216(a)) be defined. Although this term is already defined by the act, the Board accepted IRRC's request that it be included in the definition section of the final-form rulemaking. The Board also accepted IRRC's recommendation that a cross reference be made to the disciplinary provisions of the act in subsections (b)—(d) (now § 25.216(a)—(c)).

The Board declined to accept IRRC's recommendation that it further define the term "mental health disorder" in subsection (d) (now § 25.216(c)). IRRC recommended that the Board refer to patients who are diagnosed under the Diagnostic and Statistical Manual of Mental Disorders-IV. The Board chose to retain the term "mental health disorder," believing that it encompassed a wider variety of mental and emotional conditions that would potentially make a patient more vulnerable to inappropriate sexual advances by a Board-regulated practitioner.

The Board also declined IRRC's invitation to provide examples of behavior deemed inappropriate under this final-form rulemaking. It has been the Board's experience that when examples are used, situations not depicted are often deemed acceptable. The Board does not wish to inadvertently approve sexual misconduct by omission.

The House Professional Licensure Committee (HPLC) declined to comment until final-form rulemaking is published.

The PMS expressed their opinion that it is impossible to write regulations for sexual misconduct that clearly define prohibited behavior without creating the possibility of prosecution for innocent behavior. Several commentators also expressed similar concerns. While the Board agrees that these are difficult regulations to write, it believes that sexual contact with patients and certain vulnerable family members so severely threatens public safety that an effort must be made to put physicians on further notice that the conduct is prohibited. While some Board-regulated practitioners are currently being prosecuted for sexual exploitation of patients, the Board feels strongly that it must be as clear as possible that a health care practitioner-patient relationship must never contain elements of sexual behavior. Moreover, prosecutors are routinely responsible for exercising professional judgment in regard to matters more complex than these.

The PMS expressed concern that innocent behavior will be subject to punishment. The final-form rulemaking is directed at behavior that is exploitive of the health care practitioner-patient relationship; that is, situations in which the health care practitioner abuses the position of power over the patient. Clearly the scenario that the PMS suggests, for example, a patient offering the phone number of the patient's sibling, cannot in any way be considered exploitive.

The PMS's concerns about the 2-year "cooling off" period for health care practitioners involved in the management or treatment of a patient for a mental health disorder are unpersuasive. The scenario suggested by PMS, for example, a physician who prescribes an antidepressant to a patient suffering from a painful condition, does not meet the rulemaking's requirement that the practitioner be managing or treating a mental health disorder. If the patient has a related mental health disorder that the practitioner is, in fact, treating, then the practitioner is prohibited from engaging in sexual behavior with that patient for 2 years from the termination of the health care practitioner-patient relationship.



Several osteopathic physicians wrote to express their concern that innocent behavior will be subject to prosecution. As noted previously, the Board prosecutors routinely exercise professional judgment in these types of matters. Two of the doctors requested clarification of the 2-year "cooling off" period and one recommended grammatical changes to the proposed rulemaking.

One individual urged the Board to consider amending the rulemaking to include specific directions regarding the use of gowns and chaperones. Because this rulemaking is intended to prohibit sexual misconduct, and not to address practice policies, the Board declined to adopt the recommendation.

The Governor's Policy Office recommended that the rulemaking specifically exempt spouses of Board-regulated practitioners from the provisions prohibiting sexual contact with patients. The Board amended the final-form rulemaking to comply with this request.

*E. Fiscal Impact and Paperwork Requirements*

The final-form rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions. Likewise, the final-form rulemaking should not necessitate any legal, accounting, reporting or other paperwork requirements.

*F. Sunset Date*

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

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 27, 2002, the Board submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 1734, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), these final-form regulations were approved by the HPLC on November 18, 2003, and deemed approved by SCP/PLC on November 19, 2003. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2003, and approved the final-form rulemaking.

*H. Contact Person*

Interested persons may obtain information regarding the final-form rulemaking by writing to Amy L. Nelson, Board Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

*I. Findings*

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this preamble.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this preamble and do not enlarge the purpose of the proposed rulemaking published at 32 Pa.B. 1734.

*J. Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by adding §§ 25.215 and 25.216 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

THOMAS R. CZARNECKI, D.O.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 5994 (December 6, 2002).)*

**Fiscal Note:** Fiscal Note 16A-539 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

**Subchapter D. MINIMUM STANDARDS OF PRACTICE**

**§ 25.215. Definitions.**

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

*Board-regulated practitioner*—An osteopathic physician, physician assistant, respiratory care practitioner, athletic trainer, acupuncturist or an applicant for a license or certificate issued by the Board.

*Immediate family member*—A parent or guardian, child, sibling, spouse or other family member, whether related by blood or marriage, with whom a patient resides.

*Sexual behavior*—Any sexual conduct which is nondiagnostic and nontherapeutic; it may be verbal or physical and may include expressions of thoughts and feelings or gestures that are sexual in nature or that reasonably may be construed by a patient as sexual in nature.

*Sexual exploitation*—Any sexual behavior that uses trust, knowledge, emotions or influence derived from the professional relationship.

**§ 25.216. Sexual misconduct.**

(a) Sexual exploitation by a Board-regulated practitioner of a current or former patient, or of an immediate family member of a patient, constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action under section 15(a)(8) and (b)(9) of the act (63 P. S. § 271.15(a)(8) and (b)(9)).

(b) Sexual behavior that occurs with a current patient other than the Board-regulated practitioner's spouse, constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action under section 15(a)(8) and (b)(9) of the act.

(c) When a Board-regulated practitioner has been involved with the management or treatment of a patient other than the practitioner's spouse for a mental health disorder, sexual behavior with that former patient which occurs prior to the 2-year anniversary of the termination of the professional relationship constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action under section 15(a)(8) and (b)(9) of the act.

(d) A practitioner who engages in conduct prohibited by this section will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective actions.

(e) Consent is not a defense to conduct prohibited by this section.

[Pa.B. Doc. No. 04-13. Filed for public inspection January 2, 2004, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### [61 PA. CODE CH. 872]

#### Match 6 Lotto

The Secretary of Revenue (Secretary), under the authority contained in section 303 of the State Lottery Law (72 P. S. § 3761-303), adds Chapter 872 (relating to Match 6 Lotto).

Because of time constraints associated with the establishment, operation and administration of lottery games, the Department of Revenue (Department), under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (CDL) (45 P. S. § 1204) and the regulation thereunder, 1 Pa. Code § 7.4, finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

Based upon the time constraints associated with the establishment, operation and administration of lottery games, the Department is adopting this rulemaking as a final-omitted. The efficient and successful operation of the Lottery requires that the Lottery implement the latest innovations and trends in the lottery industry. The inability to adapt marketing strategies quickly may lead to a reduction in Lottery revenues. The necessity of the Lottery to react quickly to market forces has been recognized in the past as an appropriate justification for utilizing the proposed rulemaking omitted process as evidenced by the approval of these types of regulations in the past.

#### *Purpose of Final-Omitted Rulemaking*

This final-omitted rulemaking establishes and details the procedures that will be followed in operating and administering the Match 6 Lotto game.

#### *Explanation of Regulatory Requirements*

Match 6 Lotto is designed to give players the opportunity to win up to four prizes in each game.

For a \$2 purchase, the player gets a ticket containing three sets of six numbers, the numbers in each of these sets ranging from 1 to 49. Players can win one, two or three prizes by matching, in each of their sets of numbers, three or more of the six winning numbers randomly drawn twice a week or as determined and publicly announced by the Secretary.

The combination of the player's 18 numbers generated by the single \$2 purchase (arranged in the three sets of six numbers each), offers the player an additional opportunity to win. Players can win by matching any four or more numbers from among all of their three sets of numbers to any of the winning numbers selected by the Lottery.

#### *Fiscal Impact*

The Department has determined that the final-omitted rulemaking will have no adverse fiscal impact on the Commonwealth and that the game described by this final-omitted rulemaking could increase revenues available to older Pennsylvanians.

#### *Paperwork*

The final-omitted rulemaking will not generate substantial paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The final-omitted rulemaking is scheduled for review within 5 years of publication. No sunset date has been assigned.

#### *Contact Person*

The contact person is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on November 25, 2003, the Department submitted a copy of the rulemaking with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. On the same date, the rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(j.1) of the Regulatory Review Act (71 P. S. § 745.5a(j.1)), the final-omitted rulemaking was deemed approved by the Committees on December 15, 2003. IRRC met on December 18, 2003, and approved the final-omitted rulemaking under section 5.1(e) of the Regulatory Review Act.

#### *Findings*

The Department finds that the final-omitted rulemaking is necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rulemaking procedures in sections 201 and

202 of the CDL (45 P. S. §§ 1201 and 1202) are unnecessary because of the time constraints associated with the establishment, operation and administration of Lottery games.

*Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code, are amended by adding §§ 872.1—872.17 to read as set forth in Annex A.

(b) The Secretary shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

GREGORY C. FAJT,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 134 (January 3, 2004).)*

**Fiscal Note:** 15-424. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 61. REVENUE**  
**PART V. STATE LOTTERIES**  
**CHAPTER 872. MATCH 6 LOTTO**

Sec.	
872.1.	Creation.
872.2.	Purpose.
872.3.	Definitions.
872.4.	Ticket sales retailers.
872.5.	Ticket price.
872.6.	Match 6 Lotto bet slip and ticket characteristics and restrictions.
872.7.	Time, place and manner of conducting drawing.
872.8.	Determination of prize winners.
872.9.	Ticket responsibility.
872.10.	Ticket validation requirements.
872.11.	Procedures for claiming and payment of prizes.
872.12.	Prizes.
872.13.	Unclaimed prize money.
872.14.	Withholding.
872.15.	Purchase and prize restrictions.
872.16.	Governing law.
872.17.	Probability of winning.

**§ 872.1. Creation.**

Under the act and this part, there is created a numbers game, called Match 6 Lotto, which will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

**§ 872.2. Purpose.**

(a) Match 6 Lotto is designed to give players the opportunity to win up to four prizes in each game.

(b) For a \$2 purchase, the player gets a ticket containing three sets of six numbers, the numbers in each of these sets ranging from 1 to 49. Players can win one, two or three prizes by matching, in each of their sets of numbers, three or more of the six winning numbers randomly drawn twice a week or as determined and publicly announced by the Secretary. Correctly matching three or more of the six winning numbers selected by the

Lottery and meeting the other validation criteria, entitles the ticket holder to a prize identified in § 872.8(a) (relating to determination of prize winners).

(c) The combination of the player's 18 numbers generated by the single \$2 purchase (arranged in the three sets of six numbers each), offers the player an additional opportunity to win. Matching any four or more numbers from among all of their three sets of numbers to any of the winning numbers selected by the Lottery and meeting the other validation criteria, entitles the ticket holder to a prize identified in § 872.8(b).

**§ 872.3. Definitions.**

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

*Apparent winning ticket*—A game ticket bearing winning numbers which has not been validated by the Lottery.

*Base play*—Each of the three sets of six numbers resulting from a \$2 purchase.

*Combined game*—The combination of the 18 numbers (three plays) on a player's ticket.

*Drawing*—The process of selecting winning numbers that determine the number of winners for each prize category of the game.

*First place (jackpot) prize pool*—The amount allocated from Match 6 Lotto gross sales for a particular Match 6 Lotto Game drawing for the purpose of paying first place (jackpot) prizes, which may include first place (jackpot) prize moneys from previous drawings when a first place prize (jackpot) was not won as provided in § 872.8(a)(2) (relating to determination of prize winners).

*Game section*—One of 5 areas of the Match 6 Lotto bet slip that contains 49 squares each numbered 1 through 49. Each area is lettered Game A, B, C, D or E, and when used to purchase a ticket, corresponds to the numbers selected and the numbers that are quick picked and printed on the ticket.

*Match 6 Lotto bet slip*—A card having a game section used by a player to play the game.

*On-line retailer or retailer*—A person who is properly authorized by the Lottery to sell tickets.

*Quick pick*—The random selection through a Lottery terminal of six different numbers from 1 through 49 that appear as a play in the Match 6 Lotto Game.

*Ticket*—A Match 6 Lotto ticket is a Lottery ticket produced by a licensed retailer in an authorized manner, and contains, at the discretion of the player 1, 2, 3, 4 or 5 games, designated respectively as Game A, B, C, D and E. Each game designation is followed by its three plays. The ticket also contains at a minimum, the drawing date, the amount bet and validation data. Each game consists of three plays. A play consists of six numbers, either player or quick pick selected, from 1 through 49. The player may select or designate as quick pick selection one play per game, the remaining two plays of the game are quick pick selections.

*Winning numbers*—Six numbers, from 1 through 49, selected in a Match 6 Lotto drawing and which have been subsequently validated by the Lottery, which shall be used to determine the winning plays and the combined game winners on Match 6 Lotto Game tickets.

**§ 872.4. Ticket sales retailers.**

(a) Match 6 Lotto Game ticket sales may only be made through licensed retailers the Director will appoint and contract with as provided in § 815.42 (relating to ticket sales agents).

(b) The Lottery may terminate sales by a retailer without prior notice to the retailer if the retailer becomes delinquent in payment of proceeds due the Lottery, or fails to handle Lottery funds in the prescribed manner, or if the retailer fails to follow the contract or an addendum thereof, this part or procedures established governing the sale of tickets or if the Lottery deems it to be in the best interest of the Commonwealth.

**§ 872.5. Ticket price.**

Match 6 Lotto game tickets may be purchased for \$2 per game. Each game shall consist of three individual plays, one of which, at the player's option may be numbers selected by the player; the remaining two number plays are quick pick selections. These three individual plays combined constitute a game. Additional games may be purchased at the discretion of the player. A ticket may contain one to five games.

**§ 872.6. Match 6 Lotto bet slip and ticket characteristics and restrictions.**

(a) The player shall select, or request selection by computer, six numbered squares, in one or more of the game sections on a Match 6 Lotto bet slip. Match 6 Lotto bet slips shall be available at no cost to the player. The minimum entry is \$2. For \$2, play game A; for \$4, play games A and B; for \$6, play games A, B and C; for \$8, play games A, B, C and D; for \$10, play games A, B, C, D and E. Game sections shall be selected in alphabetical order in accordance with the instructions printed on the Match 6 Lotto bet slip. A Match 6 Lotto bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected.

(b) To purchase a ticket, players shall, in addition to the purchase price, submit the completed Match 6 Lotto bet slip, or request number selection, either by quick pick

or manual terminal entry, to an on-line retailer to have issued a ticket. The ticket shall consist of one to five games, each containing three six number selections, two of which will be quick pick selections, in each game section (for each \$2 wager) identified by a letter, the drawing date, amount bet and validation number data. This ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing dates printed on the ticket.

(c) If Match 6 Lotto bet slips are unavailable, number selections may be given to an on-line retailer in groups of six number selections, one for each game section and for each \$2 wagered. The retailer shall manually enter the selections into the computer terminal.

(d) A Match 6 Lotto ticket may not be canceled or voided once printed by the Lottery terminal, even if the ticket is printed in error.

(e) It is the sole responsibility of the ticket holder to verify the accuracy and condition of data printed on the ticket. The placing of plays is done at the player's own risk through the on-line retailer who is acting on behalf of the player in entering the play or plays.

**§ 872.7. Time, place and manner of conducting drawing.**

(a) *Time of drawing.* A Match 6 Lotto drawing will be held twice a week or as determined and publicly announced by the Secretary.

(b) *Place of drawing.* A Match 6 Lotto drawing will be conducted in the Harrisburg area unless the Secretary directs that a drawing or part of the drawing procedure be conducted at some other location.

(c) *Manner of conducting drawings.* The Lottery will draw at random, six numbers from 1 through 49, with the aid of mechanical devices or any other selection methodology as authorized by the Secretary. The six numbers selected will be used in determining base play winners and combined game winners for each individual drawing. The validity of a drawing will be determined solely by the Lottery.

**§ 872.8. Determination of prize winners.**

(a) The Match 6 Lotto base play prizes and determination of Match 6 Lotto base prize play winners is as follows:

<i>Tickets Containing The Following, In One Single Play</i>	<i>Prize Category</i>	<i>Prize</i>	<i>Percent (%) of Sales Anticipated To Be Paid In Prizes/Category</i>
All Six Winning Numbers	1st	Jackpot	12.83% Actual
Five Winning Numbers	2nd*	\$1,000	2.76%
Four Wining Numbers	3rd*	\$20	2.92%
Three Winning Numbers	4th*	\$2	5.30%

\*Indicates set prize.

(1) Prize money allocated to the base play first prize category (jackpot) will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a first prize. The Lottery will estimate and announce the projected amount of the upcoming jackpot (first place prize pool) prior to the drawing. Payment will be made only in the amount actually in the first place (jackpot) prize pool.

(2) If, in a Match 6 Lotto drawing, there are no winning base play first place prize plays (jackpots), prize money allocated to that prize category will be added to the amount allocated for the first prize category money in the next Match 6 Lotto drawing.

(3) If more than one winning base play first place prize play is determined, each, upon meeting the requirements of §§ 872.10 and 872.11 (relating to ticket validation requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total first prize category.

(b) The Match 6 Lotto combined game prizes and determination of Match 6 Lotto combined game prize play winners is as follows:

*Tickets Containing the Following,  
In One Single Game*

	<i>Prize*</i>	<i>Percent (%) of Sales Anticipated To Be Paid In Prizes/Category</i>
10 or More Winning Numbers	\$2,500	0.21%
9 Winning Numbers	\$1,000	1.11%
8 Winning Numbers	\$50	0.58%
7 Winning Numbers	\$25	2.12%
6 Winning Numbers	\$10	4.66%
5 Winning Numbers	\$5	9.49%
4 Winning Numbers	\$2	11.02%

\*All prizes listed are set prizes.

(c) All Match 6 Lotto prize payments, including a jackpot prize, will be made as a one time lump-sum cash payment.

(d) A winning Match 6 Lotto game ticket is entitled only to the highest prize won by those numbers on each play plus the highest prize won by those numbers on the combined game.

(e) The number of prize categories, the allocation of prize money among the prize categories and the minimum base play first place prize category (jackpot) amount may be changed at the discretion of the Secretary and the change will be announced by public notice. The changes will only apply prospectively to Match 6 Lotto drawings as of the date specified in the public notice.

(f) Retailer incentive and marketing promotion programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery fund.

**§ 872.9. Ticket responsibility.**

(a) A ticket is a bearer document deemed to be owned by the person holding the ticket, except that if a name is contained on the back of the ticket, the person so named will, for all purposes, be considered the owner of the ticket.

(b) The Commonwealth will not be responsible for lost or stolen tickets.

(c) The purchaser of the ticket has the sole responsibility for checking the accuracy and condition of the data printed on the ticket.

(d) The Commonwealth will not be responsible for tickets redeemed in error by an on-line retailer.

**§ 872.10. Ticket validation requirements.**

(a) *Valid tickets.* To be a valid ticket, the following conditions shall be met:

(1) The ticket validation numbers shall be present in their entirety and shall correspond, using the computer validation file, to the selected numbers printed on the ticket for the date printed on the ticket.

(2) The ticket shall be intact.

(3) The ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The ticket may not be counterfeit or an exact duplicate of a winning ticket.

(5) The ticket shall have been issued by the Lottery through a licensed retailer.

(6) The ticket may not have been stolen.

(7) The ticket shall be validated in accordance with § 872.11 (relating to procedures for claiming and payment of prizes).

(8) The player-selected or computer-selected numbers on the ticket shall be in individual groups of six numbers each. Each group of six numbers shall be a play. Each group of three plays shall be preceded with the designation Game A, B, C, D or E. The game and its lettered designation and the following three plays constitute a single game.

(9) The ticket data shall have been recorded on the Lottery's central computer system prior to the drawing and the ticket data shall match this computer record in every respect.

(10) The player and computer-selected numbers, the validation data and the drawing date of an apparent winning ticket shall appear on the official file of winning tickets. A ticket with that exact data may not have been previously paid.

(11) The ticket may not be misregistered, defectively printed, or printed or produced in error to an extent that it cannot be processed by the Lottery.

(12) The ticket shall pass other confidential security checks of the Lottery.

(13) By submitting a ticket for validation, the player agrees to abide by this chapter as determined by the Secretary.

(14) There may not be another breach of this part in relation to the ticket which, in the opinion of the Secretary, justifies disqualification.

(b) *Invalid or defective tickets/disputes.* A ticket not passing the validation checks in subsection (a) will be considered invalid and will not be paid.

(1) In cases of doubt, the determination of the Secretary is final and binding. The Secretary may replace an invalid ticket with a ticket of equivalent sale price from a current Lottery game.

(2) If a defective ticket is purchased or if the Secretary determines to adjust an error, the sole and exclusive remedy will be the replacement of the defective or erroneous ticket with a ticket of equivalent sale price from a current Lottery game.

(3) If a ticket is not paid by the Lottery and a dispute occurs as to whether the ticket is a winning ticket, the Lottery may replace the ticket as provided in paragraph (2). This is the sole and exclusive remedy of the holder of the ticket.

**§ 872.11. Procedures for claiming and payment of prizes.**

(a) A prize shall be claimed only through a licensed on-line retailer as soon as that drawing is placed in pay status by the Lottery.

(b) An online retailer is authorized and required to make payment of a prize of \$2,500 or less, if the ticket is

presented within a designated time period as announced by the Secretary, on an individual winning ticket, if the retailer has sufficient funds available for payment.

(c) The holder of an apparent winning ticket representing a prize of \$2,500 or less will be paid by participating on-line retailers as provided in subsection (b), if the ticket validation requirements in § 872.10 (relating to ticket validation requirements) have been met, a proper validation pay ticket has been issued by the retailer's computer terminal and other retailer procedures have been met.

(d) The holder of an apparent winning ticket representing a prize in excess of \$2,500, with the exception of the first place prize (jackpot), shall present the winning ticket to an on-line retailer or authorized claim center under Chapter 811 (relating to prizes).

(e) The holder of an apparent winning ticket representing a first place prize (jackpot) shall present, in person, the apparent winning ticket to Lottery Headquarters or a Lottery area office under Chapter 811.

(f) The payment of a prize to a person who dies before receiving a particular prize or to a person under 18 years of age will be paid under §§ 811.16 and 811.27 (relating to prizes payable after death of prize winner; and payment of prizes to persons under 18 years of age).

(g) The Commonwealth will be discharged of liability after payment of prizes as provided in § 811.26 (relating to discharge of State liability upon payment).

**§ 872.12. Prizes.**

(a) If the total of the set prizes won in a particular Match 6 Lotto drawing exceed sales for that drawing by 100% or more, then those set prize tiers, in which the stated prizes won exceed the percentage of sales anticipated to be paid in prizes/category, will become pari-mutuel. Moneys will be drawn from the Lottery Fund, to the extent necessary, to fund the payment of prizes under this subsection.

**§ 872.17. Probability of winning.**

(a) Probabilities of winning per game:

<i>Number of Winning Numbers Selected By Player</i>	<i>Prize Category</i>	<i>Probability* of Winnings Per Game</i>
All 6 Winning Numbers	Jackpot	1:4,661,272.3
5 Winning Numbers	\$1,000	1:18,067.3
4 Winning Numbers	\$20	1:344.5
3 Winning Numbers	\$2	1:19.2

\*Odds that one or more plays in a 3-play game will win a prize at the given level. Since more than one play can win a prize, levels are not mutually exclusive.

(b) Probability of winning combined game:

<i>Number of Winning Numbers Selected By Player</i>	<i>Prize*</i>	<i>Probability of Winnings Per Game</i>
10 or More Winning Numbers	\$2,500	1:597,302.6
9 Winning Numbers	\$1,000	1:45,267.4
8 Winning Numbers	\$50	1:4,440.4
7 Winning Numbers	\$25	1:590.9
6 Winning Numbers	\$10	1:106.7
5 Winning Numbers	\$5	1:26.4
4 Winning Numbers	\$2	1:9.1

\*All combined game prizes are set prizes.

[Pa.B. Doc. No. 04-14. Filed for public inspection January 2, 2004, 9:00 a.m.]

(b) If the Match 6 Lotto is terminated for any cause, prize moneys remaining undistributed will be paid out of the State Lottery Fund and used for purposes otherwise provided for by law.

**§ 872.13. Unclaimed prize money.**

Prize money on a winning Match 6 Lotto play may be retained by the Secretary for payment to the person entitled to it. If within 1 year of the drawing date on the ticket, no claim is made on a winning play, as determined by the Secretary, the right to claim prize money terminates, and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

**§ 872.14. Withholding.**

Federal withholding taxes will be withheld by the Lottery for prize payments in amounts required in accordance with applicable provisions of law.

**§ 872.15. Purchase and prize restrictions.**

A ticket may not be purchased by, and a prize will not be paid to, an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, who are involved in the operation of the on-line lottery games system or its associated drawings, or to a spouse, child, brother, sister or parent residing in the same household of the officer, employee, contractor or subcontractor.

**§ 872.16. Governing law.**

(a) In purchasing a ticket, the purchaser agrees to comply with and abide by applicable laws, this part, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Match 6 Lotto.

(b) Decisions made by the Secretary including the declaration of prizes and the payment thereof in interpretation of this part are final and binding on players and persons making a claim in respect thereof.

# PROPOSED RULEMAKING

## STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

[49 PA. CODE CH. 39]

### Deletion and Correction of Fees

The State Board of Examiners of Nursing Home Administrators (Board) proposes to amend § 39.72 (relating to fees) to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

The amendments are authorized under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 7.1(a) of the Nursing Home Administrators License Act (act) (63 P. S. § 1107.1(a)). Section 7.1(a) of the act authorizes the Board to fix fees by regulation. Section 4(a)(1) and (2) of the act (63 P. S. § 1104(a)(1) and (2)) sets forth the functions and duties of the Board, which include the development and application of appropriate techniques, including examinations, for determining whether an individual meets standards to receive a license as a nursing home administrator. Section 4(c) of the act authorizes the Board to make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties. Section 7 of the act (63 P. S. § 1107) directs the Board to prescribe the subject, character, manner, time and place of the examination and requires that all examinations shall be prepared and administered by a qualified and approved professional testing organization.

#### C. *Background and Purpose*

##### *Deletion of Examination Fees*

The General Assembly has indicated its preference for the recognition of National uniform examinations and grading services in accordance with section 812.1 of The Administrative Code of 1929. The Board currently requires two examinations for initial licensure: the National Association of Boards of Examiners of Long-Term Care Administrators (NAB) examination and a State rules and regulations examination. The proposed amendment to § 39.72 deletes the examination fees for the NAB examination, the State rules and regulations examination and the combined examination. These fees are set by the testing organization which develops and administers the examinations, not by the Board. All 51 state boards or licensing agencies administer the NAB examination as a requirement for licensure and the examination fees are uniform throughout the United States. To avoid the necessity of amending its regulations whenever the testing organization might change the fees, the Board proposes to delete references to the examination fees.

The fees for the examinations are established by the NAB and communicated to applicants by both the NAB and the Board as part of the licensure application. Applicants for these exams pay the examination fees directly to the National examiners, with a certified check or money order payable to NAB, which the Board collects with the application submitted to the Board. The fee is

held by the Board until the application is approved. After the Board grants the applicant permission to take the licensing examination, the fee payable to the NAB is transmitted to the test administrator. It is unnecessary and impractical for the Board to continue to publish the National examiners' examination fees in § 39.72. Because examination fees are no longer established by the Board, section 7.1 of the act is inapplicable as to the National uniform examination and the State rules and regulations examination developed by the National examiner. Thus, the Board is eliminating reference to these examination fees in § 39.72.

Other references to examination fees are in §§ 39.5(a)(3) and 39.6(b) (relating to requirements for admission to licensing examination; examination procedures; and examination applications). These sections require that the candidate for admission to the licensing examination pay the required fee for examination and licensure and also that the examination application be accompanied by the required fee. It would be inappropriate to delete these references to the examination fee, when the examination fee will continue to be submitted to the Board and transmitted to the test administrator once the application for examination is approved by the Board. There are no fees paid directly to the test administrator. All certified checks or money orders for the examination are made payable to the NAB, the National examiner and the test developer.

##### *Correction of Fees for Continuing Education Program Applications*

The fee for continuing education program application per clock hour was changed from \$10 per clock hour to \$15 per clock hour as part of a final-form rulemaking published at 30 Pa.B. 6199 (December 2, 2000). This fee is for continuing education providers seeking Board approval of an upcoming course. However, this fee was inadvertently published as \$10 per clock hour in another final-form rulemaking published at 31 Pa.B. 1362 (March 10, 2001). The need for the \$15 per clock hour fee was explained in the final-form rulemaking published at 30 Pa.B. 6199, promulgated under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). This proposed rulemaking corrects the erroneous fee published at 31 Pa.B. 1362.

In addition, the fee for continuing education individual program applications was initially proposed to be deleted in a proposed rulemaking published at 29 Pa.B. 662 (February 6, 1999), because the Board intended to eliminate all individual retroactive approval for continuing education courses. In light of the concerns of the commentators on the proposed rulemaking, the Board reinstated limited retroactive continuing education course approval for individuals in the final-form rulemaking published at 31 Pa.B. 1362. However, the fee for continuing education individual program applications was not reinstated in the final-form rulemaking. The need for the \$20 per application fee was explained in the final-form rulemaking published at 18 Pa.B. 3211 (July 23, 1988), promulgated under the Regulatory Review Act. This proposed rulemaking corrects the erroneous omission of the fee published at 31 Pa.B. 1362.

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

The deletion of examination fees will have no adverse fiscal impact on the Board or its licensees. The continuing education fees will have fiscal impact on the Board and its licensees, but only insofar as it will reinstate the

proper fees and permit the Board to charge the fees for continuing education approval which it has continuing authority to charge. The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

E. *Sunset Date*

The Board monitors its regulations on a continuing basis. Therefore, no sunset date has been assigned.

F. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 16, 2003, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

G. *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Christina Stuckey, Board Administrator, State Board of Examiners of Nursing Home Administrators, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-628 (Deletion of Examination Fees) when submitting comments.

ROBERT H. MORROW, NHA,  
*Chairperson*

**Fiscal Note:** 16A-628. 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 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS  
RENEWAL**

**§ 39.72. Fees.**

The following is a schedule of fees charged by the Board:

\* \* \* \* \*

**[ N.A.B. examination fee ..... \$235  
State rules and regulations examination ..... \$87**

**Complete nursing home administration examination ..... \$322 ]**

\* \* \* \* \*

Continuing education program application fee per clock hour ..... **[ \$10 ] \$15**

**Continuing education individual program application fee ..... \$20**

[Pa.B. Doc. No. 04-15. Filed for public inspection January 2, 2004, 9:00 a.m.]

**STATE BOARD OF MEDICINE**

**[49 PA. CODE CH. 16]**

**Continuing Medical Education**

The State Board of Medicine (Board) proposes to amend § 16.1 (relating to definitions) and add § 16.19 (relating to continuing medical education) to read as set forth in Annex A.

*Effective Date*

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*. The Legislature has required that the Board promulgate regulations within 6 months of the effective date of section 910 of the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. § 1303.910).

*Statutory Authority*

Under section 910 of the act, the Board is required to establish requirements for continuing medical education for physicians as a condition for renewal of their licenses. Physicians are required to complete 100 credit hours of mandatory continuing medical education during each 2-year licensure period.

*Background and Purpose*

The proposed rulemaking will implement section 910 of the act, which requires completion of 100 credit hours of continuing education as a condition of biennial license renewal of physician licenses by the Board and the State Board of Osteopathic Medicine.

*Description of Proposed Rulemaking*

The proposed rulemaking requires proof of completion of 100 credit hours of continuing medical education as a condition of license renewal and requires that at least 20 of the 100 hours be American Medical Association Physician Recognition Award category 1 credits and that at least 10 credit hours must be in the areas of patient safety and risk management. Courses in the areas of patient safety and risk management may include topics such as improving medical records and recordkeeping, reducing medical errors, professional conduct and ethics, improving communications, preventative medicine and healthcare quality improvement. The proposed rulemaking further designates the Accreditation Council on Continuing Medical Education as the accrediting body for purposes of approving continuing medical education providers.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will require the Board to alter its license renewal forms to include data regarding



the physician's compliance with the continuing education requirements and will also require physicians to maintain their own records of continuing education credits, but otherwise, should have no adverse fiscal impact on the Commonwealth or its political subdivisions.

*Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 16, 2003, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Amy L. Nelson, Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

CHARLES D. HUMMER, Jr., M.D.,  
*Chairperson*

**Fiscal Note:** 16A-4914. 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 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS**

**Subchapter A. BASIC DEFINITIONS AND INFORMATION**

**§ 16.1 Definitions.**

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

**ACCME—The Accreditation Council for Continuing Medical Education.**

**AMA—American Medical Association.**

**AMA PRA—American Medical Association Physician's Recognition Award.**

\* \* \* \* \*

**Approved course—A continuing medical education course offered by a provider accredited by the ACCME.**

\* \* \* \* \*

**Immediate family member—A parent, spouse, child or adult sibling residing in the same household.**

\* \* \* \* \*

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS**

**§ 16.19. Continuing medical education.**

Beginning with the licensure renewal period commencing January 1, 2005, proof of completion of 100 credit hours of continuing medical education in the preceding biennial period will be required for licensure renewal for medical doctors.

(1) At least 20 credit hours shall be completed in AMA PRA category 1 approved courses. At least 10 credit hours shall be completed in approved courses in the area of patient safety and risk management. Approved courses in the area of patient safety and risk management may include topics such as improving medical records and recordkeeping, reducing medical errors, professional conduct and ethics, improving communications, preventative medicine and healthcare quality improvement. The remaining 70 credit hours shall be completed in any approved courses. Credit will not be granted for courses in office management or practice building.

(2) Physicians shall retain official documentation of attendance for 2 years after renewal, and shall certify completed courses on a form provided by the Board for that purpose, to be filed with the biennial renewal form. Official documentation proving attendance shall be produced, upon Board demand, under random audits of reported credit hours. Electronic submission of documentation is permissible to prove compliance with this subsection. Noncompliance may result in disciplinary proceedings under section 41(6) of the Medical Practice Act of 1985 (63 P. S. § 422.41(6)).

(3) The following exemptions apply for certain physicians:

(i) A physician applying for licensure in this Commonwealth for the first time shall be exempt from the continuing medical education requirement for the biennial renewal period following initial licensure.

(ii) A physician holding a current temporary training license shall be exempt from the continuing medical education requirement.

(iii) A retired physician who provides care only to immediate family members shall be exempt from the continuing medical education requirement.

(iv) A physician who is on inactive status shall be exempt from the continuing medical education requirement, except that a physician who is seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.

(4) A physician suspended for disciplinary reasons is not exempt from the requirements of this section.

(5) Waiver of the CME requirements may be permitted, as follows:

(i) The Board may grant a hardship waiver of all or a part of the continuing medical education requirement in cases of serious illness, military service or other good cause provided that the public's safety and welfare will not be jeopardized by the granting of the waiver.

(ii) Requests for waiver shall be made in writing, with appropriate documentation, and shall include a description of circumstances sufficient to show why compliance is impossible.

(iii) Waiver requests will be evaluated by the Board on a case-by-case basis. The Board will send written notification of its approval or denial of a waiver request.

[Pa.B. Doc. No. 04-16. Filed for public inspection January 2, 2004, 9:00 a.m.]

## STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

### Delegation of Medical Services

The State Board of Osteopathic Medicine (Board) proposes to amend § 25.1 (relating to definitions) by adding a definition for "emergency medical services personnel" and to add § 25.217 (relating to delegation) to read as set forth in Annex A.

#### A. *Effective Date*

The proposed rulemaking will be effective upon publication as a final-form rulemaking in the *Pennsylvania Bulletin*.

#### B. *Statutory Authority*

Section 16 of the Osteopathic Medical Practice Act (act) (63 P. S. § 271.16) authorizes the Board to promulgate regulations necessary to carry out the purposes of the act. Section 3 of the act (63 P. S. § 271.3) permits osteopathic physicians to delegate medical services and acts to physician assistants, technicians or other allied medical personnel if services and acts are rendered under the supervision, direction or control of a licensed physician.

#### C. *Background and Purpose*

The Board routinely receives inquiries about whether a particular delegation of medical services is appropriate. In an effort to be responsive to the regulated community and to provide a framework that places patient safety and welfare at the forefront of the osteopathic physician's decision making process, the Board determined to codify basic criteria under which an osteopathic physician may delegate the performance of medical services to nonphysicians.

#### D. *Description of Proposed Rulemaking*

Section 3 of the act permits osteopathic physicians to delegate the performance of medical services. Section 3 of the act provides in relevant part as follows:

"Nothing in this act shall be construed to prohibit services and acts rendered by a qualified physician assistant, technician or other allied medical person if such services and acts are rendered under the supervision, direction or control of a licensed physician."

The proposed rulemaking adds § 25.217. This section establishes general criteria under which an osteopathic physician may exercise professional judgment in making the decision to delegate medical services.

Section 25.217(a) establishes the criteria under which delegation could occur. Specifically, § 25.217(a)(1) requires that delegation be consistent with standards of acceptable medical practice. Standards of acceptable medical practice may be discerned from current medical literature and texts, medical teaching facilities publications and faculty, expert practitioners in the field and the commonly accepted practice of practitioners experienced in the field.

Section 25.217(a)(2) prohibits an osteopathic physician from expanding the scope of practice of other health care practitioners where the General Assembly or the licensing board responsible for regulating the other health care practitioner has prohibited the performance of those services by the other health care practitioner. Section 25.217(a)(3) requires the osteopathic physician to assure that the individual practitioner or technician to whom the delegation is being made has sufficient education, training and competency so that the delegatee knows how to perform the service safely. Accordingly, the osteopathic physician would be obligated to determine whether the delegatee is competent to perform the procedure. This may be accomplished by determining whether the delegatee is licensed, certified or possesses documented education and training related to the service. The physician may choose to monitor the delegatee to become satisfied as to the delegatee's competence.

Section 25.217(a)(4) prohibits delegation when the particular patient presents with unusual complications, family history or condition so that the performance of the medical service poses a special risk to that particular patient. Unlike the other provisions, this section directs the osteopathic physician's attention to the needs of the particular patient. A determination shall be made that the service may be rendered to the particular patient without undue risk. It is the physician's responsibility to make that assessment.

Section 25.217(a)(5) recognizes that patients are autonomous and that consideration of patient autonomy and dignity is a responsibility of the osteopathic physician. Thus, it is the osteopathic physician's responsibility to assure that the patient is advised as to the nature of the medical service and the reason for the delegation, so that the patient might exercise his right to request the service be performed by the osteopathic physician. The primary relationship in the delivery of medical services is between the patient and the physician. The person in charge of this relationship is the patient. Communication with the patient and education of the patient is essential to the proper delivery of medical services, and a primary obligation of physicians.

Section 25.217(a)(6) directs the osteopathic physician to provide the level of supervision and direction appropriate to the circumstance surrounding the delivery of the medical service. It underscores the fact that the osteopathic physician is ultimately responsible for the patient's well-being and requires the physician to maintain the level of involvement in the treatment process as required by section 3 of the act.

Section 25.217(b) prohibits the delegation of a medical service when the service is sufficiently complicated, difficult or dangerous that it would require a degree of education and training possessed by osteopathic physi-

cians, but not commonly possessed by nonphysicians. Additionally, this section prohibits delegation of medical services in situations when potential adverse reactions may not be readily apparent to an individual without physician training. These criteria are intended to prohibit the delegation of medical services when the delegation poses undue risk to patients generally.

Section 25.217(c) requires the osteopathic physician to be sufficiently knowledgeable about the medical service so that the osteopathic physician is not merely a straw man. It should be axiomatic that the individual who has responsibility and authority for directing others in delivering medical services has the knowledge, ability and competency pertaining to the performance of those services.

Section 25.217(d) reminds osteopathic physicians that they retain responsibility for the performance of the service whether they perform it themselves or direct another to do so.

Section 25.217(e) recognizes the reality that emergencies arise when available health care personnel must immediately attend to patients, even though under nonemergency circumstances, the osteopathic physician would be the most appropriate person to care directly for the patient.

Section 25.217(f) recognizes that licensed or certified health care practitioners have a scope of practice defined by statute and regulations. This proposed rulemaking is not intended to restrict or limit the performance of medical services that fall within the parameters established by law. Specific examples have been provided because of concerns that were expressed to the Board pertaining to those practitioners. They are provided as examples and are not intended to be all-inclusive.

*E. Fiscal Impact and Paperwork Requirements*

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivisions or the private sector. Citizens of this Commonwealth will benefit in that this proposed rulemaking promotes patient safety and welfare as a consideration in making medical service delegation decisions.

*F. Sunset Date*

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

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 16, 2003, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*H. Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Amy L. Nelson, Board Counsel, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of the proposed rulemaking in the *Pennsylvania Bulletin*. Cite "delegation of medical services" when submitting comments.

THOMAS R. CZARNECKI, D.O.,  
*Chairperson*

**Fiscal Note:** 16A-5312. 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 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

**Subchapter A. GENERAL PROVISIONS**

**§ 25.1 Definitions.**

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

\* \* \* \* \*

***Emergency medical services personnel—Individuals who deliver emergency medical services and who are regulated by the Department of Health under the Emergency Medical Services Act (35 P. S. §§ 6921—6938).***

\* \* \* \* \*

**Subchapter D. MINIMUM STANDARDS OF PRACTICE**

**§ 25.217. Delegation.**

(a) An osteopathic physician may delegate to a health care practitioner or technician the performance of a medical service if the following conditions are met:

(1) The delegation is consistent with the standards of acceptable medical practice embraced by the osteopathic physician community in this Commonwealth. Standards of acceptable medical practice may be discerned from current peer reviewed medical literature and texts, teaching facility practices and instruction, the practice of expert practitioners in the field and the commonly accepted practice of practitioners in the field.

(2) The delegation is not prohibited by the statutes or regulations relating to the other health care practitioner.

(3) The osteopathic physician has knowledge that the delegatee has education, training, experience and continued competency to safely perform the medical service being delegated.

(4) The osteopathic physician has determined that the delegation to a health care practitioner or technician does not create an undue risk to the particular patient being treated.

(5) The nature of the service and the delegation of the service has been explained to the patient and the patient does not object to the performance by the health care practitioner or technician. Unless otherwise required by

law, the explanation may be oral and may be given by someone other than the osteopathic physician.

(6) The osteopathic physician assumes the responsibility for the delegated medical service, including the performance of the service, and is available to the delegatee as appropriate to the difficulty of the procedure, the skill of the delegatee and risk to the particular patient.

(b) An osteopathic physician may not delegate the performance of a medical service if performance of the medical service or if recognition of the complications or risks associated with the delegated medical service requires knowledge and skill not ordinarily possessed by nonphysicians.

(c) An osteopathic physician may not delegate a medical service which the osteopathic physician is not trained, qualified and competent to perform.

(d) An osteopathic physician shall be responsible for the medical services delegated to the health care practitioner or technician.

(e) An osteopathic physician may approve a standing protocol delegating medical acts to another health care practitioner who encounters a medical emergency that requires medical services for stabilization until the osteopathic physician or emergency medical services personnel are available to attend to the patient.

(f) This section does not prohibit a health care practitioner who is licensed or certified by a Commonwealth agency from practicing within the scope of that license or certificate or as otherwise authorized by law. For example, this section is not intended to restrict the practice of certified registered nurse anesthetists, nurse midwives, certified registered nurse practitioners, physician assistants or other individuals practicing under the authority of specific statutes or regulations.

[Pa.B. Doc. No. 04-17. Filed for public inspection January 2, 2004, 9:00 a.m.]

## STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

### Notice Requirements

The State Board of Psychology (Board) proposes to add §§ 41.91 and 41.92 (relating to reporting of crimes and disciplinary actions; and notice of active suspension or revocation) to read as set forth in Annex A.

#### A. *Effective Date*

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

#### B. *Statutory Authority*

The amendments are proposed under the authority of sections 3.2(2), 8(a)(6)–(8), 8.1, 11(c) and 17 of the Professional Psychologists Practice Act (act) (63 P.S. §§ 1203.2(2), 1208(a)(6)–(8), 1208.1, 1211(c) and 1217).

#### C. *Purpose and Background*

Sections 8(a)(6)–(8) of the act authorize the Board to discipline licensees who have been convicted or plead guilty or nolo contendere to a felony or misdemeanor in the practice of psychology; have been disciplined by the

licensing authority of another state, territory or country; or are unable to practice with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material. However, there is no provision in the Board's regulations that requires licensees to report pleas or convictions to the Board in advance of biennial renewal. It may be almost 2 years before the Board first learns of the conviction. Similarly, although section 11(c) of the act requires licensees to return suspended and revoked licenses to the Board, there is no provision in the Board's regulations which requires that they be returned within a specified time.

Additionally, although section 8.1 of the act prohibits suspended and revoked licensees from providing service that falls within the practice of psychology, section 3 of the act (63 P.S. § 1203) carves out numerous exemptions for licensure, including one for qualified members of other recognized professions. A suspended or revoked psychologist may continue to provide similar services to clients/patients under another title without any interruptions. The Board believes that to properly protect the clients/patients of suspended or revoked licensees, the licensees shall advise their clients/patients of the disciplinary action so that the clients/patients can make an informed decision whether to continue treatment with the provider.

#### D. *Description of Proposed Rulemaking*

##### 1. *Reporting of crimes and disciplinary actions*

Proposed § 41.91(a) requires licensees who have been convicted of or pleaded guilty or nolo contendere to a felony or misdemeanor to notify the Board of the action within 30 days of the verdict or plea or on the biennial renewal application, whichever is sooner. In requiring that all misdemeanors be reported, the Board recognizes that it may only take disciplinary action against a licensee where the misdemeanor involves the practice of psychology or where the misdemeanor evidences that the licensee is unable to practice with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material. Under this proposed rulemaking, summary offenses would not have to be reported.

Proposed § 41.92(b) tracks the language of section 8(a)(7) of the act in connection with disciplinary actions taken by other jurisdictions. Licensees would be required to report those disciplinary actions within 30 days or on the biennial renewal application, whichever is sooner.

##### 2. *Notice of active suspension or revocation*

In addition to requiring licensees who have been actively suspended or revoked to return their license to the Board within 30 days, proposed § 41.92 would require these licensees to advise their current clients/patients of the disciplinary action in writing.

#### E. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on December 17, 2003, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the

close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*F. Fiscal Impact and Paperwork Requirements*

The proposed rulemaking should have no fiscal impact on the Commonwealth, its political subdivisions or the public. The proposed rulemaking will cause additional reporting and other paperwork requirements on those licensees who are disciplined by the Board in that they will be required to notify their patients of the Board's disciplinary action. Because the act currently requires all licensees to report nolo or guilty pleas and licensees with multiple licenses to report discipline taken in other states, there are no new legal, reporting or other paperwork requirements on these licensees.

*G. Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Judith Pachter Schulder, Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ALEX M. SIEGEL, Ph.D., J.D.,  
*Chairperson*

**Fiscal Note:** 16A-6314. 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 41. STATE BOARD OF PSYCHOLOGY**

**NOTICE REQUIREMENTS**

**§ 41.91. Reporting of crimes and disciplinary actions.**

(a) A licensee shall notify the Board of having been convicted of, or having pleaded guilty or nolo contendere to, a felony or misdemeanor, within 30 days of the conviction, verdict or plea.

(b) A licensee shall notify the Board of disciplinary action in the nature of a final order taken against the licensee by the licensing authority of another state, territory or provincial board of psychology within 30 days of receiving notice of the disciplinary action, or on the biennial renewal application, whichever is sooner.

**§ 41.92. Notice of active suspension or revocation.**

A licensee whose license has been actively suspended or revoked by the Board shall return the suspended or revoked license to the Board and notify all current clients/patients of the disciplinary action in writing within 30 days of receiving notice of the disciplinary action. The notice shall contain the following:

- (1) The sanction imposed.
- (2) The effective date and length of the sanction.
- (3) The nature of the violation.

(4) A statement that the licensee will assist patients in obtaining alternative professional resources and in transferring psychological records.

[Pa.B. Doc. No. 04-18. Filed for public inspection January 2, 2004, 9:00 a.m.]

**STATE REAL ESTATE COMMISSION**

[49 PA. CODE CH. 35]

**Deletion of Examination Fees**

The State Real Estate Commission (Commission) proposes to amend §§ 35.203 and 35.271—35.275 to read as set forth in Annex A. The proposed rulemaking deletes references to the examination fee determined by contract and charged by a professional testing organization from the schedule of fees in § 35.203 (relating to fees) and examination provisions in §§ 35.271—35.275.

*Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin*.

*Statutory Authority*

Section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) sets forth the powers and duties of the Commission with regard to the administration of examinations.

*Background and Need for the Proposed Rulemaking*

Two fees are related to examination for the broker and cemetery broker examinations: a fee for review of the candidate's qualifications (review fee) and a fee for administration of the examination (examination fee). The review fee is determined by the Bureau of Professional and Occupational Affairs based upon the aggregate amount of time spent by staff to review candidate qualifications. The examination fee is determined through a competitive bid and contract process with professional testing organizations. The salesperson, time-share salesperson and rental listing referral agent examinations only require the examination fee.

The Commission plays no role in setting the examination fee. To avoid the necessity of amending § 35.203 whenever the examination fee is changed, the Commission proposes to delete the examination fee from § 35.203 and specific references to the examination fee prescribed in § 35.203 from the examination provisions in §§ 35.271—35.275.

*Description of Proposed Rulemaking*

The proposed rulemaking eliminates the examination fee from § 35.203 and deletes the references "prescribed in § 35.203 (relating to fees)" from the examination provisions in §§ 35.271—35.275.

*Fiscal Impact*

The proposed rulemaking will have no fiscal impact on the Commission or its licensees. The proposed rulemaking should have no fiscal impact on the private sector, the general public or political subdivisions.

*Paperwork Requirements*

The proposed rulemaking will avoid preparation of new regulations each time the examination fee is changed. It will not create additional paperwork for the private sector.

Sunset Date

The Commission monitors its regulations on a continuing basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 16, 2003, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Judith Pachter Schulder, Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin.

HELEN BILLAK, Chairperson

Fiscal Note: 16A-569. 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 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.203. Fees.

The following fees are charged by the Commission:

[ Licensing examination for broker, cemetery broker, salesperson, builder-owner salesperson or rental listing referral agent ..... \$45 ]

\* \* \* \* \*

Subchapter D. LICENSING EXAMINATIONS

§ 35.271. Examination for broker's license.

(a) An individual who wants to take the broker's examination for a Pennsylvania broker's license shall:

\* \* \* \* \*

(5) Submit a completed examination application to the Commission or its designee with:

\* \* \* \* \*

(v) The [ fees ] fee for review of the candidate's qualifications to take the examination prescribed in § 35.203

(relating to fees) and the fee for administration of the examination [ prescribed in § 35.203 (relating to fees) ].

\* \* \* \* \*

§ 35.272. Examination for salesperson's license.

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a Pennsylvania salesperson's license shall:

\* \* \* \* \*

(3) Submit a completed examination application to the Commission or its designee with the examination fee [ prescribed in § 35.203 (relating to fees) ].

\* \* \* \* \*

§ 35.273. Examination for cemetery broker's license.

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a Pennsylvania cemetery broker's license shall:

\* \* \* \* \*

(4) Submit a completed examination application to the Commission or its designee with:

\* \* \* \* \*

(iv) The [ fees ] fee for review of the candidate's qualifications to take the examination prescribed in § 35.203 (relating to fees) and the fee for administration of the examination [ prescribed in § 35.203 (relating to fees) ].

\* \* \* \* \*

§ 35.274. Examination for builder-owner salesperson's license.

An individual who wants to take the salesperson's examination for the purpose of obtaining a Pennsylvania builder-owner salesperson's license shall:

\* \* \* \* \*

(3) Submit a completed examination application to the Commission or its designee with the examination fee [ prescribed in § 35.203 (relating to fees) ].

§ 35.275. Examination for rental listing referral agent's license.

(a) An individual who wants to take the salesperson's examination for the purpose of obtaining a Pennsylvania rental listing referral agent's license shall:

\* \* \* \* \*

(3) Submit a completed examination application to the Commission or its designee with the examination fee [ prescribed in § 35.203 (relating to fees) ].

\* \* \* \* \*

[Pa.B. Doc. No. 04-19. Filed for public inspection January 2, 2004, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

[4 PA. CODE CH. 114]

#### Volunteer Fire Company and Volunteer Ambulance Service Grant Program

The Pennsylvania Emergency Management Agency (Agency) has amended a statement of policy regarding the Volunteer Fire Company and Volunteer Ambulance Service Grant Program (Program) to read as set forth in Annex A. The Program provides grants to improve and enhance the capabilities of volunteer fire companies and ambulance services to provide firefighting, ambulance or rescue services to the citizens of this Commonwealth under the Volunteer Fire Company and Volunteer Ambulance Service Grant Act (act) (35 P. S. §§ 6942.101—6942.902).

In compliance with the act, the Agency is required to publish program guidelines, schedules and application procedures in the *Pennsylvania Bulletin* within 30 days of the effective date of the act. The guidelines are needed for the administration of the Program. For this reason, the Agency announces the availability of grant funds and the following guidelines, schedules and application procedures that eligible applicants shall follow to apply for those grant funds.

#### *Fiscal Impact*

Appropriation of \$25 million provided in the act.

#### *Paperwork Requirements*

The guidelines require applicants to complete the Volunteer Fire Company and Volunteer Ambulance Service Application, available on the Office of the State Fire Commissioner website ([www.osfc.state.pa.us](http://www.osfc.state.pa.us)) or in paper form upon request, and a grant agreement.

#### *Effective Date*

The guidelines contained in this statement of policy take effect upon publication in the *Pennsylvania Bulletin*.

DAVID M. SANKO,  
*Director*

*(Editor's Note: The regulations of the Agency, 4 Pa. Code Chapter 114, are amended by amending §§ 114.1—114.8 to read as set forth in Annex A.)*

**Fiscal Note:** 30-SOP-59. No fiscal impact; (8) recommends adoption. An appropriation of \$25 million for this program was provided in Act 1A of 2003.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART V. EMERGENCY MANAGEMENT AGENCY

#### CHAPTER 114. VOLUNTEER FIRE COMPANY AND VOLUNTEER AMBULANCE SERVICE GRANT PROGRAM—STATEMENT OF POLICY

#### § 114.1. Introduction.

(a) The Program provides one-time grants to improve and enhance the capabilities of volunteer fire companies and volunteer ambulance services throughout this Commonwealth to provide firefighting, ambulance and rescue services. Program funds may be used for projects that are

in accordance with the act. Eligible projects are defined in § 114.3(a)(2) and (b)(2) (relating to eligibility).

(b) Assistance from the Program is in the form of grants from the Commonwealth to eligible volunteer fire companies and volunteer ambulance services for projects which, in the judgment of the Agency, comply with the act and are in accordance with the program guidelines in this chapter and meet the application criteria found in the application.

(c) Grants will be not less than \$2,500 and not more than \$15,000 per applicant volunteer fire company nor more than \$10,000 per applicant volunteer ambulance service, except as noted in § 114.3(a)(3).

(d) Applicants should be aware that the Program expects to receive a large number of applications for the limited appropriation from the General Assembly. As such, it is possible that not every application can be fully funded, in which case grants will be awarded on a prorata basis.

(e) The Program expenditures will be charged to the State fiscal year July 1, 2003, to June 30, 2004.

#### § 114.2. Definitions.

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

*Act*—The Volunteer Fire Company and Volunteer Ambulance Service Grant Act (35 P. S. §§ 6942.101—6942.902).

*Advanced life support*—The advanced prehospital and interhospital emergency medical care of serious illness or injury by appropriately trained health professionals and by certified EMT-paramedics.

*Agency*—The Pennsylvania Emergency Management Agency.

*Application*—The Volunteer Fire Company-Volunteer Ambulance Service Grant Program application.

*Basic life support services*—Prehospital or interhospital emergency medical care and management of illness or injury performed by specially trained and certified or licensed personnel.

*Certification*—Any class of instruction or test that will provide certification at any level that is currently offered in this Commonwealth through the Voluntary Fire Fighter Certification Program administered by the State Fire Academy.

*Certified personnel*—Any member of the fire or rescue company who is certified at a minimum level of Fire Fighter 1 on or before October 31, 2003, by the National Professional Qualifications Board or by the International Fire Service Accreditation Congress and verified by the Pennsylvania State Fire Academy.

*Commissioner*—The State Fire Commissioner.

*Equipment, nonsafety related*—Any apparatus, equipment or tools ordinarily used by a fire, rescue or ambulance service in the performance of its duties.

*Equipment, safety related*—Protective clothing commonly referred to as bunker pants and coats, flashhoods, gloves, helmets, boots, PASS or PAL devices, self con-

tained breathing apparatus (including upgrades to existing equipment), Thermal Imaging cameras and lighted search ropes.

*Facility—*

(i) A structure or portion thereof intended for the purpose of storage or protection of firefighting apparatus, ambulances or rescue vehicles and related equipment and gear.

(ii) The term does not include meeting halls, social halls, social rooms, lounges or any other facility not directly related to firefighting or the furnishing of ambulance or rescue services.

*Final report—*The report to be filed as provided in § 114.6 (relating to grant award and reporting procedures) by the volunteer fire company or volunteer ambulance services detailing the expenditure of the funds granted.

*Invalid coach—*A vehicle which is primarily maintained, operated and intended to be used for routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit. These vehicles will not be considered ambulance or emergency medical service vehicles.

*OSFC—*Office of the State Fire Commissioner.

*Program—*The Volunteer Fire Company Grant Program established in section 301 of the act (35 P. S. § 6942.301) and the Volunteer Ambulance Service Grant Program established in section 501 of the act (35 P. S. § 6942.501).

*Regional project—*A cooperative agreement wherein any combination of three or more separately chartered fire or rescue companies agree to use all, or any portion of their respective grant request to jointly complete any project that qualifies under the act.

*Volunteer ambulance service—*

(i) A nonprofit chartered corporation, association or organization located and licensed in this Commonwealth, and which is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and the transportation of patients.

(ii) The term does not include a corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.

*Volunteer fire company—*A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and which may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

*Volunteer rescue company—*A nonprofit chartered corporation, association or organization located in this Commonwealth which provides rescue services and which may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

**§ 114.3. Eligibility.**

(a) *Volunteer Fire Company Grant.*

(1) *Eligible applicants.* A volunteer fire company as defined in § 114.2 (relating to definitions) is eligible to apply. To receive grant funds under the act, a volunteer fire company shall have actively responded to one or more fire emergencies since July 1, 2002. The volunteer fire company shall also sign a written agreement to participate in and report information using the Pennsylvania Fire Information Reporting System.

(2) *Eligible projects.* Program funds may be used for projects that are consistent with the act. Eligible projects must improve and enhance the capabilities of the volunteer fire company to provide firefighting, ambulance or rescue services. Eligible projects include:

(i) Construction or renovation, or both, of the fire company's primary structure facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company to provide fire, ambulance and rescue services.

(ii) Purchase of firefighting, ambulance or rescue equipment or repair thereof.

(iii) Debt reduction associated with already completed projects eligible under subparagraphs (i) and (ii).

(iv) Training and certification of members.

(v) Projects initiated after July 31, 2003, and completed prior to disbursement of grant Program funds may be considered as eligible projects for the current grant year.

(3) *Consolidation of entities.* When two or more fire companies have consolidated their use of equipment, firefighters and services between July 1, 1998, and October 31, 2003, the consolidated entity may be deemed eligible to receive a one-time grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(b) *Volunteer Ambulance Service Grant.*

(1) *Eligible applicants.* A volunteer ambulance service as defined in § 114.2 is eligible to apply.

(2) *Eligible projects.* Program funds may be used for projects that are consistent with the act. Eligible projects must improve and enhance the capability of the ambulance service to provide ambulance, emergency medical, basic life support or advanced life support services. Eligible projects include:

(i) Construction or renovation, or both, of the volunteer ambulance service's primary structure facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company to provide ambulance, emergency medical, basic life support and advanced life support services.

(ii) Purchase of ambulance or rescue equipment or repair thereof.

(iii) Debt reduction associated with already completed projects eligible under subparagraphs (i) and (ii).

(iv) Training and certification of members.

(v) Projects initiated after July 31, 2003, and completed prior to disbursement of Program funds may be considered as eligible projects for the current grant year.

**§ 114.4. Program requirements and instructions.**

(a) The following requirements apply to the program:

(1) Project applications for the grants shall be submitted using either the online web based application process or the paper forms provided by the Agency. The Agency



will provide information about the application process for grants under the act to every volunteer fire company and every volunteer ambulance service in this Commonwealth. Applications will also be available from the OFSC and on the OSFC's website. Addresses and phone numbers are listed in § 114.5 (relating to application submission and approval procedure).

(2) The Agency reserves the right to:

(i) Request additional information regarding an organization's eligibility.

(ii) Request additional information regarding proposed use of funds.

(iii) Require explanation or revision of the applicant's project budget.

(iv) Require clarification of the applicant's project narrative.

(3) Incomplete applications will be rejected. An applicant shall carefully follow the instructions for completing either the online or the paper form of the application. Specific information is required as indicated on both the online application and the paper form. Applications not containing required information will be considered incomplete.

(4) The project narrative must provide a detailed and comprehensive description of the project and include:

(i) Problems to be addressed.

(ii) Description of the project.

(iii) Benefits to be realized from the project.

(iv) Grant funds to be expended on the project.

#### **§ 114.5. Application submission and approval procedure.**

(a) The Agency will mail information detailing the grant application process to volunteer fire companies and volunteer ambulance services throughout this Commonwealth on or before August 31, 2003. The application will also be available by calling the OFSC at (800) 670-3473, or on the OSFC's website at [www.osfc.state.pa.us](http://www.osfc.state.pa.us). Applications shall be submitted to the OSFC, either online at [www.osfc.state.pa.us](http://www.osfc.state.pa.us) or in the case of paper forms, at 2605 Interstate Drive, Harrisburg, PA 17110-9364, by 4 p.m., December 31, 2003.

(1) To receive grant funds, volunteer fire companies and ambulance services applying for grants must have a vendor account as part of Imagine PA. The Agency will provide to every volunteer fire company and volunteer ambulance service the necessary forms to either confirm or to apply for their required Imagine PA vendor number by September 30, 2003, as the first step in the grant application process.

(2) The second step in the application process involves gathering additional applicant information and verifying that applicant projects are eligible for grant funding. The Agency will provide an online Web based process to gather the additional applicant information and verify project eligibility. The online application process will be available by October 31, 2003. The Agency will provide written information to every volunteer fire company and ambulance service regarding the grant program guidelines and the availability of the online applicant information/project eligibility verification process.

(3) Paper submissions will be accepted. At the time the availability of the online grant application process is announced, the OSFC will provide information about how

to obtain a paper form to submit the required applicant and project eligibility information. Information will also be available from the OSFC and on the OSFC's website.

(b) A volunteer fire company or a volunteer ambulance service seeking a grant under this Program shall submit a completed online or paper form of the grant application to the OSFC before 4 p.m. on December 31, 2003.

(c) Applications received after 4 p.m. on December 31, 2003, will be rejected.

(d) The Agency will act to approve or disapprove the applications by May 31, 2004. Applications received by the Agency on or before December 31, 2003, which have not been approved or disapproved by the Agency by May 31, 2004, shall be deemed approved, subject to the provisions of sections 303(b)(2) and 503(b)(2) of the act (35 P. S. §§ 6942.303(b)(2) and 6942.503(b)(2)).

(e) Grant award determinations will be as follows:

(1) *Volunteer Fire Company Grants.*

(i) A volunteer fire company as defined in § 114.2 (relating to definitions), that actively responded to one or more fire emergencies since July 1, 2002, and agrees to actively participate in the Pennsylvania Fire Information Reporting System will be eligible for a base award of the first \$7,000 of the applicants grant request.

(ii) Additional grant funds not exceeding \$8,000 will be awarded to eligible applicants by applying an award factor to that portion of the applicant's grant request which exceeds \$7,000. The award factor is determined by dividing the applicant's total project and bonus points by 25, the highest possible number of points. Award factor points are as follows:

(A) Ten project points will be awarded to an eligible fire company if all or any portion of its grant project includes the purchase or upgrade of safety related equipment as defined in § 114.2 (relating to definitions).

(B) Nine project points will be awarded to an eligible fire company if all or any portion of its grant project includes the purchase or repair of nonsafety related equipment as defined in § 114.2.

(C) Eight project points will be awarded to an eligible fire company if all or any portion of its grant project includes debt reduction.

(D) Seven project points will be awarded to an eligible fire company if all or any portion of its grant project includes construction/renovation of facility or purchase/repair of furnishings.

(E) Six project points will be awarded to an eligible fire company if all or any portion of its grant project includes training or certification of their members.

(F) Five bonus points will be awarded to an eligible fire or rescue service who uses the grant funding to perform a regional/joint project as found in the definitions.

(G) One bonus point will be awarded for each person currently certified in accordance with § 114.2, to a maximum of 10 points.

(iii) In the case of multiple projects, project points will be awarded based on a point/cost factor by multiplying the project cost by the project points for each project and dividing the resulting point/cost total by the total cost of the projects, for example:

(A) Project 1—Purchase protective hoods (10 points) at a cost of \$1,000—Point/cost factor, 10,000.

(B) Project 2—Repair station roof (7 points) at a cost of \$14,000—Point/cost factor, 98,000.

(C) Total point/cost factor (108,000) divided by total project cost (15,000)—Award factor, 7.2.

(iv) If necessary, the resultant additional award will be pro rated by a factor determined by dividing the total program funds remaining after the base awards have been determined by the total amount of funds requested in excess of the base awards so that all grant awards do not exceed the total grant funds available.

(v) If funding is not fully distributed after this award factor calculation, the Agency reserves the right to adjust the award factor formula so that all grant funds available are distributed, subject to the provisions of section 303(b)(2) of the act.

(vi) Volunteer fire company grants to individual volunteer fire companies will not exceed \$15,000.

(2) *Volunteer Ambulance Service Grant.* A volunteer ambulance service as defined in § 114.2 will be eligible for a grant, not to exceed \$10,000, and pro rated by a factor determined by dividing the total funds available by the total amount of funds requested so that all grant awards do not exceed the total grant funds available.

#### § 114.6. Grant award and reporting procedures.

(a) Grant award notifications will be made as follows:

(1) Applicants applying for the grant using the online application process will be notified by e-mail.

(2) Applicants applying for the grant using the paper form will be notified by letter.

(b) At the time grant recipients are notified of their award, and in the same manner, they will be presented with a grant agreement. This grant agreement will contain the details of the grant, including the recipient, the amount of the award, a project description and terms of the agreement. In the case of Volunteer Fire Company Grant recipients it will also include an agreement that they participate in PennFIRS. The grant agreement must be signed by an officer of the organization authorized to commit the recipient organization to the terms of the agreement and returned to the OSFC for execution by the Commonwealth before grant funds can be released.

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

(d) The applicant shall, upon completion of the project, but no later than December 1, 2004, file a final report with the Agency. The final report must provide a detailed description and accounting of all expenditures made using grant award funds including receipts or proof of expenditure payment. Final reports detailing debt reduction must include evidence from the lender that the funds were applied to the debt reduction. Grant funds not expended by the applicant for the project shall be returned to the Agency prior to or with the filing of the final report. Failure to file a final report will be grounds for the Agency to seek the return of all grant funds awarded.

#### § 114.7. Program limitations.

(a) This section identifies Program limitations that may result from the misuse of the grant funds.

(b) An applicant may not make or authorize changes exceeding 10% of the total project cost to an approved project without first obtaining consent of the Agency in writing.

(c) The applicant agrees that noncompliance with the conditions of this grant shall be grounds for the recapture of funds provided to the applicant. If the applicant fails to refund the moneys, the Commonwealth, in addition to any rights or remedies it may have at law or in equity, reserves the right to offset the amount due against any existing or future sums of money owed the applicant by any Commonwealth agency or department, including the Agency.

(d) The Agency, or its authorized representative, will have access to the records of the applicant for the purpose of auditing financial transactions, determination of compliance with grant terms, and an evaluation of project performance. The applicant shall maintain a separate and segregated project account for all funds received under this grant.

(e) The applicant agrees to retain all cost supporting records and documentation for 3 years from the date that it receives its final grant payment from the Agency.

#### § 114.8. Contact information.

Applicant inquires should be directed to:

Office of the State Fire Commissioner  
2605 Interstate Drive  
Harrisburg, PA 17110-9364  
Toll free—(800) 670-3473  
E-mail—ra-vfcvasgp@state.pa.us

[Pa.B. Doc. No. 04-20. Filed for public inspection January 2, 2004, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, 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 December 23, 2003.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-03	FleetBoston Financial Corporation, Boston, MA, to acquire 100% of the voting shares of Progress Financial Corporation, Blue Bell, PA, and thereby indirectly acquire Progress Bank, Blue Bell, PA	Boston, MA	Approved

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-18-03	Meridian bank Berwyn Chester County <i>Correspondent:</i> David F. Scranton, Esq. Stradley Ronon Stevens & Young, LLP Great Valley Corporate Center 30 Valley Stream Parkway Malvern, PA 19355-1481	Berwyn	Filed

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-16-03	ESB Bank, F. S. B. Ellwood City Lawrence County <i>To:</i> ESB Bank Ellwood City Lawrence County Represents conversion from a Federally-chartered stock savings bank to a State-chartered stock savings bank.	Ellwood City	Approved

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-6-03	Pennsylvania State Bank Camp Hill Cumberland County	7040 Jonestown Road Harrisburg West Hanover Township Dauphin County	Opened
12-11-03	Northwest Savings Bank Warren Warren County	3407 Liberty Street Erie Erie County	Opened
12-15-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	2 East Baltimore Avenue Media Delaware County	Opened

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1411 Rhawn Street Philadelphia Philadelphia County	Filed
12-15-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	6918 Brous Avenue Philadelphia Philadelphia County	Filed
12-15-03	Firsttrust Savings Bank Conshohocken Montgomery County	725 West Lancaster Avenue Bryn Mawr Montgomery County	Filed
12-16-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Gloucester Township Acme 515 Berlin-Cross Keys Road Sicklerville Camden County, NJ	Opened
12-16-03	New Century Bank Phoenixville Chester County	155 East Lancaster Avenue Wayne Radnor Township Delaware County	Approved
12-16-03	First Columbia Bank & Trust Co. Bloomsburg Columbia County	Northumberland Drive Ralpho Township Northumberland County	Approved
12-18-03	Community Banks Millersburg Dauphin County	271 Market Street Lemoyne Cumberland County	Approved
12-18-03	Community Banks Millersburg Dauphin County	201 West Chocolate Avenue Hershey Derry Township Dauphin County	Approved
12-19-03	Community Banks Millersburg Dauphin County	One East Harrisburg Street Dillsburg York County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-03	Northwest Savings Bank Warren Warren County	<i>To:</i> 4525 Buffalo Road Erie Harborcreek Township Erie County  <i>From:</i> 4423 Buffalo Road Erie Harborcreek Township Erie County	Filed
12-18-03	Royal Bank of Pennsylvania Narberth Montgomery County	<i>To:</i> 1230 Walnut Street Philadelphia Philadelphia County  <i>From:</i> 1340 Walnut Street Philadelphia Philadelphia County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-28-03	Fulton Bank Lancaster Lancaster County	3123 North George Street Emigsville York County	Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-17-03	DPC Credit Union, Atglen, and Citadel Federal Credit Union, Thorndale Surviving Institution—Citadel Federal Credit Union, Thorndale	Atglen	Approved

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-21. Filed for public inspection January 2, 2004, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Tuesday, January 13, 2004, at 9:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Anthony DiGirolomo, (717) 787-9306.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-22. Filed for public inspection January 2, 2004, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after any public hearings are held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## I. NPDES Renewal Applications

*Southeast Region: Water Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0052094	Montgomery Sewer Company P. O. Box 851 115 Stayman Drive, Suite B Montgomeryville, PA 18936	Montgomery County Montgomeryville Township	Little Neshaminy Creek	Y

*Northwest Region: Water Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0222551	Tannery Road Subdivision Woodbury Development, Inc. 4720 Wattsburg Road Erie, PA 16504	Fairview Township Erie County	Unnamed tributary to Brandy Run 15-BR	Y
PA0102288	McKean County Solid Waste Authority Kness Landfill P. O. Box 448 Mt. Jewett, PA 16740-0448	Sergeant Township McKean County	Little Sicily Run 17-A	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*Southeast Region: Water Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**PA0055565**, Industrial Waste, SIC 4812, **Wings Field Preservation Associates, LP**, 1501 Narcissa Road, Blue Bell, PA 19422. This proposed facility is in Whitpain Township, **Montgomery County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge treated stormwater from an oil/water separator at an aircraft refueling terminal.

The receiving stream, Prophecy Creek, is in the State Water Plan Watershed 3F and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the City of Philadelphia is on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on stormwater discharge.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Oil and Grease					30
CBOD <sub>5</sub>					Monitor and Report
pH					Monitor and Report
Total Suspended Solids					Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: remedial measures; change of ownership; product contaminated stormwater runoff; additional monitoring and reporting; PPC plan; other wastewater discharges; definitions; and aircraft de-icing BMPs.

The EPA waiver is in effect.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA0012751**, Industrial, **Zinc Corporation of America**, 900 Delaware Avenue, Palmerton, PA 18071. This proposed facility is in Palmerton Borough, **Carbon County**.

Description of Proposed Activity: Amendment to an existing NPDES Permit.

The receiving streams, Aquashicola Creek and Lehigh River, are in the State Water Plan watershed no. 2B and classified for TSF. The nearest downstream public water supply intake for the Northampton Borough Water Authority is on the Lehigh River, 15 miles below the point of discharge.

The proposed amendment involves only the relocation of the monitoring point for Outfall 019 and removal of stormwater Outfalls 007 and 008 from the current NPDES permit. All other permit limits, expiration date and conditions remain the same.

The EPA waiver is not in effect.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**PA0031062**, Sewage, **Robesonia-Wernersville Municipal Authority**, P. O. Box 202, Wernersville, PA 19565-0202. This facility is in Wernersville Borough, **Berks County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Spring Creek, is in Watershed 3-C and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Western Berks Water Authority is on the Tulpehocken Creek, approximately 6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.40 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	6.0		12
(11-1 to 4-30)	18		20
Total Phosphorus	1.0		2.0
Total Residual Chlorine	0.39		1.29
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,400/100 ml as a geometric average	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is not in effect.

**PA0088790**, Surface Water Diversion, **The York Water Company**, 130 East Market Street, P. O. Box 15089, York, PA 17405-7089. The proposed point of discharge is in York Township, **York County**.

Description of activity: Issuance of an NPDES permit for a proposed transfer of up to 12 million gallons of surface water per day from the Susquehanna River to Lake Redman (East Branch Codorus Creek) for water supply management purposes.

East Branch Codorus Creek is in Watershed 7-H and is classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake (The York Water Company) is approximately 9 miles downstream on South Branch Codorus Creek. The discharge is not expected to adversely affect the water supply.

The proposed monitoring requirements for Outfall 001 are:

<i>Parameter</i>	<i>Minimum (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)	Monitor and Report	XXX	Monitor and Report	XXX
Dissolved Oxygen	Monitor and Report	XXX	XXX	XXX
Temperature (°F)	XXX	XXX	Monitor and Report	XXX
Total Aluminum	XXX	XXX	Monitor and Report	XXX
Total Copper	XXX	XXX	Monitor and Report	XXX
Total Lead	XXX	XXX	Monitor and Report	XXX
Total Zinc	XXX	XXX	Monitor and Report	XXX

The proposed permit requires that these parameters also be monitored at the river intake and upstream of Outfall 001.

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**PA0085782**, Sewage, **Ruscombmanor Township**, 204 Oak Lane, Fleetwood, PA 19522. This facility is in Ruscombmanor Township, **Berks County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, UNT Furnace Creek, is in Watershed 3-D and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American is on the Schuylkill River, approximately 12.48 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 for a Interim design flow of 0.00877 and a Final design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	5.0		10
(11-1 to 4-30)	15		20
Total Residual Chlorine			
(Interim)	0.65		2.00
(Final)	0.43		1.10
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30) (Interim)		8,500/100 ml as a geometric average	
(10-1 to 4-30) (Final)		4,300/100 ml as a geometric average	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0239399**, Sewage, **Craig V. and July K. King SRSTP**, 2552 Mercer-Butler Pike, Grove City, PA 16127. This proposed facility is in Liberty Township, **Mercer County**.

Description of Proposed Activity: Discharge of treated sewage from a small flow treatment facility.

The receiving water, an unnamed tributary to Black Run, is in State Water Plan 20-A and classified for CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, the Salvation Army Camp, is on the Slippery Rock Creek, approximately 15.5 miles below the point of discharge.

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

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100ml as a geometric average	



Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Total Residual Chlorine	XX		
pH			6.0 to 9.0 standard units at all times

XX—Monitor and report.

The EPA waiver is in effect.

**PA0239330**, Sewage, **Erie Spa, Inc. d/b/a Coventina Day Spa, Inc.**, 10747 Route 19, Waterford, PA 16441. The proposed facility is in Waterford Township, **Erie County**.

Description of Proposed Activity: New NPDES permit to discharge of treated sewage from a small flow treatment facility serving the Coventina Day Spa, Inc. in Waterford Township, Erie County.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing downstream potable water supply considered during the evaluation is the Emlenton Water Company intake on the Allegheny River, approximately 100 miles below point of discharge.

The receiving stream, an unnamed tributary to LeBoeuf Creek, is in watershed 16-A and classified for CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	Monitor and Report		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
NH <sub>3</sub> -N	6		18
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4		3.3
Fecal Coliform		200/100ml as a geometric average	
pH			6.0 to 9.0 standard units at all times

The EPA waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Southeast Region: Water Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WQM Permit No. 0903420**, Sewerage, **Warminster Municipal Authority**, P. O. Box 2279, Warminster, PA 18974. This proposed facility is in Warminster Township, **Bucks County**.

Description of Proposed Action/Activity: Replacement of sewage ejector station no. 11 with new pumping station.

**WQM Permit No. 1503431**, Sewerage, **Penn Township**, 260 Lewis Road, West Grove, PA 19390. This proposed facility is in Pen Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sump station single family homes.

*Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 3603407**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is in East Hempfield Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction for pump station and sewer extension to serve the Village Grande at Millers Run.

**WQM Permit No. PA0247367**, CAFO, **Noah N. Martin, Valley M Pork Farm**, 289 Maxwell Drive, Quarryville, PA 17566-9784. This proposed facility is in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to operate a 508.46 AEU swine operation in Watershed 7-K.

*Northwest Region: Water Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2003431**, Sewerage, **Andy L. Ernst**, 16803 Perry Drive, Meadville, PA 16335. This proposed facility is in Union Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 6203419**, Sewerage, **Harold L. and Linda M. Hice**, R. R. 1, Box 1456, Russell, PA 16345. This proposed facility is in Pine Grove Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 4303419**, Sewerage, **Sandra J. Van Dusen**, 2084 Perry Highway, Clarks Mills, PA 16114. This proposed facility is in Fairview Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

#### IV. NPDES Applications for Stormwater Discharges from MS4

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI132221	South Whitehall Township 4444 Walbert Ave. Allentown, PA 18104	Lehigh	South Whitehall Township	Hassen Creek HQ-CWF, MF UNT to Jordan Creek HQ-CWF, MF Jordan Creek TSF, MF Little Cedar Creek HQ-CWF Cedar Creek HQ-CWF	Y
PAI132234	Upper Nazareth Township 100 Newport Rd. Nazareth, PA 18064	Northampton	Upper Nazareth Township	Bushkill Creek HQ-CWF Monocacy Creek HQ-CWF Shoeneck Creek WWF	Y
PAI132215	Bath Borough 215 E. Main St. Bath, PA 18014	Northampton	Bath Borough	Monocacy Creek HQ-CWF	Y
PAI132202	Moore Township 2491 Community Dr. Bath, PA 18014	Northampton	Moore Township	E. Branch Monocacy Creek HQ-CWF Monocacy Creek HQ-CWF Bushkill Creek (Main Stem) HQ-CWF Hokendauqua Creek CWF	Y

#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

The following municipalities have submitted information requested by the Department to assist it in determining the need for MS4 permits in potential urbanized areas under 25 Pa. Code § 92.2 and 40 CFR 123.35(b). \* Indicates whether the Department has tentatively designated the municipality's MS4 as a regulated MS4, requiring an NPDES Phase II permit. Comments are sought on this tentative determination.

<i>Regulated MS4 (Y/N)*</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
Y	Borough of Elizabethtown 400 S. Hanover St. Elizabethtown, PA 17022	Lancaster	Elizabethtown Borough	Conoy Creek TSF Tributary to Conoy Creek TSF
Y	Borough of Chambersburg 100 S. Second St. Chambersburg, PA 17201	Franklin	Chambersburg Borough	Tributary to Conococheague Creek CWF Falling Spring Basin TSF

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**VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**


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*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503109	Malvern Courts, Inc. Buettner Subdivision 94 Bacton Hill Road Frazer, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI011503110	PECO Energy Company Eagle Substation 400 Park Avenue Warminster, PA 18974	Chester	Upper Uwchlan Township	Pickering Creek HQ-TSF
PAI0115003111	Owen J. Roberts School District Vincent Elementary School Administration Building 901 Ridge Road Pottstown, PA 19464	Chester	East Vincent Township	French Creek HQ-TSF-MF
PAI012303007	B & B Corporation New Office Building 20 East Baltimore Pike Media, PA 19063	Delaware	Middletown Township	Spring Run and Ridley Creek HQ
PAI012303008	Rose Tree Soccer Club Springton Lake Middle School—New Soccer Fields 24 West Street Media, PA 19063	Delaware	Upper Providence Township	Unnamed tributary Ridley Creek HQ-TSF
PAI012303009	Gray Creighton Creighton Property 475 Highland Avenue Media, PA 19063	Delaware	Upper Providence Township	Ridley Creek HQ-TSF

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503020	Meadow Run Builders R. R. 5, Box 5138A Stroudsburg, PA 18360	Monroe	Smithfield Township	Marshalls Creek HQ-CWF

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803039	Leo DeLong Cherry Lane Commercial Center, LLC 559 Main Street, Suite 300 Bethlehem, PA 18018	Northampton	City of Bethlehem	Saucon Creek (Black River to SR 412 Bridge) HQ-CWF
PAS10U185-1	Joseph Posh The Easton Center, LLC 2216 Willow Park Rd. Bethlehem, PA 18020	Northampton	Palmer Township Wilson Borough	Bushkill Creek HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033103003	Calvary Independent Baptist Church 300 Standing Stone Ave. Huntingdon, PA 16652	Huntingdon	Huntingdon Borough	Standing Stone Creek HQ-CWF

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**VII. List of NOIs for NPDES and/or Other General Permit Types**


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PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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**MS4 Notices of Intent Received**


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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132263	Borough of Pen Argyl 11 North Robinson Ave. P. O. Box 128 Pen Argyl, PA 18072	Northampton	Pen Argyl Borough	Waltz Creek CWF, MF	Y

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### **PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### **SAFE DRINKING WATER**

#### **Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17)**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 4803503**, Public Water Supply.

Applicant	<b>Northampton Borough Municipal Authority</b>
Township or Borough	Whitehall and N. Whitehall Townships, <b>Lehigh County</b>

Responsible Official	Gerald J. Deily, Manager Northampton Borough Municipal Authority 1 Clear Springs Drive P. O. Box 156 Northampton, PA 18067-0156 (610) 262-6711
Type of Facility	Community Water System
Consulting Engineer	Gene C. Koontz, P. E. Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17011 (717) 763-7211
Application Received Date	December 1, 2003
Description of Action	Construction of an 8 MGD water treatment plant for the Northampton Borough Authority and improvements to the existing raw water pumping stations. Construction of a wastewater pumping station to convey process waste to an existing force main and ultimately to the wastewater treatment plant. Construction of a pump station for conveyance of sanitary sewage from the new water treatment plant to the wastewater treatment plant.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0403503**, Public Water Supply.

Applicant	<b>New Sewickley Township Municipal Authority</b> 233 Miller Road Rochester, PA 15074
Township or Borough	New Sewickley Township
Responsible Official	Eugene Spagnoli, Authority Chairperson New Sewickley Township Municipal Authority 233 Miller Road Rochester, PA 15074
Type of Facility	Water treatment plant

Consulting Engineer Michael Baker Jr., Inc.  
4301 Dutch Ridge Road  
P. O. Box 280  
Beaver, PA 15009

Application Received December 3, 2003  
Date

Description of Action Water pump station, water storage  
tank and associated waterlines.

#### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) regarding the acquisition of rights to divert waters of this Commonwealth

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WA 33-1002**, Water Allocations, **Falls Creek Borough**, 117 Taylor Avenue, P. O. Box 418, Falls Creek, PA 15840, Falls Creek Borough, **Jefferson County**. Application for the withdrawal of 122,000 gpd from Falls Creek Reservoir and Kyle Lake.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

##### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of 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 the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of

the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office after 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. 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:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Sunoco Inc., Walters Farm**, West Cocalico Township, **Lancaster County**. Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381, on behalf of Sunoco, Inc., P. O. Box 1135, Marcus Hook, PA 19061, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with unleaded gasoline. 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 *Ephrata Review* on November 19, 2003.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit Application No. 101471. Clifford Hill Sanitation Company**, 780 Noble Street, Kutztown, PA 19530, Maxatawny Township, **Berks County**. The application is for the permit renewal of the municipal waste transfer facility. The application was determined to be administratively complete by the Southcentral Regional Office on December 18, 2003.

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

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**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05002B: Lehigh Cement Co.** (P. O. Box 619, Blandon, PA 19510) for modification of their Portland cement manufacturing facility from a long dry kiln to a single stage preheater and long kiln controlled by various devices in Maiden creek Township, **Berks County**. The modification will involve the increase in the maximum annual production of the facility, but limits will be included to limit the emissions to less than the PSD thresholds. The facility is a major source subject to Title V and 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing.

**67-05092D: Starbucks Coffee Co.** (3000 Espresso Way, York, PA 17402) for construction of a batch coffee roaster and associated cooling tray controlled by a catalytic oxidizer and cyclone, respectively, at their York Roasting Plant in East Manchester Township, **York County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**63-00014F: Orion Power Midwest, LP** (2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275) for installation of noncatalytic reduction (SNCR) system at their Elrama Station in Union Township, **Washington County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Thomas Barsley, Chief, (215) 685-9428.*

**AMS 03091: Naval Surface Warfare Center—Caderock Division—Ship Systems Engineering Station** (5001 South Broad Street, Philadelphia, PA 19112) for installation of a marine gas turbine test cell in Building 824, Philadelphia Naval Business Center, 4850 South 15th Street, Philadelphia, PA to replace existing TF-40B gas turbine in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. The test cell will operate with a fuel cap of 166,434 gallons of distillate fuel oil. Allowable emissions from the project will be 8.35 tons per year of NOx, 4.41 tons per year of CO and 2.26 tons per year of SO<sub>2</sub>. NOx emissions increases from this project were offset as part of the P-104 plan approval. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 03163: Sunoco, Inc.—R and M** (3144 Passyunk Avenue, Philadelphia, PA 19145) for reactivation of idle portions of the 869 Alkylation Plant to convert light olefin feed to gasoline that has relatively low vapor pressure and high-octane value in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. This plan approval authorizes 0.95 ton increase in NOx emission due to some minor modifications to the plant. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark J. Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-320-022: Offset Paperback Manufacturers, Inc.** (P. O. Box N, 101 Memorial Highway, Dallas, PA 18612) for construction of a lithographic, sheet-fed printing press at their facility in Dallas Borough, **Luzerne County**. The facility is a Title V facility. The construction of the printing press results in a potential VOC emission increase of 6.21 tons per year. The construction will not increase the facility-wide emission limit for VOCs. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements and will be incorporated into the Title V Operating Permit through an Administrative Amendment in accordance with 25 Pa. Code § 127.450.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**05-05023B: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for modification of the operation of their existing no. 2 oil/recycled oil fired batch mix asphalt plant in Snake Spring Township, **Bedford County**. This approval will increase the sulfur content of the waste oil to 0.70% by weight. The facility will limit asphalt production to less than 500,000 tpy and limit the potential CO emissions to less than 100 tpy. All other emissions will be below significant levels. The approval will contain production limits, monitoring, work practice, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**06-03102A: City of Reading** (815 Washington Street, Reading, PA 19601) for modification of their wastewater treatment plant controlled by three wetted packed bed scrubbers and an enclosed ground flare at their facility in the City of Reading, **Berks County**. The approval will include limits, monitoring, recordkeeping, work practices and report requirements designed to keep the source operating within all applicable air quality requirements.

**36-03135B: Shared Mail Acquisitions, LLC** (72 Industrial Circle, Lancaster, PA 17540) for construction of a new heatset press at their KAR Printing—East Division facility in Upper Leacock Township, **Lancaster County**. This printing facility is a non-Title V (State-only) facility. This new press will result in an additional emission of 1.46 tpy of VOCs. The existing thermal oxidizer will control the VOC emissions. Conditions for monitoring, recordkeeping and operating are included to keep the facility operating within the applicable requirements.

#### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**10-00023: Mercer Lime and Stone Co.—Branchton Plant** (560 Branchton Road, Slippery Rock, PA 16057) for a Title V Operating Permit reissuance to operate a lime manufacturing facility in Slippery Rock Township, **Butler County**.

#### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**46-00165: Murlin Chemical, Inc.** (Balligomingo Road, West Conshohocken, PA 19428) for operation of a Calciner and dryer at their chemical plant in West Conshohocken Borough, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the hospital operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**67-03083: Utz Quality Foods, Inc.** (900 High Street, Hanover, PA 17331) for operation of their snack food manufacturing facility in Hanover Borough, **York County**. The facility has the following annual potential emissions: 41 tons NO<sub>x</sub>, 9 tons CO, 3 tons PM<sub>10</sub> and 2 tons VOC. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

#### **COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the 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 (Department). A copy of the application is available for inspection at the District Mining Office indicated before an 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 certification.

Written comments, 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.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the

respective coal and noncoal applications. In addition to the previous, 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 Chapters 93 and 95). Persons or agencies who have requested review of the NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30 day period to review and submit comments on those requirements.

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#### *Coal Applications Received*

**Effluent Limits**—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

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

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**22030201. Meadowbrook Coal Co., Inc.** (Box 477, Lykens, PA 17048), commencement, operation and restoration of a coal refuse reprocessing operation in Wiconisco Township, **Dauphin County**, affecting 84.0 acres. Receiving stream: Wiconisco Creek. Application received December 10, 2003.

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

**30861601. NPDES Permit No. PA0214256, Cobra Mining, LLC** (P.O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327), to renew the permit and related NPDES permit and transfer the permit for the Dunkard Preparation Plant in Monongahela Township, **Greene County**, from Dunkard Mining Company. No additional discharges. Application received September 8, 2003.

**56911602. NPDES Permit No. PA021440, Berwind Coal Sales Company** (509 15th Street, Windber, PA 15963), to renew the permit for the Huskin Run Tipple in Shade Township, **Somerset County** and related NPDES Permit. No additional discharges. Application received November 10, 2003.

**32031301. NPDES Permit NA, Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701), to operate the Lowry Deep Mine in White Township, **Indiana County** and for discharge of treated mine drainage. Surface Acres Proposed 16.9, Underground Acres Proposed 615.6, SCP Acres Proposed 299.0. Receiving Streams: Yellow Creek (CWF) and Two Lick Creek (CWF). The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority and Yellow Creek. Application received November 14, 2003.

Written comments or objections should contain the name, address and telephone number of the person 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 wishes to have the conference conducted in the locality of the proposed mining activities.

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**63831302. NPDES Permit No. PA0213608, Eighty Four Mining Company** (172 Route 519, P. O. Box 355, Eighty Four, PA 15330), for a Pennsylvania Water Obstruction and Encroachment Permit for Mine 84 in Somerset Township, **Washington County**, to conduct restoration activities within 100 feet of an unnamed tributary to Chartiers Creek. No additional discharges. Application received December 2, 2003.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**24980101 and NPDES Permit No. PA0227706. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip and auger operation in Fox Township, **Elk County**, affecting 457 acres. Receiving streams: McCauley Run, unnamed tributary to McCauley Run, Hayes Run, unnamed tributary to Little Toby Creek and Little Toby Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received December 12, 2003.

**10890114 and NPDES Permit No. PA0207608. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Bruin Borough and Parker Township, **Butler County**, affecting 100.6 acres. Receiving streams: unnamed tributary to South Branch Bear Creek (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received December 12, 2003.

**43850105 and NPDES Permit No. PA0108758. Grove City Materials, L. P.** (R. D. 6, Box 344, New Castle, PA 16101). Transfer of an existing bituminous surface strip operation from C & K Coal Company in Pine and Mercer Townships, **Mercer and Butler Counties**, affecting 96.0 acres. Receiving streams: two unnamed tributaries.



ies to Swamp Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received December 11, 2003.

**24880103 and NPDES Permit No. PA0104779. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip operation in Horton Township, **Elk County**, affecting 541 acres. Receiving streams: unnamed tributary to Mead Run, unnamed tributaries to West Branch Walburn Run, unnamed tributary to Vineyard Run, unnamed tributaries to Laurel Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received December 12, 2003.

**33820149 and NPDES Permit No. PA0605557. Rosio Coal Co.** (243 East Logan Avenue, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Washington Township, **Jefferson County**, affecting 54.0 acres. Receiving streams: one unnamed tributary of Mill Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received December 17, 2003.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32980114 and NPDES Permit No. PA0234923. Simpson Coal Company** (R. D. 1, Box 244, New Alexandria, PA 15670), permit renewal for continued operation of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 67.5 acres. Receiving streams: Blacklegs Creek and an unnamed tributary to Blacklegs Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 3, 2003.

**32980201. Ridge Energy Company** (265 Swamp Road, Clymer, PA 15728), permit renewal for reclamation only and for continued restoration of a bituminous coal refuse reprocessing surface mine in Pine Township, **Indiana County**, affecting 16.0 acres. Receiving streams: Yellow Creek (CWF). The first downstream potable water supply intake from the point of discharge is Indiana County Water Authority Yellow Creek intake. Application received December 4, 2003.

**32970104 and NPDES Permit No. PA0234401. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728), permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 87.2 acres. Receiving streams: unnamed tributaries of Little Mahoning Creek to Little Mahoning Creek (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 10, 2003.

**32930105 and NPDES Permit No. PA0212652. P & N Coal Company, Inc.** (P. O. Box 332, Punxsu-

tawney, PA 15767), permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 86.7 acres. Receiving streams: unnamed tributaries to Cush Creek and unnamed tributary to South Branch Bear Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 1, 2003.

**11930104 and NPDES Permit No. PA0212601. E. P. Bender Coal Company, Inc.** (P. O. Box 594, Carrolltown, PA 15722), permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine commencement, operation and restoration of a bituminous surface mine in White Township, **Cambria County**, affecting 58.0 acres. Receiving streams: Dutch Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 10, 2003.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**26020104 and NPDES Permit No. PA0250201. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision for land use change to an existing bituminous surface mine, in Springfield Township, **Fayette County**, affecting 43.4 acres. Receiving streams: unnamed tributaries to Poplar Run (CWF). The first potable water supply intake within 10 miles downstream from the point of discharge is Indian Creek Valley Water Authority. Revision application received December 11, 2003.

**03890116 and NPDES Permit No. PA0200603. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Renewal application for reclamation only of an existing bituminous surface mine, in Perry Township, **Armstrong County**, affecting 174.5 acres. Receiving streams: unnamed tributaries to the Allegheny River (CWF). The first potable water supply intake within 10 miles downstream from the point of discharge is Pennsylvania American Water Company. Renewal application received December 15, 2003.

#### *Coal Applications Returned*

*Moshannon District Mining Office: 186 Enterprise Drive, Phillipsburg, PA 16866 (814) 342-8200.*

**17020104 and NPDES Permit No. PA0243230. TDK Coal Sales, Inc.,** P. O. Box 259, Brockway, PA 15824. Commencement, operation and restoration of a bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 86.7 acres. Receiving streams: Stump Creek (CWF). Application received May 9, 2002. Permit application returned: November 6, 2003.

#### *Noncoal Applications Received*

*Effluent Limits*—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**10930310. Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137). Renewal of NPDES Permit No. PA0211826, Worth Township, **Butler County**. Receiving streams: Slippery Rock Creek and unnamed tributaries to Slippery Rock Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received December 15, 2003.

**37840409. Cemex, Inc.** (1200 Smith Street, Suite 2400, Houston, TX 77002). Renewal of NPDES Permit No. PA0108596, Shenango Township, **Lawrence County**. Receiving streams: McKee Run, Beaver River, Big Run and Shenango River; and unnamed tributaries to McKee Run, Beaver River and Big Run (WWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received December 15, 2003.

**3175SM11. 37840409. Cemex, Inc.** (1200 Smith Street, Suite 2400, Houston, TX 77002). Renewal of NPDES Permit No. PA0121631, Shenango Township, **Lawrence County**. Receiving streams: McKee Run and Beaver River (WWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received December 15, 2003.

#### ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. DMF 010-101.1, Porter Township, Schuylkill County, 2.6 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on February 2, 2004, to be considered. Telephone inquiries should be directed to Dan Henry, Division of Mine Hazards, (717) 783-7752.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend a 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 FWPCA (33 U.S.C.A. § 1341(a)).**

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E46-951. Congregation Beth OR**, 700 Penllyn Blue Bell Pike, Spring House, PA 19477, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachments activities associated with the Congregation Beth OR Synagogue Facility in and along an unnamed tributary to the Park Creek (WWF-MF) and adjacent wetlands.

1. To extend and maintain an existing 24-inch RCP outfall structure by placing 26 linear feet of 24-inch RCP pipe to manhole 4; 28 linear feet of 30-inch RCP to endwall 4 and associated R-5 riprap which will impact 85 linear feet of stream channel. This work is associated with the widening of Butler Pike.

2. To relocate 580 linear feet of unnamed tributary of Park Creek stream channel starting at endwall 4 (noted previously) and terminating at the proposed modified reservoir.

3. To construct and maintain 119 linear feet of stream enclosure along the relocated channel reach as noted in item 2. The enclosure consists of 19 linear feet of 30-inch RCP, 27 linear feet of 36-inch RCP, 66 linear feet of 48-inch RCP associated fill, manholes, endwalls, riprap protection and stormwater outfall structures. Associated with this activity, there is an 8-inch water line proposed to accommodate a new access road from Butler Pike.

4. To install and maintain a 1 1/2" sanitary sewer force main across a portion of the relocated channel noted in item 2.

5. To fill the abandoned stream channel and 0.11 acre of adjacent wetlands.

6. To modify a reservoir impounded by a nonjurisdictional dam to facilitate the widening of the

Welsh Road and Butler Pike intersection. Reservoir modification will include shifting the reservoir to the east, dredging to remove accumulated sediment and the construction of a forbay and footbridge. Work also includes regrading of the shoreline slopes of the reservoir to establish a wetland replacement area.

The application includes a request for an Environmental Assessment approval for impacts associated with the removal and reconstruction of an on-stream nonjurisdictional dam and appurtenant outlet works which will extend under Welsh Road. The site is approximately 400 feet northwest of the intersection of Butler Pike and Welsh Road (Ambler, PA USGS Quadrangle N: 10.70 inches; W: 9.10 inches).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E64-246. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 in Lake Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 18-foot long, 9-foot 7-inch by 4-foot 1-inch aluminum box culvert across a tributary to Silkman's Swamp Run (HQ-CWF) for the purpose of conducting timber harvesting operations. The project is in State Game Lands No. 310, approximately 2,400 feet southwest of the intersection of SR 3032 and T-372 (Lake Ariel, PA Quadrangle N: 11.55 inches; W: 5.95 inches).

**E66-133. Joseph C. Peters**, House No. 801, Lake Winola, PA 18625 in Overfield Township, **Wyoming County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing pile-supported, private recreational dock in Lake Winola. The proposed work consists of increasing the length of the dock from 30 feet to 60 feet and enlarging the surface area by 222 S.F. to a total surface area of approximately 526 S.F. The project is on the southern side of Lake Winola, approximately 0.4 mile east of the intersection of SR 0307 and SR 2004 (Factoryville, PA Quadrangle N: 1.6 inches; W: 13.9 inches).

**E40-628. Shickshinny Borough**, 35 West Union Street, Shickshinny, PA 18655 in Shickshinny Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing stream enclosure of a tributary to the Susquehanna River (CWF) with work consisting of replacing a failing section with approximately 400 linear feet of 48-inch SLPP culvert. The stream enclosure will be relocated to follow existing roadways rather than run through private properties. The project is at the intersection of Main Street (SR 0011) and Butler Street (SR 4004) (Shickshinny, PA Quadrangle N: 4.7 inches; W: 3.7 inches).

**E64-245. Roche Supply Inc.**, P. O. Box 30, Honesdale, PA 18431 in Texas Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To place fill in 0.3 acre of wetlands for the purpose of expanding the outdoor storage area of an existing business. A portion of the proposed fill (approximately 150 LF, to a depth of 0.5 foot) will be within the floodway along the right bank of a tributary to the Lackawaxen River (HQ-CWF). The applicant proposes to participate in the Pennsylvania Wetland Replacement Project instead of replacing wetlands onsite. The project is along the east side of SR 0191, approximately 0.1 mile south of T-484 (Shady Lane) (Honesdale, PA Quadrangle N: 8.5 inches; W: 0.0 inch).

**E39-427. Tiger Den Partners, LLC**, 171 Route 173, Suite 201, Asbury, NJ 08802 in City of Bethlehem, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an outfall structure in the floodway of a tributary to Monacacy Creek (HQ-CWF), consisting of a 36-inch diameter concrete pipe, concrete endwall and a 75-foot long outfall channel lined with concrete pavers. The project is immediately northwest of the intersection of SR 0378 and SR 8024 (Catasauqua, PA Quadrangle N: 0.8 inch; W: 3.3 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E28-314. Texas Eastern Transmission LP**, 5400 Westheimer Court, Houston, TX 77056 in Ayr Township, **Fulton County** and Peters Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 36-inch natural gas transmission line under Buck Run and two unnamed tributaries to Buck Run (HQ-CWF-MF), an unnamed tributary to West Branch of the Conococheague Creek (TSF-MF), several ephemeral drains and six wetlands. The project begins in Fulton County and ends in Peters Township, Franklin County (McConnellsburg, PA Quadrangle N: 7.0 inches; W: 11.5 inches).

**E50-219. Toboyne Township Board of Supervisors**, R. D. 1, Box 168, Blain, PA 17006 in Toboyne Township, **Perry County**, ACOE Baltimore District.

To repair and maintain the existing Toboyne Township Bridge No. TBT-3 across an unnamed tributary to Sherman Creek (HQ-CWF), locally known as Shaeffer Run, by underpinning the abutments and placing reinforcing concrete aprons along the existing abutments, on Back Hollow Road (T-300) (Blain, PA Quadrangle N: 3.48 inches; W: 6.90 inches) in Toboyne Township, Perry County.

**E67-755. Allan M. Craig, IV**, 990 Brockie Lane, York, PA 17403 in York Township, **York County**, ACOE Baltimore District.

To construct and maintain a 64-inch by 43-inch corrugated metal arch culvert in Inners Creek (CWF) at a point approximately 100 feet off of Honey Valley Road (York, PA Quadrangle N: 1.8 inches; W: 6.8 inches) in York Township, York County.

**E36-771. East Earl Township**, 4610 Division Highway, East Earl, PA 17519 in East Earl Township, **Lancaster County**, ACOE Baltimore District.

To remove twin 80-inch by 50-inch concrete arch culverts and to construct and maintain a reinforced concrete box culvert having a 15-foot span and 5-foot rise within the channel of a UNT to the Conestoga River at a point approximately 1,000 feet east of the intersection of SR 0625 and Turkey Farm Road (Terre Hill, PA Quadrangle N: 2.4 inches; W: 3.5 inches) in East Earl Township, Lancaster County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E19-239. North Centre Township**, 277B Nursery Road, Berwick, PA 18603. Bridge Replacement in North Centre Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 11.4 inches; W: 9.4 inches).

To: (1) remove the existing single span multisteel I-beam bridge and concrete abutments. The bridge has a

normal span of 18.92 feet, a curb-to-curb width of 13.00 feet, a minimum under clearance of 4.25 feet with a hydraulic opening of 86.69 square feet and is on a 90 degrees skew; (2) construct and maintain a single span precast concrete arch culvert with precast concrete wingwalls. The bridge is on an 86 degrees skew and will have a normal span of 24 feet, a minimum curb-to-curb width of 24 feet, an under clearance of 6.25 feet and a hydraulic opening of 122.8 square feet; (3) construct a temporary stream crossing consisting of three 48-inch diameter by 32 feet long thermoplastic pipes with R-3 rock as fill material and a 6-inch 2RC wearing surface; and (4) construct a temporary dike and 36-inch diameter by 80 feet long thermoplastic pipe to convey stream water through the project area.

The project is in the West Branch of Briar Creek (CWF) at the intersection of SR 93 with T-730. Approximately 0.48 acre of earth will be disturbed by the project. Approximately 312 square feet of emergent wetlands will be permanently impacted and 447 square feet of wetlands will be temporarily impacted by the temporary dike. The project will impact about 75 feet of waterway.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-383, Seneca Valley School District**, 124 Seneca School Road, Harmony, PA 16037. New lacrosse/soccer field in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 9.94 inches; W: 14.88 inches).

To place and maintain approximately 7,500 CY of fill material having dimensions 400 feet long, 220 feet wide and averaging 2.3 feet deep and to fill 0.15 acre of PEM and PSS wetlands all within the floodplain of the Little Connoquenessing Creek (CWF) at a point 3,000 feet east of the intersection Interstate 79 and Seneca School Road on Seneca Valley School District property. The permittee is required to provide 0.20 acre of replacement wetlands.

**E10-385, Mercer Township**, P. O. Box 380, Harrisville, PA 16038. Shields Road (T-840) Bridge Replacement Project in Mercer Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 4.5 inches; W: 5.5 inches).

To remove the existing single lane reinforced concrete bridge having a clear span of 17.67 feet and an instream length of 18 feet and to construct and maintain a two-lane galvanized steel arch culvert having a clear span of 18.08 feet, a rise of 4.75 feet and an instream length of

42 feet at a point along Shields Road 1.75 miles west of the intersection of SR 0008 and within an unnamed tributary to Wolf Creek (CWF).

**E10-391, Butler County**, P. O. Box 1208, Butler, PA 16003-1208. Hays Bridge Replacement Project, Butler County Bridge No. 84 in Connoquenessing Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 18.6 inches; W: 3.3 inches).

To remove the existing steel girder bridge with concrete deck and cut stone abutments having a clear span of 31 feet, a maximum underclearance of 9.5 feet and an instream length of 14 feet; and to construct and maintain a steel girder bridge with concrete deck and abutments having a clear span of 39.5 feet, a maximum underclearance of 8.65 feet and an instream length of 24 feet at a point across Semiconon Run (CWF) along Boy Scout Road approximately 1/2 mile west of the intersection of Boy Scout and Dick Roads.

**E25-617A, Erie Yacht Club**, P. O. Box 648, Erie, PA 16512-0648. Wall repair in the City of Erie, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 22.3 inches; W: 0.8 inch).

To amend Permit E25-617 which authorizes the Erie Yacht Club to make the following improvements to the existing Erie Yacht Club Marina in Presque Isle Bay, Lake Erie at the foot of Ravine Drive, approximately 1 mile east of the base of the Presque Isle Peninsula:

1. To dredge six areas of the existing marina basin removing a total of approximately 25,000 cubic yards of sediment and shale to establish and maintain bed elevations ranging from 560.0 feet USGS to 564.0 feet USGS.

2. To install and maintain a 370-foot long by 6-foot wide pile anchored floating dock along and parallel to the western side of the western marina jetty.

The proposed amendment is to remove the a portion of the existing wall in front of the Erie Yacht Club clubhouse and to construct and maintain an approximately 157-foot long steel sheet piling wall with sheet panels each having a height of 10 feet, a width of 6.83 feet and a thickness of 0.03 foot in Presque Isle Bay, Lake Erie at the foot of Ravine Drive, approximately 1 mile east of the base of the Presque Isle Peninsula. The project includes removal of sediment to an elevation approximately 10 feet below the top of the wall and installation of 18.5-foot long pipe piles embedded approximately 8.5 feet into the shale bottom.

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under General Permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOI for coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### **I. NPDES Renewal Permit Actions**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0058751	Christopher Day and William Leach 105 and 109 Yerkes Road Collegetown, PA 19426	Montgomery County Upper Providence Township	Perkiomen Creek	Y
PA0055158	Roger and Theresa Bahnck 327 Durham Road Ottsville, PA 18942	Bucks County Nockamixon Township	UNT to Haycock Creek	Y

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0060712 Sewage	Grace and Truth Evangelistic Association P. O. Box 64 South Gibson, PA 18842-0064	Susquehanna, Gibson Township	Unnamed tributary to Tunkhannock Creek 4F	Y
PA0029432	Department of Public Welfare 1401 North Seventh Street P. O. Box 2675 Harrisburg, PA 17105-2675	Lackawanna County Newton Township	Falls Creek 4G	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0010201 IW	Steve McBryde Columbia Borough Water Company 220 Locust Street P. O. Box 350 Columbia, PA 17512	Lancaster County Columbia Borough	Susquehanna River 7G	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0210510	Jim Fedor Plaza 14504 West Ridge Road West Springfield, PA 16443	Springfield Township Erie County	Unnamed tributary to Turkey Creek 15	Y
PA0222461	Sheetz, Inc. Store No. 246 5700 Sixth Avenue Altoona, PA 16602-9938	Slippery Rock Township Lawrence County	Unnamed tributary to Big Run 20-A	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**NPDES Permit No. PA0052221**, Industrial Waste, **Exelon Generation Company**, 200 Exelon Way, Kennett Square, PA 19348. This proposed facility is in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the East Branch of Perkiomen Creek-3E Watershed.

**NPDES Permit No. PA0039004**, Sewage, **Upper Gwynedd-Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446-5019. This proposed facility is in Towamencin Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into Towamencin Creek, 3E (Perkiomen Watershed).

**NPDES Permit No. PA0024058**, Sewage, **Kennett Square Borough**, 120 North Broad Street, Kennett Square, PA 19348-2942. This proposed facility is in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the West Branch Red Clay Creek-3I Watershed.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**NPDES Permit No. PA0064262**, Industrial Waste, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. This proposed facility is in Washington Township, **Lehigh County**.

Description of Proposed Action/Activity: To issue a new NPDES Permit.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0247316**, CAFO, **David Rosenberry, Gretna View Farms**, 3709 North Colebrook Road, Manheim, PA 17545. This proposed facility is in Mount Joy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 835 AEU steer and poultry CAFO in Watershed 7G.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0239356**, Sewage, **Robert C. Montgomery**, 1042 Enterprise Road, Grove City, PA 16127. This proposed facility is in Pine Township, **Mercer County**.

Description of Proposed Action/Activity: Unnamed tributary to Swamp Run.

**NPDES Permit No. PA0239313**, Sewage, **John Graham**, 25301 Maple Grove Road, Union City, PA 16438. This proposed facility is in Bloomfield Township, **Crawford County**.

Description of Proposed Action/Activity: Unnamed tributary to Mosey Run.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

**NPDES Permit No. PA0239143**, Industrial Waste, SIC 1389, **Hart Resource Technologies, Inc.**, P. O. Box 232, Creekside, PA 15732. This proposed facility is in Punxsutawney Borough, **Jefferson County**.

Description of Proposed Action/Activity: Discharge of treated gas well production fluids to Mahoning Creek in Watershed 17-D.

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 2803405**, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9424. This proposed facility is in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Replacement of the Pen Mar Pump Station.

**WQM Permit No. 2103407**, Sewerage, **Deann Metro, Turnpike Commission, Plainfield Turnpike Plaza Pump Station**, 700 Eisenhower Boulevard, Middletown, PA 17057. This proposed facility is in West Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Modifications to existing pump station to convey wastewater to West Pennsboro STP. Improvements include a comminutor and flow metering device. Existing wastewater plant will be abandoned.

**WQM Permit No. 2103406**, Sewerage, **Mr. and Mrs. Emanuel Stoltzfus**, 56 Lancaster Avenue, Christiana, PA 17509. This proposed facility is in Upper Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a 800 GPD small flow treatment facility to serve two residences consisting of two septic tanks, sand filter, tablet chlorinator and chlorine contact tank with a discharge to UNT Bore Mill Run.

**WQM Permit No. 0503406**, Sewerage, **Shawn Beeler, Department of Conservation and Natural Re-**

**sources, Bureau of Facility Design and Construction**, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is in Napier Township, **Bedford County**.

Description of Proposed Action/Activity: Additions and alterations that will not increase the hydraulic or organic load design of the treatment plant. The additions and alterations include replacing the comminutor with a fine screen with a conveyor/dewatering screw. The construction of a new sludge holding tank with blowers and lime feed system. Replacement of the chlorine disinfection system. The conversion of the chlorine contact tank to a flow equalization tank with a new parshall flume with ultrasonic flow meter. The construction of an addition to the blower building to house the plant laboratory and office. Blower replacement. Internal repairs to the two existing treatment units including strengthening the internal walls and rehabilitation of the intermittent sand filters.

**WQM Permit No. 2103405**, Sewerage, **Robert and Cheryl Rhodes**, 48 Mountain View Terrace, Newville, PA 17241. This proposed facility is in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow treatment system consisting of a two-

compartment septic tank, sand filter, tablet chlorinator and chlorine contact tank with discharge to a UNT Conodoguinet Creek.

**WQM Permit No. 0503407**, Sewerage, **Andrew and Sonya Roland**, 213 Whitetail Lane, Manns Choice, PA 15550. This proposed facility is in Juniata Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of a 1,500-gallon three-compartment septic tank, a 600 ft.<sup>2</sup> buried sand filter, tablet chlorinator and a 300-gallon chlorine contact tank.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2003421**, Sewerage, **John Graham**, 25301 Maple Grove Road, Union City, PA 16438. This proposed facility is in Bloomfield Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. 4303412**, Sewerage, **Robert C. Montgomery**, 1042 Enterprise Road, Grove City, PA 16127. This proposed facility is in Pine Township, **Mercer County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI138304	Buffalo Township 109 Bear Creek Road Sarver, PA 16055	Butler	Butler Township	Buffalo Creek TSF Little Buffalo Creek HQ-TSF UNT to Little Buffalo Creek HQ-TSF UNT to Bull Creek TSF	Y
PAI138308	City of Sharon 115 West Connelly Blvd. Sharon, PA 16146-1717	Mercer	City of Sharon	Shenango River WWF Pine Run WWF Thornton Run WWF	Y
PAI138307	City of Farrell 500 Roemer Boulevard Farrell, PA 16121-1901	Mercer	City of Farrell	Shenango River WWF Pine Run WWF Bobby Run	Y

## NOTICES

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI138305	Harborcreek Township 5601 Buffalo Road Harborcreek, PA 16421	Erie	Harborcreek Township	Fourmile Creek WWF; MF Sixmile Creek CWF; MF Sevenmile Creek CWF; MF Eightmile Creek CWF; MF Twelvemile Creek HQ-CWF; MF UNT to Lake Erie CWF; MF	Y
PAI138303	Fairview Township 7471 McCray Road Fairview, PA 16415	Erie	Fairview Township	Lake Erie CWF UNT to Lake Erie CWF; MF Elk Creek WWF; MF UNT to Elk Creek CWF; MF Goodban Run CWF; MF Falk Run CWF; MF Little Elk Creek CWF; MF Brandy Run CWF; MF Godfrey Run HQ-CWF; MF Trout Run CWF; MF Walnut Creek CWF; MF UNT to Walnut Creek CWF; MF Bear Run CWF; MF	Y

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**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**


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*Southeast Region: Water Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0I2011502002	Excalibur Homes, Inc. P. O. Box 704 Pottstown, PA 19464	Chester	North Coventry Township	Unnamed tributary Schuylkill River HQ-TSF
PAI011503054	Pulte Homes of PA, LP 1100 Northbrook Drive Suite 200 Trevose, PA 19053	Chester	Upper Uwchlan Township	Unnamed tributary Pickering Creek HQ-TSF
PAI011503094	US Supply Company, Inc. 50 Portland Road West Conshohocken, PA 19428	Chester	East Vincent Township	Schuylkill River HQ-TSF



*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032103006	S & A Homes, Inc. 5709 Linglestown Road Harrisburg, PA 17112	Cumberland	South Middleton Township	Letort Spring Run EV
PAI030603004	Jerome and Sandra Lendacki 19 Deysher Road Fleetwood, PA 19522	Berks	Rockland Township	Bieber Creek EV

*Huntingdon County Conservation District: R. D. 1 - Box 7C - Rt. 26 South, Huntingdon, PA 16652, (814) 627-1626, Ext. 107.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033103002	Stephen Stoltzfus R. D. 2 Box 213 Huntingdon, PA 16652	Huntingdon	Jackson Township	Standing Stone Creek HQ-CWF
PAI033103003	Calvary Independent Baptist Church 300 Standing Stone Avenue Huntingdon, PA 16652	Huntingdon	Huntingdon Borough	Standing Stone Creek HQ-CWF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Beaver County Conservation District: 1000 Third Street, Suite 202, Beaver, PA 15009-2026, (724) 774-7090.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050403001	Dean Stewart NVR Building Products Darlington Plant 189 Little Beaver Rd. Enon Valley, PA 16120	Beaver	Darlington Township	North Fork Little Beaver Creek HQ-CWF

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## **VII. Approvals to Use NPDES and/or Other General Permits**

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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### **List of NPDES and/or Other General Permit Types**

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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
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 (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## NOTICES

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Caln Township Chester County	PAR10G298-R	Janiec Builders 1518 Meadowbrook Lane West Chester, PA 19380	Unnamed tributary Beaver Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Darby and Collingdale Boroughs Delaware County	PAG2002303031	Mark Investments, Inc. 965 John Barry Drive Bryn Mawr, PA 19010	Darby Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Chadds Ford Township Delaware County	PAG2002303071	Osborn Place Associates, Inc. 2 Hunters Lane West Chester, PA 19382	Harvey Run WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Frederick Township Montgomery County	PAG2004603107	John Landmesser 1239 Erin Court Collegeville, PA 19426	Swamp Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAG2004603036	Robert Heidel 32 Dunleavy Circle Schwenksville, PA 19473	Mine Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Salford Township Montgomery County	PAG2004603117	David Chua 220 Stahl Road Harleysville, PA 19438	Unnamed tributary Skiptack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAG2004603172	Hi-Tech Construction Company 1741 Valley Forge Road P. O. Box 121 Worcester, PA 19490	Schuylkill River TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAG2004603049	Ted Anderko 903 South Park Avenue Audubon, PA 19403	Tributary Mine Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Horsham Township Montgomery County	PAG2004603229	USA Commander Naval Region Mid Atlantic 1510 Gilbert Street Norfolk, VA 23511	Park Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Gwynedd Township Montgomery County	PAG2004603178	Lower Gwynedd Township 1130 North Bethlehem Pike Spring House, PA 19477	Hanover Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

NOTICES

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Moreland Township Montgomery County	PAG2004603225	1820 Associates, LLC 1840 County Line Road Huntingdon Valley, PA 19006	Southampton Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Pennsburg Borough Montgomery County	PAG2004603215	Weis Market, Inc. 1000 South 2nd Street Sunbury, PA 17801	Unnamed tributary Green Lane Reservoir TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Towamencin Township Montgomery County	PAG2004603167	Brandywine Realty Trust 7535 Windsor Drive Suite B-202 Allentown, PA 18195	Founanencin Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Luzerne County City of Wilkes-Barre	PAG2004003031	Michael Pasonick 165 N. Wilkes-Barre Blvd. Wilkes-Barre, PA 18702	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Northampton County Hanover Township	PAG2004803041	Michael Davis 5940 Airport Road Allentown, PA 18103	Catasauqua Creek CWF	Northampton County Conservation District (610) 746-1971
Schuylkill County Mahanoy City Borough	PAG2005403019	John Murtin Mahanoy Area High School 1 Golden Bear Dr. Mahanoy City, PA 17948	Mahanoy Creek WWF	Schuylkill County Conservation District (570) 622-3742
Lackawanna County Dickson City Borough	PAG2003503015	George R. Isaacs Merlyn's Ventures LLC Land Development 2 Woodland Dr. Dallas, PA 18612	Lackawanna River WWF	Lackawanna County Conservation District (570) 281-9495
Schuylkill County Hubley Township	PAG2005403023	Hegins-Hubley Authority Demetrius Kasmari 915 W. Maple St. P. O. Box 144 Valley View, PA 17983	Pine Creek/Lower Susquehanna CWF	Schuylkill County Conservation District (570) 622-3742
Straban Township Adams County	PAG2000103024	Cecil D. Sandoe 2760 Old Harrisburg Road Gettysburg, PA 17325	UNT to Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325-3404 (717) 334-0636
East St. Clair Township Bedford County	PAG2000503009	UPMC Bedford Memorial 320 Main Street Johnstown, PA 15901	Tributary to Adams Run WWF	Bedford County Conservation District 702 W. Pitt Street, Suite 3 Bedford, PA 15522 (814) 623-8099, Ext. 4
Maidencreek Township Berks County	PAG2000603097	Shawn Belovich Belovich Group 600 D Noble St. Kutztown, PA 19530	UNT to Willow Creek	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201

## NOTICES

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Perry Township Berks County	PAG2000603087	Nino Giannotti 77 Wellington Dr. Wyomissing, PA 19610	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000603096	Fiorini Grande 628 Columbia Ave. Sinking Spring, PA 19608	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Sadsbury Township Lancaster County	PAG2003603072	Daniel E. Kauffman 160 Route 41, Box 549 Gap, PA 17327	UNT to E. Branch Octoraro Creek TSF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-536134
West Lampeter Township Lancaster County	PAG2003603126	Isaac Lapp 854 Lampeter Rd. Lancaster, PA 17602	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-536134
Ephrata Borough Lancaster County	PAG2003603135	Ephrata AmVets Post No. 136 614 S. State St. Ephrata, PA 17522	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-536134
Caernarvon Township Lancaster County	PAG2003603147	James B. Allen 490 White Bear Rd. Birdsboro, PA 19508	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-536134
Salisbury Township Lancaster County	PAG2003603148	Wilmer F. Stoltzfus 5399 Lincoln Highway Gap, PA 17527	UNT to Houston Run WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-536134
York Township York County	PAG2006703114	Kinsley Construction Spoil Site for I-83 2700 Water St. York, PA 17403	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
Fairview Township York County	PAG2006703110	Gary and Cheryl Rosenstrauch 2208 Dover Rd. Harrisburg, PA 17112	UNT to Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
Dover Borough York County	PAG2006703122	Spring Valley Manor II York Habitat for Humanity 595 W. Market St. York, PA 17403	Fox Run TSF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Windsor Township York County	PAG2006703139	Mountain View Subdivision Elam Stoltzfus Reistville Builders 720 S. Ramona Rd. Myerstown, PA 17067	UNT to Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
York Township York County	PAG2006703090	Stouthern Heights Robert Holweck 118 Teila Dr. Dallastown, PA 17313	UNT to Inners Creek CWF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
York Township York County	PAG2006703121	Arnold Forbes Donald Gunden/D & E Realty P. O. Box 221 Meyerstown, PA 17067	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
Windsor Township Felton Borough York County	PAG2006703080	Grenloe Subdivision Harry Ramage 135 Tyler Run Rd. York, PA 17403	Muddy Creek TSF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
York Township York County	PAR10Y401-1	Equine Meadows Stanley Watroba 1701 W. Market St. York, PA 17404	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
Shrewsbury Borough York County	PAG2006703041	Edwin Howes 925 Whispering Ridge Lane Bel Air, MD 21014	South Branch Codorus Creek	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
Windsor Township York County	PAG2006703111	Low Skeparnias East Prospect Investment Group 1542 E. Market St. York, PA 17403	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road, Suite E York, PA 17402 (717) 840-7430
Tioga County Richmond Township	PAG2005903020	Department of Transportation P. O. Box 218 Montoursville, PA 17754	North Elk Run CWF	Tioga County Conservation District 29 East Avenue Wellsboro, PA 16901 (570) 724-1801
Armstrong County Mahoning Township	PAG2000303007	Mahoning Township R. D. 1 Box 110A New Bethlehem, PA 16242	Redbank Creek TSF Mahoning Creek WWF	Armstrong County Conservation District (724) 548-3425
Beaver County Independence Township	PAG2000403024	Frank Kempf Turnpike Commission Central Office P. O. Box 67676 Harrisburg, PA 17106-7676	Reardon Run WWF	Beaver County Conservation District (724) 774-7090
Washington County City of Monongahela	PAG2006303038	City of Monongahela 449 W. Main St. Monongahela, PA 15063	Pigeon Creek WWF Dry Run Creek WWF Monongahela River WWF	Washington County Conservation District (724) 228-6774

## NOTICES

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Clarion County Monroe Township	PAG2061603005	Monroe Township 17956 Route 68 Sligo, PA 16255-4442	Tributary to Brush Run CWF	Clarion County Conservation District (814) 226-4070
Erie County Summit Township	PAG2002503056	Richard Cramer 8400 Pagan Rd. Erie, PA 16509	Tributary to Elk Creek CWF	Erie County Conservation District (814) 825-6403
Erie County	PAG2002503057	Gordon Food Service Inc. 420 50th St. SW Grand Rapids, MI 49548	Tributary to Walnut Creek CWF, MF	Erie County Conservation District (814) 825-6403
Erie County Greene Township	PAG2002503058	John Lutz 8439 Wattsburg Rd. Erie, PA 16509	Tributary to 4-mile Creek WWF	Erie County Conservation District (814) 825-6403
McKean County Bradford Township	PAG2064203004	City of Bradford Bradford Office of Economic and Community Development 20 Russell Blvd. P. O. Box 490 Bradford, PA 16701	Bennett Brook CWF	McKean County Conservation District (814) 368-2585
Mercer County City of Hermitage	PAG2004303009	Daniel Leali Leali Brothers Excavating Inc. 2850 Industrial Rd. Hermitage, PA 16148	Shenango River WWF	Mercer County Conservation District (724) 662-2242

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Pine Grove Township Warren County	PAG048497	Gail R. Wright R. R. 1, Box 1438 Russell, PA 16345	Unnamed tributary of Akeley Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fox Township Elk County	PAG048527	Jeffrey J. Wickett 341 Coal Hollow Road Kersey, PA 15846	Unnamed tributary to Little Toby Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048573	Jeffrey S. Kania 680 Hatch Run Road Warren, PA 16365	Unnamed tributary to Hatch Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Freehold Township Warren County	PAG048537	Howard P. Jones R. R. 1, Box 19 Bear Lake, PA 16402-9602	Unnamed tributary to Little Brokenstraw	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048511	Thomas F. and Katie J. Spetz 303 Egypt Road Warren, PA 16365	Unnamed tributary to Hatch Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Cornplanter Township Venango County	PAG058328	Pennzoil/Quaker State Co. Plant No. 2 260 Elm Street P. O. Box 99 Oil City, PA 16301	Oil Creek Watershed 16-E	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Rouseville Borough Cornplanter Township	PAG058357	Shell Oil Products US Pennzoil/Quaker State Co. P. O. Box 99 Oil City, PA 16301	Oil Creek/Cherry Run Watershed 16-E	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG058356	Estate of Leonard Hatzo Hatzo Citgo Station 16869 SR 198 Saegertown, PA 16433	Unnamed tributary to Cussewago Creek Watershed 16-D	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North East Borough Erie County	PAG058317	North East Service Plaza Travel Centers of America 2300 Barrington Road Suite 500 Hoffman Estates, IL 60195	Unnamed tributary to 20 Mile Creek Watershed 15	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-12*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lebanon County South Londonderry Township	PAG123551	Willie L. Weiler Weiler Farm Partnership Weiler Farm 2 350 East Mill Avenue Myerstown, PA 17067	Little Conewago Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Jackson Township	PAG123550	Willie L. Weiler Weiler Farm Partnership Weiler Farm 1 350 East Mill Avenue Myerstown, PA 17067	Tulpehocken Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

*Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Operations Permit** issued to **Superior Water Company**, 2960 Skippack Pike, Worcester, PA 19490, PWS ID 1150547, North Coventry Township, **Chester County** on December 6, 2003, for the operation of facilities approved under Construction Permit No. 1501505.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Operations Permit** issued to **Borough of Sharpsburg**, 1611 Main Street, Pittsburgh, PA 15215, PWS ID 5020052, Sharpsburg Borough, **Allegheny County** on December 15, 2003, for the designation of water quality parameter performance requirements.

**Permit No. 5696506-A1, Minor Amendment.** Public Water Supply.

Applicant	<b>Addison Area Water Authority</b> P. O. Box 13 Addison, PA 15411
Borough or Township	Addison Borough
County	<b>Somerset</b>
Type of Facility	Water system
Consulting Engineer	DW Lasota Engineering, Inc. 515 Palmer Avenue Patton, PA 16668
Permit to Construct Issued	December 17, 2003

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Eastern Snyder County Regional Authority	P. O. Box 330 Selinsgrove, PA 17870	Snyder

Plan Description: The approved plan for Selinsgrove and Shamokin Dam Boroughs and Monroe and Penn Townships and their Regional Authority calls for a major upgrade of the existing regional wastewater treatment facility; \$9.3 million worth of work to upgrade aging components of the treatment facility will be done. In addition, the existing treatment process will be converted to a vertical loop reactor process to enable the facility to reduce nitrogen in its effluent to around 4 mg/l, thus helping meet the Commonwealth's goal of reducing nutrient contributions to the Chesapeake Bay. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Gregg Township	P. O. Box 215 Allenwood, PA 17810	Union

Plan Description: The approved plan provides for construction of a new sewage collection system to serve four EDUs. The collection system will include grinder pumps and 1,150 linear feet of force main. The new collection system will serve the Devitt Camp Road area of Gregg Township. The sewage from this new collection system will be conveyed to and treated at the Gregg Township Municipal Authority sewage treatment plant. The project cost is estimated to be \$88,000 and is to be funded by the Gregg Township Municipal Authority. 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**

**Prompt Interim Response**

**Apple Road Site, Bear Creek Area Chemical Site, Concord, Fairview and Parker Townships, Butler County and Perry Township, Armstrong County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the Apple Road Site, one of the disposal areas that make up the Bear Creek Area Chemical Site. The Bear Creek Area Chemical Site includes, among other things, at least 24 areas where the Department knows or has evidence to suggest that industrial wastes were historically disposed and the surface water, groundwater, soils and sediments that have been contaminated from hazardous substances and contaminants that have migrated from the disposal areas. The individual disposal areas are in Concord, Fairview and Parker Townships, Butler County and Perry Township, Armstrong County. In the site area, the Department is providing approximately 900 homes and businesses with bottled water until a permanent water system is constructed as part of the Groundwater Operable Unit for the Bear Creek Area Chemical Site. A more detailed description of the location for each of the 24 individual disposal areas is in the administrative record compiled for this response. This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Apple Road Site is in a sparsely populated residential area with undeveloped woodlands that has been subject to surface and deep mining for coal. Active and inactive oil and gas wells are common in the area. The disposal area consists of two separate deposits within an abandoned Upper Freeport Coal seam strip mine (referred to as the "Eastern Deposit Area" and "Western Deposit Area," respectively). The deposits have a combined surface area of approximately 1.0 acre in size. The depth of the waste in the deposits ranges to 19 feet. Any potential surface water runoff and transport off the disposal area would drain into unnamed tributaries of the South Branch of Bear Creek.

The following hazardous substances have been found in waste and environmental media at one or more of the disposal areas and are likely to be present at the Apple Road Site: resorcinol, xylene, benzene, acetone, phenols,



formaldehyde, chloromethane, bromomethane, methyl ethyl ketone, carbon disulfide, trichloroethane, ethyl benzene, nickel, lead, chromium, copper, aluminum sulfate and arsenic.

Additionally, the following contaminants have been detected in waste and environmental media at most of the disposal areas, including the Apple Road Site: metabenzene disulfonic acid, benzene sulfonic acid, parphenol sulfonic acid, sulfonate, total petroleum hydrocarbons and calcium petronate/KSS. Resorcinol and certain contaminants have been detected in the groundwater, surface water and springs at the site.

To date, no peer-reviewed, health or environmental agency-approved health-based advisory levels or maximum contaminant levels exist for resorcinol and the previously mentioned site-related contaminants for water or soils. The 5 parts per billion threshold medium specific concentration for resorcinol contained in 25 Pa. Code Chapter 250, Appendix A, Table 6 is a default value and was not derived from actual toxicological data used in the development of Statewide Health Standards under the Land Recycling Act. Accordingly, the risks associated with the presence of these compounds in drinking water, wastes and contaminated soils are not known. Further, the Department can not conclude that the presence of these substances does not threaten human health and the environment. As a result, the Department has decided that a response action is appropriate to protect public health and safety. For this prompt interim response, the Department considered three alternatives for the site.

#### *Alternative 1—No Action*

This alternative would involve no further action to be eliminated or reduce threats posed by the site.

#### *Alternative 2—Multilayer Capping*

- Placement of low permeability cap consisting of primary liner, geomembrane layer and 2-foot soil cover consisting of grading layer and topsoil layer.

- Vegetation of soil cover.
- Construction of perimeter stormwater channels.
- Mine spoil embankment stability improvements to minimize erosion and prevent slope failure.

#### *Alternative 3—Removal of Wastes*

- Excavation of contaminated wastes and soils.
- Solidification of liquid wastes.
- Offsite disposal in an approved facility.
- Regrading and revegetation of excavated areas.

Each alternative was evaluated with respect to four comparison criteria (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses applicable or relevant and appropriate requirements; (3) the extent to which each alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis, the Department chose to implement Alternative 2—Multilayer Capping of wastes present on the Apple Road Site. With the anticipated provision of safe drinking water to the public in the area of the Apple Road Site (as well as all over the Bear Creek Area Chemical Site), the release of contaminants to

the groundwater is less of a concern from the human health perspective (that is, exposure through drinking groundwater), eliminating the need to remove waste from that perspective. The only other significant routes of potential exposure to Apple Road waste constituents are via direct contact, surface water run-off into streams and the groundwater to surface water pathway. The capping alternative will effectively eliminate the direct contact and surface water run-off routes. The cost of Alternative 2 is estimated at \$452,4534. The Department is in the process of evaluating (for the site as a whole) what, if any, levels of site contaminants of concern would be acceptable in surface water (that is, from the groundwater to surface water perspective). Once those levels are determined, potential surface water migration pathways at the Apple Road Site (and at other disposal areas) will be evaluated. If those surface water discharge concentrations exceed those that would be protective of ecological receptors in the streams, then they would be mitigated using the best available remedial technologies. This alternative was selected because it protects, in the most cost-effective manner, the public and ecological receptors from direct contact with wastes or surface water runoff contaminated with site-related hazardous substances.

This notice is being provided under section 506(b) of the HSCA (35 P. S. § 6020.506(b)). The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment is at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, Monday through Friday from 8 a.m. to 4 p.m. Telephone the Northwest Regional Office for an appointment, (814) 332-6648.

The administrative record will be open for comment from January 3, 2004, until April 5, 2004. Persons may submit written comments into the record during this time only by sending them to Chuck Tordella, Project Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 or by delivering them to the office in person. In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing and informational meeting on Tuesday, February 10, 2004, from 1 p.m. to 5 p.m. at the Petrolia Fire Department Social Hall, 200 Argyle Street, Petrolia, PA 16050. Persons wishing to present comments can either register with Freda Tarbell, Northwest Regional Office, (814) 332-6945, in writing or sign in at the meeting to offer formal comments. Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodations to participate in the proceedings should call Freda Tarbell or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995**

#### **PREAMBLE 2**

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**The following plans and reports were submitted 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 (Department) to publish in the *Pennsylvania Bulletin* a notice of

submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Ross Technology Corporation**, Upper Leacock Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Ross Technology Corporation, 104 North Maple Avenue, Leola, PA 17540, submitted a Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

**Wampler Residence**, Susquehanna Township, **Dauphin County**. Skelly & Loy Engineering-Environmental Consultants, 2601 North Front Street, Harrisburg, PA 17110-1185, on behalf of Richard D. Wampler, II, 4420 Avon Drive, Harrisburg, PA 17112, submitted a Final Report concerning remediation of site soils contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

**Former Exxon Station 2-2979**, Strausstown Borough, **Berks County**. Groundwater and Environmental Services, Inc., 410 Eagleview Blvd., Exton, PA 19341, on behalf of C & C Pizza, 92 Main Street, Strausstown, PA 19559, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with organics. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

**Former American Can Site**, City of Harrisburg, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Lenard and

Lois Brenner, 3880 Union Deposit Road, Harrisburg, PA 17109, resubmitted a Final Report concerning remediation of site soils contaminated with lead and PHCs. The report is intended to document remediation of the site to the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office AFTER which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Pennsylvania Steel, West Parcel**, Borough of Hamburg, **Berks County**. UAI Environmental, Inc., 6 Commerce Drive, Reading, PA 19607, on behalf of Atchinson Casting Corporation, 200 East Richland Avenue, Myerstown, PA 17067; County of Berks, 633 Court Street, 14th Floor, Reading, PA 19601; and Reading Company Technical and Historical Society, P. O. Box 15143, Reading, PA 19612-5143, resubmitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel, fuel oil no. 2, leaded gasoline, MTBE and other organics. The final report demonstrated attainment a combination of the Statewide Health and Site-Specific Standards and the Remedial Investigation and Final Report were approved by the Department on December 12, 2003.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Stover Property**, Gregg Township, **Centre County**. Gannett Fleming, Inc. on behalf of Fred and Nancy Stover, 685 Green Grove Road, Spring Mills, PA 16875, has submitted a Final Report concerning soil and groundwater contaminated with fuel oil no. 2. This Final Report demonstrated attainment of the site to meet the Statewide Health Standard and was approved by the Department on December 9, 2003.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 100022. Chrin Brothers Sanitary Landfill, Chrin Bros. Inc.**, 635 Industrial Dr., Easton, PA 18042. A permit was issued for the approval of changes to the Salvaging Plan for the salvaging of aluminum, steel, iron and clean, untreated, unprocessed wood from the waste stream at the working face of this municipal waste landfill in Williams Township, **Northampton County**. The permit was issued by the Regional Office on November 18, 2003.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 101532. Weavertown Transport Leasing, Inc.**, 201 Johnson Road, Houston, PA 15342. Operation of an ICW Transfer Station in Cecil Township, **Washington County**. Permit issued in the Regional Office on December 18, 2003, approving a radioactive monitoring and protection plan.

#### MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Roland Rodriguez**, 11 Hale Place, Roosevelt, NY 11575. Authorization No. WH5658. Effective December 15, 2003.

**James J. Witherow**, P. O. Box 37, Coalport, PA 16627. Authorization No. WH5684. Effective December 15, 2003.

**Richard H. Frantz**, HC 1 Box 405, Brodheadsville, PA 18322-9622. Authorization No. WH5685. Effective December 15, 2003.

**Precision Industrial Maintenance Inc.**, 226 Broadway, Schenectady, NY 12094. Authorization No. WH5687. Effective December 15, 2003.

**Kofi Korsah**, Apt. A-6, 150 High St., Orange, NJ 07050. Authorization No. WH5690. Effective December 15, 2003.

**Tasks Unlimited Inc.**, 447 E. London Grove Road, West Grove, PA 19390. Authorization No. WH5696. Effective December 15, 2003.

**Ira D. Conklin & Sons Inc.**, 92-94 Stewart Ave., Newburgh, NY 12550. Authorization No. WH5697. Effective December 15, 2003.

**SRB Installations, Inc.**, P. O. Box 304, Northampton, PA 18067. Authorization No. WH5702. Effective December 16, 2003.

**JAH Bless Trucking**, 166 Lefferts Ave., Brooklyn, NY 11225. Authorization No. WH5703. Effective December 16, 2003.

**Typhoon Trucking Co.**, 125 Diane Lane, Delran, NJ 07075-2126. Authorization No. WH5704. Effective December 16, 2003.

**Amanda's Transport**, 1st Floor, 606 Montgomery Ave., Elizabeth, NJ 07202. Authorization No. WH5438. Effective December 16, 2003.

**Walter I. Peachey**, 69 Nyack Ave., Lansdowne, PA 19050-2942. Authorization No. WH5686. Effective December 16, 2003.

**Fox Township Elk County Sewer Authority**, P. O. Box 186, Kersey, PA 15846-0186. Authorization No. WH5705. Effective December 17, 2003.

**W. F. O'Brien**, 123 Christy Drive, Aliquippa, PA 15001. Authorization No. WH5694. Effective December 17, 2003.

**Ustin Kocal**, 38 Urban Drive, Selden, NY 11784. Authorization No. WH5695. Effective December 19, 2003.

#### AIR QUALITY

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0169C: H and N Packaging, Inc.** (92 County Line Road, Colmar, PA 18915) on December 12, 2003, to operate a wax laminator in Hatfield Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-310-055: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) on December 16, 2003, for construction of a stone crushing and screening plant and associated air cleaning device at their facility in Salem Township, **Luzerne County**.

**40-399-052: Bridon American, Inc.** (P. O. Box 6000, Wilkes-Barre, PA 18706) on December 10, 2003, for installation of an air cleaning device to collect soap dust at their facility in Hanover Township, **Luzerne County**.

**35-399-039: Thomson Multimedia, Inc.** (10330 North Meridian Street, Mail Stop INH330, Indianapolis, IN 46290) on December 10, 2003, for Emission Reduction Credits at their facility in Dunmore Borough, **Lackawanna County**. The emission reduction credits resulting from the closing of the facility are as follow: 56.7 tons of VOCs and 8.99 tons of NOx.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**ER-07-05002: Norfolk Southern Railway Corp.** (200 North Fourth Avenue, Altoona, PA 16601) on December 11, 2003, for certification of annual emission reduction credits totaling 69.80 tons of VOC and 4.35 tons of NOx from the shut down of the Hollidaysburg Car Shop in Hollidaysburg Borough, **Blair County**.

**36-05071A: Valley Proteins, Inc.** (693 Wide Hollow Road, East Earl, PA 17519) on December 16, 2003, to replace their existing scrubbers and add one new scrubber at their facility in East Earl Township, **Lancaster County**.

**67-05008A: York International Corp.** (P. O. Box 1592, York, PA 17405-1592) on December 12, 2003, to modify a rough casting blasting operation at their facility in Spring Grove Borough, **York County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**03-00218B: DLR Mining, Inc.** (3065 Airport Road, Indiana, PA 15701) on December 15, 2003, to operate a coal screen at Triple K No. 1 Deep Mine in Burrell Township, **Armstrong County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**09-0015E: Rohm and Haas Co.** (Route 413 and State Road, Bristol, PA 19007) on December 12, 2003, to operate a 1.7 mW emergency generator in Bristol Township, **Bucks County**.

**46-0025I: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on December 12, 2003, to operate a solvent recovery system in Upper Merion Township, **Montgomery County**.

**23-0074: GS Roofing Products Co., Inc.** (800 West Front Street, Chester, PA 19013) on December 12, 2003, to operate a thermal oxidizer in the City of Chester, **Delaware County**.

**46-0047: Muller Streamline Co.** (287 Wissahickon Avenue, North Wales, PA 19454) on December 15, 2003, to operate two vapor degreasers in Upper Gwynedd Township, **Montgomery County**.

**23-0094: Steinbeis Packaging, LLC** (2025 Joshua Road, Lafayette Hill, PA 19444) on December 16, 2003, to operate two rotogravure printing presses in Bethel Township, **Delaware County**.

**09-0127: Bracalente Manufacturing Company, Inc.** (20 West Creamery Road, Trumbauersville, PA 18970) on December 16, 2003, to operate a cold degreaser in Trumbauersville Borough, **Bucks County**.

**15-0027D: Johnson Matthey, Inc.** (434 Devon Park Drive, Wayne, PA 19087) on December 15, 2003, to operate coating line no. 7 and selective catalytic reduction in Tredyffrin Township, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-328-006: Conectiv Bethlehem, LLC** (P. O. Box 6066, Newark, DE 19714-6066) on December 10, 2003, to facilitate the operation of units 1–3 and 7 turbines in a shutdown mode at their facility in Bethlehem and Lower Saucon Township, **Northampton County**. The Plan Approval has been extended.

**39-318-109: Victaulic Co. of America, Inc.** (4901 Kesslerville Road, Easton, PA 18045) on December 16, 2003, for construction of a paint spray booth and associated air cleaning device at their facility in Allentown, **Lehigh County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**26-00534A: Fayette Thermal LLC** (755 Opossum Lake Road, Carlisle, PA 17013) on December 11, 2003, to install Boilers at their East Millsboro Steam Plant in Luzerne Township, **Fayette County**. This plan approval was extended.

**32-00238A: Weimer's Iron and Scrapmetal** (5639 Tunnelton Road, Saltsburg, PA 15681) on December 12, 2003, to install an aluminum melting furnace in Conemaugh Township, **Indiana County**. This plan approval was extended.

**11-00507A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on December 15, 2003, to construct a coal processing and loading at their Twin Rocks Coal Processing Facility in Blacklick Township, **Cambria County**. This plan approval was extended.

**63-307-027: American Iron Oxide Production Co.** (Foster Plaza No. 7, 661 Andersen Drive, Pittsburgh, PA 15220) on December 15, 2003, to construct an iron oxide production plant in Allenport Borough, **Washington County**. This plan approval was extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.*

**33-147A: Dominion Transmission Inc.—Big Run Station** (Bowers Road, Big Run, PA 15715) on December 8, 2003, for construction of an engine in Gaskill Township, **Jefferson County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**09-00080: Milford Enterprises Inc.** (450 Commerce Boulevard, Quakertown, PA 18951) on December 16, 2003, to operate a synthetic minor operating permit in Milford Township, **Bucks County**.

**15-00061: Phoenixville Hospital** (140 Nutt Road, Phoenixville, PA 19460) on December 16, 2003, to operate a synthetic minor operating permit in Phoenixville Borough, **Chester County**.

**09-00154: Bucks County Water and Sewer Authority** (Pine Run Road and Old Dublin Pike, Doylestown, PA 18901) on December 18, 2003, for operation of a Natural Minor Operating Permit in Doylestown Township, **Bucks County**.

**15-00007: Wyeth Pharmaceuticals** (611 East Nield Street, West Chester, PA 19382) on December 18, 2003, to operate a Synthetic Minor Operating Permit in West Chester Borough, **Chester County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark J. Wejkszner, New Source Review Chief, (570) 826-2531.*

**45-00017: Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044-0231) on December 15, 2003, for operation of a stone crushing plant and associated air cleaning device at their facility in Hamilton Township, **Monroe County**. The construction project was approved under Plan Approval No. 45-310-026.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**01-03015: Hanover Lantern, Inc.** (350 Kindig Lane, Hanover, PA 17331) on December 16, 2003, for operation of their lighting fixture manufacturing facility in Conewago Township, **Adams County**.

**06-05046: Double H Boot Co.** (30 North 3rd Street, P. O. Box 68, Womelsdorf, PA 19567) on December 16, 2003, for a leather boot manufacturing facility controlled by a fabric collector in Womelsdorf Borough, **Berks County**.

**67-03114: Hanover Lantern, Inc.** (350 Kindig Lane, Hanover, PA 17331) on December 16, 2003, for operation of their lighting fixture manufacturing facility at their High Street Plant in Hanover Borough, **York County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**63-00544: Spartech Polycom, Inc.** (470 Johnson Road, P. O. Box 472, Washington, PA 15301) on December 11, 2003, for Donora Plant No. 2 in Washington, **Washington County**. The facility's sources of particulate matter emissions include various plastic extrusion lines.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**05-05001: Cannondale Bicycle Corp.** (172 Friendship Village Road, Bedford, PA 15522) on December 15, 2003, to operate a bicycle manufacturing facility in Bedford Township, **Bedford County**. The State-only operating permit was administratively amended to reflect a change

of ownership from Cannondale Business Acquisition Corporation to Cannondale Bicycle Corporation. This is Revision No. 1 of the operating permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**04-00033: NOVA Chemicals, Inc.** (400 Frankfort Road, Monaca, PA 15061-2298) on December 11, 2003, for their Beaver Valley facility in Potter Township, **Beaver County**. The Department has revised the Title V Operating Permit to incorporate the name of the new Responsible Official.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**03-00023: Allegheny Energy Supply Co., LLC** (4350 Northern Pike, Monroeville, PA 15146) to increase site emissions of NOx by 0.002 ton per year at their Armstrong Power Station in Washington Township, **Armstrong County**. The emission increases are due to the construction of a new 60 kW propane-fired stand-by generator. The Department has approved these emissions as de minimis increases in accordance with 25 Pa. Code § 127.449.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permit Actions

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

**03841305. NPDES Permit No. PA0002275, Keystone Coal Mining Corporation**, P. O. Box 219, Shelocta, PA 15774, to revise the permit for the Emilie Mine in Plumcreek and Southbend Townships and Elderton Borough, **Armstrong County** to install a coal slurry pipeline to three new injection boreholes, Surface Acres Proposed 10.8, no additional discharges. Permit issued December 11, 2003.

**03971301. NPDES Permit No. PA0215091, DLR Mining, Inc.**, 3065 Airport Road, Indiana, PA 15701, to renew the permit for the Ridge Mine in South Bend Township, **Armstrong County** and Young Township,

**Indiana County** and the existing NPDES Permit, no additional discharges. Permit issued December 16, 2003.

**32011302. NPDES Permit No. PA0235521, Laurel Energy, LP**, One Energy Place, Suite 7500, Latrobe, PA 15650, to operate the Gillhouser Run Mine in Buffington and Brush Valley Townships, **Indiana County** and related NPDES permit, Surface Acres Proposed 43.0, Underground Acres Proposed 1880, SCP Acres Proposed 1360, Receiving Stream: Little Yellow Creek (HQ-CWF). The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority. Permit issued December 16, 2003.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**37930305. G. L. McKnight, Inc.** (P. O. Box 773, Slippery Rock, PA 16057). Renewal of NPDES Permit No. PA0211745, Plain Grove Township, **Lawrence County**. Receiving streams: unnamed tributaries to Taylor Run and Taylor Run. Application received October 23, 2003. Permit issued December 12, 2003.

**33020104 and NPDES Permit No. PA0242161. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous strip and auger operation in Snyder Township, **Jefferson County** affecting 207.4 acres. Receiving streams: Walburn Run. Original application from Laurel Energy, Inc. received August 23, 2002. Transfer application received March 11, 2003. Permit issued December 17, 2003.

**11536-33020104-E-1. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary A to Walburn Run in Snyder Township, **Jefferson County**. Receiving stream: Walburn Run. Original application from Laurel Energy, Inc. received August 23, 2002. Transfer application received March 11, 2003. Permit issued December 17, 2003.

**11536-33020104-E-2. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary A to Walburn Run in Snyder Township, **Jefferson County**. Receiving stream: Walburn Run. Original application from Laurel Energy, Inc. received August 23, 2002. Transfer application received March 11, 2003. Permit issued December 17, 2003.

**11536-33020104-E-3. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Application for a stream encroachment to conduct mining activities within 100 feet East Branch Walburn Run in Snyder Township, **Jefferson County**. Receiving stream: Walburn Run. Original application from Laurel Energy, Inc. received August 23, 2002. Transfer application received March 11, 2003. Permit issued December 17, 2003.

**11536-33020104-E-4. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributaries H and J to Walburn Run in Snyder Township, **Jefferson County**. Receiving stream: Walburn Run. Original application from Laurel Energy, Inc. received August 23, 2002. Transfer application received March 11, 2003. Permit issued December 17, 2003.

**11536-33020104-E-5. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Application

for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary I to West Branch Walburn Run in Snyder Township, **Jefferson County**. Receiving stream: Walburn Run. Original application from Laurel Energy, Inc. received August 23, 2002. Transfer application received March 11, 2003. Permit issued December 17, 2003.

**33960109 and NPDES Permit No. PA0227331. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Revision to an existing surface mining permit to change the post-mining land use from forestland to pastureland on the Terry D. Monks property in Union Township, **Jefferson County**. Receiving streams: unnamed tributary to Little Mill Creek. Application received August 18, 2003. Permit issued December 15, 2003.

**33930111 and NPDES Permit No. PA0211869. Falls Creek Energy Co., Inc.** (R. R. 6, Box 271, Kittanning, PA 16201). Renewal of an existing bituminous strip and auger operation in Young, Bell and McCalmont Townships, **Jefferson County** affecting 213.4 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributaries to Elk Run. Application received October 24, 2003. Permit issued December 15, 2003.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56930106 and NPDES Permit No. PA0212458. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 192.2 acres. Receiving streams: unnamed tributaries to and Casselman River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received October 10, 2003. Permit issued December 12, 2003.

**56980109. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal/revision for continued operation of a bituminous surface mine and to add 2.4 acres to the permit boundary to remove coal from beneath T-864. Total SMP acres goes from 33.1 acres to 35.5 acres in Brothersvalley Township, **Somerset County**. Receiving streams: unnamed tributaries to and Hays Run and unnamed tributaries to and Buffalo Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 24, 2003. Permit issued December 11, 2003.

**32930104 and NPDES Permit No. PA0212598. P & N Coal Company, Inc.**, P. O. Box 332, Punxsutawney, PA 15767, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 326.0 acres. Receiving streams: unnamed tributaries of Rayne Run, Rayne Run and Dixon Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 24, 2003. Permit issued December 12, 2003.

**56813005 and NPDES Permit No. PA0605697. Sanner Energies, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, permit renewal for continued operation of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 377.0 acres. Receiving streams: unnamed tributary to North Branch of Jennings Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 3, 2003. Permit issued December 12, 2003.

**56930110 and NPDES Permit No. PA0212610. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA

15552, permit renewal for continued operation of bituminous surface mine in Black Township, **Somerset County**, affecting 129.0 acres. Receiving streams: unnamed tributaries to Rhoades Creek (WWF); Rhoades Creek (WWF); unnamed tributary to Iser Run (EV); and unnamed tributary to Casselman River (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 21, 2003. Permit issued December 17, 2003.

**56673058 and NPDES Permit No. PA0606227. Windber High Standard Coal Company**, 1210 Graham Avenue, Windber, PA 15963, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Paint Township, **Somerset County**, affecting 553.0 acres. Receiving streams: unnamed tributaries to Spruce Creek; unnamed tributaries to Paint Creek, unnamed tributary to Weaver Run; and unnamed tributary to Stony Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 24, 2003. Permit issued December 17, 2003.

**32980109 and NPDES Permit No. PA0234851. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only and for continued restoration of a bituminous and beneficial use of CFB flyash mine in Center Township, **Indiana County**, affecting 316.0 acres. Receiving streams: three unnamed tributaries to Two Lick Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received November 13, 2003. Permit issued December 17, 2003.

**11830102 and NPDES Permit No. PA0607550. M. B. Energy, Inc.**, 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Lower Yoder Township, **Cambria County**, affecting 166.3 acres. Receiving streams: unnamed tributary to St. Clair Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received November 12, 2003. Permit issued December 17, 2003.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**03020109 and NPDES Permit No. PA0250228. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface mining site in Plumcreek Township, **Armstrong County**, affecting 181 acres. Receiving streams: unnamed tributary to Cherry Run and Cherry Run to Crooked Creek. Application received August 12, 2002. Permit issued December 16, 2003.

*Moshannon District Mining Office: 186 Enterprise Drive, Phillipsburg, PA 16866 (814) 342-8200.*

**17930112 and NPDES Permit No. PA0219533. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Renewal of an existing bituminous surface mine-auger permit in Jordan Township, **Clearfield County** affecting 68.5 acres. Receiving streams: unnamed tributary no. 1. Application received August 12, 2003. Permit issued November 10, 2003.

**17793123 and NPDES Permit No. PA0089603. Strishock Coal Company**, 220 Hillcrest Drive, DuBois, PA 15801. Renewal of an existing bituminous surface mine-auger permit in Union and Brady Townships, **Clearfield County** affecting 102.8 acres. Receiving streams: Sugar Camp Run to Luthersburg Branch and

Laborde Branch to Sandy Lick Creek to Redbank Creek to Allegheny River. Application received August 6, 2003. Permit issued November 10, 2003.

**17030104 and NPDES Permit No. PA0243451. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722. Commencement, operation and restoration of a bituminous surface mine-auger permit in Beccaria Township, **Clearfield County** affecting 220 acres. Receiving streams: Snyder Run and unnamed tributaries to Clearfield Creek. Application received February 27, 2003. Permit issued November 10, 2003.

#### *Noncoal Permit Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**73737SM1C2 and NPDES Permit No. PA0595683. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for treated mine drainage in Penn Forest Township, **Carbon County**. Receiving streams: Stony Creek. Application received October 29, 2003. Renewal issued December 15, 2003.

**8073SM1C6. Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422), depth correction for an existing quarry operation in Marlborough Township, **Montgomery County**, affecting 74.9 acres. Receiving streams: Unami Creek. Application received March 12, 2002. Correction issued December 17, 2003.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**24030804. Park Excavating & Welding, Inc.** (142 Siecker Road, St. Marys, PA 15857). Commencement, operation and restoration of a small noncoal sand and gravel operation in City of St. Marys, **Elk County**, affecting 3.0 acres. Receiving streams: Elk Creek. Application received July 28, 2003. Permit issued December 15, 2003.

**10020306 and NPDES Permit No. PA0242250. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a shale and sandstone operation in Worth Township, **Butler County**, affecting 241.2 acres. Receiving streams: two unnamed tributaries to Slippery Rock Creek. Application received November 4, 2002. Permit issued December 16, 2003.

**1270-10020306-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary no. 2 to Slippery Rock Creek and replace the stream section with a permanent pond in Worth Township, **Butler County**. Receiving streams: two unnamed tributaries to Slippery Rock Creek. Application received November 4, 2002. Permit issued December 16, 2003.

**10010310 and NPDES Permit No. PA0241962. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone operation in Mercer and Pine Townships, **Butler and Mercer Counties**, affecting 253.8 acres. Receiving streams: unnamed tributary to Swamp Run. Application received August 7, 2001. Permit issued December 15, 2003.

**1270-10010310-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributaries to Swamp Run in Mercer



and Pine Townships, **Butler and Mercer Counties**. This variance includes plans to mine through and reconstruct all four tributaries and construct wetland construction mitigation structures. Receiving streams: unnamed tributary to Swamp Run. Application received August 7, 2001. Permit issued December 15, 2003.

**20031007. Horizon Construction Group, Inc.** (P. O. Box 267, Sandy Lake, PA 16145). Authorization to extract noncoal (industrial minerals) in Hayfield Township, **Crawford County**, to supply fill material for the Home Depot site. Receiving streams: unnamed tributary to Cussewago Creek. Application received August 21, 2003. Permit issued December 12, 2003.

*Moshannon District Mining Office: 186 Enterprise Drive, Phillipsburg, PA 16866 (814) 342-8200.*

**08020815. Kenneth Shedden** (R. R. 1, Box 99F, Leraysville, PA 18829). Commencement, operation and restoration of a small industrial minerals (Bluestone) permit in Orwell Township, Bradford County, affecting 3.0 acres. This permit authorizes a variance to conduct surface mining activities within 100 feet of Johnson Creek, Orwell Township, **Bradford County**, approximately 4,000 feet downstream from the bridge at Wells Hollow. Receiving streams: Johnson Creek, tributary to Wysox Creek. Application received December 23, 2002. Permit issued December 9, 2003.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56034009. Geophysical Applications**, 113 East Chemung Place, Elmira, NY 14904. Blasting activity permit issued for a seismic exploration project in Black and Summit Townships, **Somerset County**. Expected duration of blasting is 90 days. Permit issued December 11, 2003.

**56034010. Geophysical Applications**, 113 East Chemung Place, Elmira, NY 15904. Blasting activity permit issued for a seismic exploration project in Brothersvalley, Summit and Stonycreek Townships, **Somerset County**. Expected duration of blasting is 90 days. Permit issued December 11, 2003.

**56034011. Geophysical Applications**, 113 East Chemung Place, Elmira, NY 14904. Blasting activity permit issued for a seismic exploration project in Jefferson and Lincoln Townships, **Somerset County**. Expected duration of blasting is 90 days. Permit issued December 11, 2003.

**56034008. Geophysical Applications**, 113 East Chemung Place, Elmira, NY 14904. Blasting activity permit issued for seismic exploration project in Brothersvalley and Summit Townships, **Somerset County**. Expected duration of blasting is 90 days. Permit issued December 11, 2003.

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

Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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 (FWPCA) (33 U.S.C.A. § 1341).

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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



**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-860. Westrum Land Development, LLC**, 370 Commerce Drive, Suite 100, Fort Washington, PA 19034, New Britain Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities in and along an unnamed tributary of Mill Creek (TSF-MF) watershed associated with the proposed 87-lot single-family dwelling residential subdivision on a 45.88-acre tract of land known as the Hopkins Tract. The project will impact 180 linear feet of watercourse, 0.18 acre of reservoir (POW) and 0.03 acre of wetland. The site is approximately 300 feet northwest of the intersection of School House Road and Upper State Road (Doylestown, PA USGS Quadrangle N: 3.1 inches; W: 11.5 inches).

Work will consist of:

1. An Environmental Assessment approval for impacts associated with the removal of an existing on-stream nonjurisdictional dam and to reconstruct, operate and maintain, in its place, an on-stream nonjurisdictional dam for stormwater management purposes.

2. To modify an existing on-stream 0.18-acre reservoir (POW) associated with the dam noted in item 1 by deepening, filling and enlarging the body of water.

3. To relocate 180 linear feet of the unnamed intermittent tributary to Mill Creek (TSF-MF); to construct and maintain approximately 40 linear feet of new channel and to enclose approximately 130 linear feet of stream. The enclosure starts at catch basin CB-32 continues through 85 linear feet of 30-inch RCP to Catch Basin CB-47, continues through 40 linear feet of 42-inch RCP and then rejoins the modified reservoir noted in item 2 at endwall EW-02 and is associated with the proposed Road B. Work also includes installation and maintenance of the 8-inch PVC sanitary sewer line and 8-inch TDIP water main crossings beneath the proposed enclosure.

4. To place fill in the abandoned channel relocated in item 3 and place fill in 0.03 acre of adjacent wetlands (PEM).

5. To remove a 24-inch RCP culvert which conveys an unnamed tributary of Mill Creek under Upper State Road and to construct, in its place, a culvert starting at manhole MH-OFF1 associated with the dam noted in item 1 continuing through 20 linear feet of 24-inch by 60-inch box culvert to catch basin CB-OFF1, continuing through 28 linear feet of 24-inch by 60 box culvert to endwall EW-04.

6. To construct and maintain three complete span pedestrian bridge crossings of an unnamed intermittent tributary of Mill Creek associated with the proposed walking trail.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

**E09-858. Township of Middletown**, 3 Municipal Way, Langhorne, PA 19047, Middletown, Township, **Bucks County**, ACOE Philadelphia District.

To remove an existing nonhandicap accessible pedestrian bridge and to construct and maintain, in its place, a handicap accessible bridge across Queen Anne Creek (WWF). The project involves the removal of the existing 45.5-foot long by 8-foot wide bridge. The proposed bridge is 45.0 feet long by 8.0 feet wide single span without any supports to stream bottom and 6-foot long concrete approach slab at both ends. The replacement is for aesthetic and ADA accessibility reasons. The site is about 200 feet southeast of intersection of Towns Road and Twin Oak Drive (Trenton West, NJ-PA USGS Quadrangle N: 8.3 inches W: 17.4 inches).

**E09-861. Township of Falls**, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030, Falls Township, **Bucks County**, ACOE Philadelphia District. To perform the following activities associated with a proposed township trail in Falls Township, Bucks County:

1. To construct and maintain an 8-foot wide single span pedestrian bridge across Martins Creek (WWF). The proposed bridge will have a clear span of approximately 55.0 feet and an underclearance of approximately 6.0 feet. This work also includes construction of a temporary cofferdam. The site is approximately 400 feet east of the intersection of Penn Valley Road and Pine Grove Road (SR 0013) (Trenton West, NJ-PA, USGS Quadrangle N: 8.4 inches; W: 8.6 inches).

2. To construct and maintain a 4-foot wide trail over Delaware Canal utilizing the existing culvert along Wheat Sheaf Lane. The site is approximately 500 feet northwest of the intersection of Wheat Sheaf Road and Bristol Pike (SR 0013) (Trenton West, NJ-PA, USGS Quadrangle N: 7.1 inches; W: 7.1 inches).

**E46-937. Upper Gwynedd Township**, Parkside Place, P. O. Box 1, West Point, PA 19486, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To relocate, construct and maintain an approximately 1,300 linear-foot section of Moyer Boulevard approximately 700 feet northeast of an existing intersection with West Point Pike. The limit of this work will begin (Lansdale, PA Quadrangle N: 15.2 inches; W: 6.5 inches) and will end (Lansdale, PA Quadrangle N: 14.5 inches; W: 6.41 inches). The alignment of the relocated roadway will affect a total of 534 linear feet of two unnamed tributaries of Wissahickon Creek (TSF). The project includes a mitigation proposal, consisting of stabilization and riparian restoration along 900 feet of Wissahickon Creek. The stream segment is north of Township Line Road and west of Swedesford Road in Upper Gwynedd Township, Montgomery County.

Work will consist of the following activities:

1. To extend and maintain an existing 80-foot long by 36-inch diameter pipe in the tributary beneath Moyer Boulevard. The existing pipe will be extended 190 feet downstream with a 34-inch by 53-inch elliptical reinforced concrete pipe. The connection between the existing and proposed pipes will be made with the installation of a concrete inlet at the outfall of the existing pipe. A concrete end wall will be installed at the outfall of the proposed

pipe and 65 linear feet of stream channel will be protected with Class R-5 Rock rip-rap.

2. To install and maintain 128 linear feet of 48-inch by 76-inch elliptical reinforced concrete pipe in the tributary beneath the proposed relocated road. Concrete end walls will be installed on each end of the proposed pipe and approximately 10 linear feet of stream channel will be protected with Class R-5 rip-rap both upstream and downstream of the end walls. This pipe will be installed between Construction Stations 19+43 and 20+33.

3. To extend and maintain an existing 125-foot long culvert consisting of twin 33-inch diameter pipes in the tributary beneath West Point Pike. The existing twin pipes will be extended 26 feet downstream by twin 36-inch diameter reinforced concrete pipes.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E40-625. Pizza Perfect**, 16 Carverton Road, Trucksville, PA 18708. Kingston Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove an existing section of retaining wall and stormwater outfall and to construct and maintain approximately 70 linear feet of concrete retaining wall and a 12-inch CMP stormwater outfall along the left bank of a tributary to Toby Creek (CWF) for the purpose of stream bank stabilization. The wall height is approximately 15 feet relative to the streambed. The project is behind the Pizza Perfect building at the northeast corner of the intersection of SR 0309 and SR 1036 (Carverton Road) (Kingston, PA Quadrangle N: 9.6 inches; W: 7.6 inches) (Subbasin: 5B).

**E64-243. Wayne Memorial Hospital**, West and Park Streets, Honesdale, PA 18431. Honesdale Borough, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a single-span prefabricated steel truss pedestrian bridge, having a span of 140 feet and an underclearance of approximately 17.5 feet, across West Branch Lackawaxen River (HQ-CWF). The bridge will provide access to a parking area on the south side of the river. The project is south of the intersection of SR 6 (Park Street) and West Street (Honesdale, PA Quadrangle N: 13.7 inches; W: 1.3 inches) (Subbasin: 1B).

**E45-450. Adams Outdoor Advertising**, R. R. 5, Box 5197, East Stroudsburg, PA 18301. Hamilton Township, **Monroe County**, Army Corps of Engineers Philadelphia District, Subbasin 1-E.

To maintain a ford in McMichael Creek (HQ-CWF, perennial) for the purpose of providing access to commercial billboards. The project is along SR 0033 and SR 0209, approximately 0.6 mile northeast of the intersection with SR 2010 (Saylorsburg, PA Quadrangle N: 14.6 inches; W: 4.8 inches). The project directly affects 11 linear feet of stream channel.

**E48-337. Lower Saucon Township**, 3700 Old Philadelphia Pike, Bethlehem, PA 18015. Lower Saucon Township, **Northampton County**, Army Corps of Engineers Philadelphia District, Subbasin 2-C.

To repair and maintain an existing two-span cast iron pony truss pedestrian bridge having spans of approxi-

mately 52 feet and a minimum underclearance of approximately 8 feet across Saucon Creek (CWF, perennial). The proposed work consists of structural upgrades to the superstructure and rehabilitation of the concrete and stone center pier, including the temporary installation of a cofferdam to dewater the work area. The bridge, known as County Bridge No. 16, is northeast of the intersection of Old Mill Road and Reading Road (Hellertown, PA Quadrangle N: 11.1 inches; W: 13.7 inches). The project proposes to directly affect 25 linear feet of stream channel and temporarily affect 90 linear feet of stream channel with a cofferdam.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E41-530. Randy Baker**, 3181 Northway Road, Williamsport, PA 17701. Water Obstruction and Encroachment Permit in Loyalsock Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville North, PA Quadrangle N: 7.98 inches; W: 14.12 inches).

To remove an existing bridge and construct and maintain a single span steel I-beam bridge having a clear span of 20.0 feet and a minimum clearance of 3.0 feet over Miller's Run, 3.0 miles north of the Williamsport along Northway Road. This project proposes to have a minimal impact on Miller's Run (WWF) and does not propose to impact any adjacent jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects."

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E20-531. Crawford County Commissioners**, 903 Diamond Park, Meadville, PA 16335. T-869 Blakeslee Road Across East Branch Oil Creek in Sparta Township, **Crawford County**, ACOE Pittsburgh District (Spartansburg, PA Quadrangle N: 10.8 inches; W: 8.9 inches).

To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 45 feet and an underclearance of 7 feet on a 77 degree skew across East Branch Oil Creek (CWF) and impacting a de minimis area of adjoining wetland (0.037 acre) on T-869 Blakeslee Road approximately 0.6 mile east of the intersection of SR 77 and SR 89 south of Spartansburg.

**E25-674. Erie-Western Pennsylvania Port Authority**, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507. East and West Canal Basin, Presque Isle Bay, Lake Erie Dock Modifications in City of Erie, **Erie County**, ACOE Pittsburgh District.

To conduct the following activities within the East and West Canal Basins, Presque Isle Bay, Lake Erie:

1. Construct a 52-foot long floating extension and maintain the existing Wolverine Park Marina Pier 2 dock in the West Canal Basin.

2. Remove three existing finger piers and construct and maintain floating header dock and finger piers along the east side of State Street in the East Canal Basin.

**E25-679. Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. SR 1008, Segment 0080, Offset 1458 across tributary to Twelvemile Creek in North East Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 9.3 inches; W: 15.65 inches).

To remove the existing structure and to construct and maintain a precast concrete arch bridge having a clear span of 24 feet and a maximum rise of 11 feet across a tributary to Twelvemile Creek on SR 1008, Segment 0080, Offset 1458 approximately 0.6 mile east of SR 1006.

**E37-145, Pulaski Township Municipal Authority**, R. D. 1 Box 1043, Pulaski, PA 16143. Pulaski Sewage Collection and Treatment System in Pulaski Township, Lawrence County, ACOE Pittsburgh District.

To conduct the following activities associated with the construction of sewage collection and treatment system servicing New Bedford, Pine Glenn, Frizzleburg and the Village of Pulaski in Pulaski Township, Lawrence County:

1. Construct and maintain an outfall and endwall along the left (east) bank of the Shenango River from the Pulaski Wastewater Treatment Plant approximately 900 feet upstream of the SR 208 bridge.

2. Construct and maintain an outfall and endwall along the right (south) bank of Deer Creek from the New Bedford Wastewater Treatment Plant approximately 950 feet downstream of Valley View Road.

3. Construct and maintain the New Bedford Wastewater Treatment Plant partially within the 100-year flood plan of Deer Creek and impacting 0.076 acre of wetland approximately 700 feet east of Valley View Road south of Deer Creek.

4. Fill 0.0592 acre of wetland for an access roadway to the Pulaski Wastewater Treatment Plant.

5. Fill 0.0394 acre of wetland for access to a pump station in the Frizzleburg Service Area south of Maple Lane.

6. Construct and maintain sanitary sewer gravity lines and force mains across 15 wetland areas totaling 0.81 acre of temporary impact. Of these impacts, two are within the Pulaski Service Area, one is within the Frizzleburg Service Area, seven are within the Pine Glenn Service Area and four are within the New Bedford Service Area.

7. Construct and maintain a sanitary sewer force main across the Shenango River approximately 470 feet downstream of the SR 208 bridge.

8. Construct and maintain four sanitary sewer line crossings of tributaries to the Shenango River in the Frizzleburg Service Area.

9. Construct and maintain a sanitary sewer line crossing Deer Creek two times in the New Bedford service, one approximately 800 feet east of Valley View Road and another approximately 200 feet west of Valley View Road.

10. Construct and maintain 23 sanitary sewer line crossings of tributaries to Deer Creek, of which 12 are within the Pine Glenn Service Area and 11 are within the New Bedford Service Area.

Project includes contribution to the Pennsylvania Wetland Replacement Fund for replacement of a total of 0.175 acre of permanent wetland impact.

**E37-148, City of New Castle**, 230 North Jefferson Street, New Castle, PA 16101, West Bank Interceptor Relief Project in City of New Castle, Taylor and Union Townships, Lawrence County, ACOE Pittsburgh District.

To construct and maintain the following associated with the West Bank Interceptor Relief Project improvements to the City of New Castle sewage collection system in the City of New Castle, Taylor and Union Townships, Lawrence County:

1. Install and maintain a 24-inch diameter stormwater outfall along the east bank of the Mahoning River approximately 500 upstream of the SR 108 bridge and upstream of the existing railroad bridge.

2. Install and maintain a 42-inch diameter sanitary sewer line across various tributaries to the Shenango River between Grant Street and the existing City of New Castle Wastewater Treatment Plant following the former Newcastle and Beaver Valley Railroad line along the west side of the Shenango River and South Wayne Street.

**E42-301, Hamlin Township**, P. O. Box 23, Ludlow, PA 16333. T-315 Central Avenue across Twomile Run in Hamlin Township, McKean County, ACOE Pittsburgh District (Ludlow, PA Quadrangle N: 18.22 inches; W: 9.0 inches).

To remove the existing bridge and to construct and maintain a precast concrete arch having a clear span of 32 feet and a maximum underclearance of 10 feet across Twomile Run (HQ-CWF) on T-315 Central Avenue approximately 175 feet south of SR 6 in the Village of Ludlow.

**E42-302, National Fuel Gas Supply Corporation**, P. O. Box 2081, Erie, PA 16512-1720. C-2 Natural Gas Pipeline Across Kinzua Creek in Hamilton Township, McKean County, ACOE Pittsburgh District (Westline, PA Quadrangle N: 3.4 inches; W: 16.0 inches).

To replace the C-2 natural gas pipeline using a 6-inch diameter PVC pipe installed by directional boring across Kinzua Creek approximately 0.6 mile upstream of SR 321.

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## SPECIAL NOTICES

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### Imposition of a Ban on Connections under 25 Pa. Code § 94.31

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

On December 16, 2003, the Department of Environmental Protection (Department) issued an Order to the Borough of Edinboro and to the Municipal Authority of the Borough of Edinboro imposing a ban on all connections to Edinboro's sewerage conveyance system. Under 25 Pa. Code § 94.33, no building permit which may result in a connection to the overloaded sewerage facilities or increase the load to those facilities through an existing connection shall be issued while the ban is in effect.

On May 9, 2000, the Department issued an Administrative Order to the Borough of Edinboro and the Municipal Authority of the Borough of Edinboro finding that Edinboro's sewerage conveyance system is hydraulically overloaded. That order required, among other things, that Edinboro prohibit connections to its overloaded sewerage facilities and develop and submit to the Department a Corrective Action Plan in accordance with 25 Pa. Code § 94.21. On November 14, 2003, the Environmental Hearing Board upheld the Order and specifically held that Edinboro's sewerage conveyance system is hydraulically overloaded; 25 Pa. Code § 94.31 provides that the

Department will impose a ban on connections whenever the Department determines that the sewerage facilities or any portion thereof are hydraulically overloaded and the permittee has failed to implement an approved Corrective Action Plan. Edinboro has failed to comply. Therefore on December 16, 2003, the Department issued the Ban Order.

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Surveyor Run Watershed in Clearfield County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Surveyor Run Watershed in Clearfield County. The meeting will be held on February 19, 2004, at 6:30 p.m. at the Clearfield County Multiservice Center, Daisy Street, Clearfield. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office, (814) 342-8200 by 4 p.m. on Thursday, February 12, 2004. The Department will consider all comments in developing the final TMDL for the Surveyor Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Surveyor Run Watershed was established in accordance with the requirements of the Clean Water Act, section 303(d). Three stream segments in the Surveyor Run Watershed have been identified as impaired on the 1996, 1998 and 2002 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are as follows:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
26030 (Segment 7164)	Surveyor Run	2.3
26030 (Segment 990819-1345-LMS)	Surveyor Run, Little Surveyor Run	4.0
26031 (Segment 990819-1345-LMS)	Little Surveyor Run, Surveyor Run	4.0

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th through 20th centuries. The effects of this are still present.

The proposed TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Surveyor

Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 2 years was used to establish the proposed TMDL for the Cats Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Surveyor Run Watershed. Written comments must be postmarked by March 3, 2004, and sent to John Mital, Geologic Specialist, Department of Environmental Protection, Moshannon District Mining Office, 186 Enterprise Road, Philipsburg, PA 16866, (814) 342-8200, [jmital@state.pa.us](mailto:jmital@state.pa.us).

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Clearfield County Multiservice Center, contact John Mital at the previous phone number or e-mail address.

The proposed TMDL for the Surveyor Run Watershed can be accessed through the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL). Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 04-23. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—Minor Revision*

DEP ID: 580-2219-004. Title: Alternate Method of Test Drilling. Description: The Bureau of Deep Mine Safety is making minor revisions to this guidance. The proposed modifications set forth standards and procedures to en-

able the use of alternative drilling techniques and to comply with the requirements of section 224(b) of the Pennsylvania Bituminous Coal Mine Act without filing an individual request to adopt an alternative item or method. This guidance is applicable to all Deep Mine Safety staff and all underground bituminous coal mine operators and personnel. Comment Period Ends: February 3, 2004. Anticipated Effective Date: February 28, 2004. Contact: Joe Sbaffoni, (724) 439-7469, jsbaffoni@state.pa.us.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-24. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces the bond rate guidelines for 2004 for anthracite and bituminous coal mining operations. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66) and the regulations promulgated thereunder, 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations. The procedures for calculating land reclamation bonds are described in Technical Guidance 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available on the Department's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) on the Public Participation Center page.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any

time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

The bond rate guidelines do not apply to bonds assuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act or to bonds ensuring compliance with the requirements of the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

#### *General Methodology*

The Department developed the bond rate guidelines for 2004 from a spreadsheet of unit costs provided by the Bureau of Abandoned Mine Reclamation (BAMR). The BAMR spreadsheet lists contract bid amounts for the various unit operations needed to complete reclamation of a mine site for years 1998-2002. A 3-year (2000-2002) average was used to calculate the guidelines.

In general, the bond rate for a given unit operation is the weighted average of the three lowest bids for that unit operation. Not all unit operations included in the BAMR spreadsheet are included in Table 1. Some unit operations listed in the spreadsheet were combined to streamline the guidelines.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Table 1, then additional cost information available from the BAMR will be used. If enough data is still not available, the rate will be calculated by using costs listed in the construction industry's latest annual cost estimation publications, such as the *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

The bond rate guidelines are available electronically at [www.dep.state.pa.us/dep/deputate/minres/BMR/BMRhome.htm](http://www.dep.state.pa.us/dep/deputate/minres/BMR/BMRhome.htm). For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### *Effective Date*

The bond rate guidelines in this notice become effective January 3, 2004.

**TABLE 1**  
**Bond Rate Guidelines for Year 2004**

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Mobilization/demobilization	job	4% of direct costs or \$40,000, whichever is less
Grading (< 500-foot push)	cubic yard	0.55
Grading (≥ 500-foot push)	cubic yard	0.80
Selective Grading	acre	875.00
Revegetation	acre	1,210.00
Tree Planting	tree	0.15
Ditch Excavation	cubic yard	4.50
Jute Matting	square yard	2.00
High Velocity Erosion Control	square yard	2.40
R3 Rock Lining	square yard	18.50
R4 Rock Lining	square yard	19.50
R5 Rock Lining	square yard	19.00

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Geotextile/Filter Fabric	square yard	2.50
PVC Lining <sup>1</sup>	square yard	11.00
Subsurface Drain	lineal foot	16.00
Pond Removal <sup>2</sup>	pond	3,500.00
Erosion and Sedimentation Control (Temporary Installation)	job	Lump sum (5% of direct costs for site)
Stage 3 Maintenance Bond	acre	500.00
Structure Demolition	Costs for structure demolition will be calculated using costs listed in the construction industry's latest annual cost publications, such as the <i>Means Building Construction Cost Data</i> .	
Mine Sealing <sup>3</sup> Nonhydraulic shaft seal—inert fill	shaft (10 feet or less diameter)	1,400.00
	shaft (11 to 15 feet diameter)	3,000.00
	shaft (16 to 20 feet diameter)	4,500.00
	shaft (21 to 25 feet diameter)	8,000.00
Mine Sealing <sup>3</sup> Hydraulic shaft seal w/bulkhead	shaft (10 feet or less diameter)	7,600.00
	shaft (11 to 15 feet diameter)	9,200.00
	shaft (16 to 20 feet diameter)	10,700.00
Mine Sealing <sup>3</sup> Hydraulic shaft seal w/bulkhead	shaft (21 to 25 feet diameter)	14,200.00
Mine Sealing <sup>3</sup> Nonhydraulic drift/slope seal	drift/slope	3,900.00
Mine Sealing <sup>3</sup> Hydraulic drift/slope seal w/bulkhead	drift/slope	6,200.00

<sup>1</sup>Typically used for lining of ponds or ditches crossing fill material.

<sup>2</sup>Unit cost not from BAMR bids, includes dewatering, grading, topsoil placement and revegetation.

<sup>3</sup>Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment, and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publication, for example *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-25. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Laboratory Accreditation Advisory Committee and Certification Program Advisory Committee Joint Meeting

The December 5, 2003, joint meeting of the Laboratory Accreditation Advisory Committee and the Certification Program Advisory Committee that was cancelled due to inclement weather has been rescheduled for Friday, January 23, 2004.

The meeting will begin at 9 a.m. in Susquehanna Conference Rooms A and B, South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The purpose of this meeting is to discuss possible concepts for the qualifications of a laboratory supervisor, accreditation-by-rule parameters and a fee structure for potential inclusion in the environmental laboratory accreditation regulations.

Questions concerning this meeting should be directed to Richard Sheibley, (717) 705-2425, [rsheibley@state.pa.us](mailto:rsheibley@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us).

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-26. Filed for public inspection January 2, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meetings on Wednesday, January 21 and Thursday, January 22, 2004, from 9 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel these meetings without prior notice.

For additional information or persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Thomas M. DeMelfi, (717) 783-0572, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-27. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances

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 blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Department's Bureau of Laboratories. 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; and 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 chemical test to determine amount of alcohol), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. 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 name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories before the name of the laboratory at the time the list was prepared.

The list of approved laboratories will be revised approximately 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) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000671  
ALLEG CNTY CORONERS DIV OF LABS—SBSe, CBSe  
542 FORBES AVENUE  
ROOM 10, COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000452  
ANALYTIC BIO-CHEMISTRIES INC—SBSe, CBSe  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

000009  
CLINICAL LABS INC A LAB CORP CO—SBSe, CBSe  
901 KEYSTONE INDUSTRIAL PARK  
THROOP, PA 18512-1534  
570-346-1759

000266  
DEPT OF PATHOLOGY & LAB MED—HUP—SSe, CSe  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882

000977  
DRUGSCAN INC—SBSe, CBSe  
1119 MEARNS RD  
PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000654  
GUTHRIE CLINIC PATH LAB—SSe  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

024655  
HEALTH NETWORK LABORATORIES—SBSe, CBSe  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

020512  
LABCORP OCCUPATIONAL TESTING SER—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1904 ALEXANDER DRIVE  
PO BOX 12652  
RESRCH TRNGL PARK, NC 27709  
919-572-7465

000167  
LANCASTER REGIONAL MED CENTER—SS<sub>e</sub>  
250 COLLEGE AVENUE  
PO BOX 3434  
LANCASTER, PA 17604  
717-291-8022

005574  
MEDTOX LABORATORIES INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
612-636-7466

000247  
MERCY HEALTH LAB/MHOP—SS<sub>e</sub>  
54 AND CEDAR AVENUE  
PHILADELPHIA, PA 19143  
215-748-9181

000504  
NATIONAL MED SERVICES INC LAB—SBS<sub>e</sub>, CBS<sub>e</sub>  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SBS<sub>e</sub>,  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—  
SBS<sub>e</sub>, CBS<sub>e</sub>  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE RD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

000151  
ST JOSEPH QUALITY MEDICAL LAB—SBS<sub>e</sub>, CBS<sub>e</sub>  
215 NORTH 12TH STREET, BOX 316  
READING, PA 19603  
610-378-2200

007731  
WESTERN RESERVE CARE SYSTEM—SS<sub>e</sub>, CS<sub>e</sub>  
500 GYPSY LANE  
YOUNGSTOWN, OH 44504  
216-740-3794

000018  
WVHCS HOSP PENNANT LABORATORY—SS<sub>e</sub>  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
570-829-8111

000141  
YORK HOSPITAL—SS<sub>e</sub>  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
717-851-2345

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-28. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Laboratories Approved to Determine Blood Alcohol Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories.

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are approved to analyze both serum and plasma. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and 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 chemical test to determine amount of alcohol) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are specifically licensed by the Department under the Clinical Laboratory Act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories before the name of the laboratory at the time the list was prepared.



The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at the previous address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:

S—approved for serum and plasma analyses

B—approved for blood analyses

SB—approved for serum, plasma and blood analyses

000212

ABINGTON MEMORIAL HOSPITAL—S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
215-576-2350

027180

ADVANCED TOXICOLOGY NETWORK—B  
3560 AIR CENTER COVE, SUITE 101  
MEMPHIS, TN 38118  
901-794-5770

000233

ALBERT EINSTEIN MED CTR NORTH—S  
5501 OLD YORK ROAD  
PHILADELPHIA, PA 19141  
215-456-6100

000040

ALQUIPPA COMM HOSP PATHOLOGY DEPT—B  
2500 HOSPITAL DR—PATHOLOGY DEPT  
ALQUIPPA, PA 15001  
724-857-1240

000671

ALLEG CNTY CORONERS DIV OF LABS—SB  
542 FORBES AVENUE  
ROOM 10, COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

028233

ALLEGHENY GENERAL HOSP DEPT OF LAB MED—B  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
412-359-6886

000077

ALLEGHENY GENERAL HOSPITAL  
LABORATORIES—B  
1307 NORTH FEDERAL STREET  
PITTSBURGH, PA 15212  
412-359-3521

000100

ALLEGHENY VALLEY HOSPITAL LAB—SB  
1300 CARLISLE ST  
NATRONA HEIGHTS, PA 15065  
724-224-5100

000119

ALTOONA HOSPITAL—SB  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
814-946-2340

000452

ANALYTIC BIO-CHEMISTRIES INC—SB  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

000041

ARMSTRONG COUNTY MEMORIAL HOSP—S  
1 NOLTE DRIVE  
KITTINGING, PA 16201  
724-543-8122

000047

ASSOCIATED CLINICAL LABORATORIES—SB  
1526 PEACH STREET  
ERIE, PA 16501  
814-461-2400

000085

AUH—FORBES REGIONAL—SB  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
412-858-2560

000251

AYER CLINICAL LAB—PENN HOSPITAL—S  
8TH & SPRUCE STS  
PHILADELPHIA, PA 19107  
215-829-3541

000320

BARNES KASSON COUNTY HOSPITAL—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
570-853-3135

000120

BON SECOURS-HOLY FAMILY REG HLTH—SB  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
814-949-4495

000033

BRADFORD HOSPITAL LAB—SB  
116-156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
814-362-8247

000296

BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD  
ATTN: LABORATORY  
COATESVILLE, PA 19320  
610-383-8000

000102

BROWNSVILLE GENERAL HOSPITAL LAB—S  
125 SIMPSON RD  
BROWNSVILLE, PA 15417  
724-785-7200

000301

BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
724-284-4510

000107

CANONSBURG GENERAL HOSPITAL—SB  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
724-745-3916

000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
246 PARKER ST  
CARLISLE, PA 17013  
717-249-1212

000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
215-368-2100

000132  
CHAMBERSBURG HOSPITAL—S  
112 NORTH SEVENTH ST  
CHAMBERSBURG, PA 17201  
717-267-7152

000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
814-274-9300

000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
610-431-5182

000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
215-248-8630

000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDREN'S CENTER, 34TH & CIVIC  
PHILADELPHIA, PA 19104  
215-590-1000

000329  
CLARION HOSPITAL—SB  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
814-226-9500

000026  
CLEARFIELD HOSPITAL LABORATORY—S  
809 TURNPIKE AVE  
PO BOX 992  
CLEARFIELD, PA 16830  
814-768-2280

000009  
CLINICAL LABS INC A LAB CORP CO—SB  
901 KEYSTONE INDUSTRIAL PARK  
THROOP, PA 18512-1534  
570-346-1759

000034  
COMMUNITY HOSPITAL—B  
NORTH FRALEY STREET  
KANE, PA 16735  
814-837-4575

000166  
COMMUNITY HOSPITAL OF LANCASTER—S  
1100 EAST ORANGE STREET  
LANCASTER, PA 17602  
717-397-3711

000005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
570-969-8000

000125  
CONEMAUGH VALLEY MEMORIAL HOSP—SB  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905-4398  
814-534-9000

000326  
CORY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORY, PA 16407  
814-664-4641

000201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
610-447-2000

000209  
CROZER-CHESTER MED CTR—SPRINGFLD—S  
190 WEST SPROUL ROAD  
SPRINGFIELD, PA 19064  
610-447-2000

000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
610-284-8100

000266  
DEPT OF PATHOLOGY & LAB MED—HUP—SB  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882

000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
215-345-2250

000977  
DRUGSCAN INC—SB  
1119 MEARN'S RD,  
PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000027  
DUBOIS REG MED CTR—WEST UNIT—S  
100 HOSPITAL AVE  
DUBOIS, PA 15801  
814-371-2200

000175  
EASTON HOSPITAL—B  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
610-250-4140

000214  
ELKINS PARK HOSPITAL—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
215-663-6102

- 000332  
ELLWOOD CITY GENERAL HOSPITAL—S  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
724-752-0081
- 000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE  
PO BOX 1002  
EPHRATA, PA 17522  
717-733-0311
- 000032  
ERHC ST MARYS LABORATORY—B  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
814-788-8525
- 000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
570-522-2510
- 000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
215-934-5227
- 000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVE & WAKELING ST  
PHILADELPHIA, PA 19124  
215-831-2068
- 000341  
FRANKFORD HOSPITAL—TORRES DIV—S  
RED LION & KNIGHTS ROADS  
PHILADELPHIA, PA 19114  
215-612-4000
- 000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
724-547-1500
- 000330  
FULTON COUNTY MEDICAL CENTER—S  
216 SOUTH FIRST STREET  
MCCONNELLSBURG, PA 17233  
717-485-3155
- 000173  
GEISINGER MEDICAL CENTER—SB  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338
- 000019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES-BARRE, PA 18711  
570-826-7830
- 000104  
GEORGE TOLSTOI LAB—UNIONTOWN HSP—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143
- 000237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
215-951-8800
- 000122  
GETTYSBURG HOSPITAL—SB  
147 GETTYS STREET  
GETTYSBURG, PA 17325  
717-334-2121
- 000152  
GNADEN HUETTEN MEMORIAL HOSP—SB  
11TH & HAMILTON STS  
LEHIGHTON, PA 18235  
610-377-1300
- 000299  
GOOD SAMARITAN HOSPITAL—B  
4TH & WALNUT STS  
PO BOX 1281  
LEBANON, PA 17042-1218  
717-270-7500
- 000182  
GOOD SAMARITAN REGIONAL MED CTR—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
570-621-4032
- 000238  
GRADUATE HOSPITAL—S  
1800 LOMBARD STREET  
PHILADELPHIA, PA 19146  
215-893-2240
- 000196  
GRAND VIEW HOSPITAL—S  
700 LAWN AVE  
SELLERSVILLE, PA 18960  
215-257-3611
- 000105  
GREENE COUNTY MEMORIAL HOSPITAL—S  
BONAR AVENUE  
WAYNESBURG, PA 15370  
724-627-2608
- 000654  
GUTHRIE CLINIC PATH LAB—S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858
- 000239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS MS 113  
PHILADELPHIA, PA 19102  
215-762-1783
- 000046  
HAMOT MEDICAL CENTER—S  
201 STATE STREET  
ERIE, PA 16550  
814-877-3131
- 000139  
HANOVER GENERAL HOSPITAL—SB  
300 HIGHLAND AVE  
HANOVER, PA 17331  
717-637-3711
- 000155  
HARRISBURG HOSPITAL LABORATORY—SB  
SOUTH FRONT STREET  
HARRISBURG, PA 17101  
570-782-2832
- 000010  
HAZLETON GENERAL HOSPITAL—SB  
EAST BROAD STREET  
HAZLETON, PA 18201  
570-501-4152

000169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
610-402-2236

000549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
610-402-8150

000600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
484-884-2259

024655  
HEALTH NETWORK LABORATORIES—SB  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

000103  
HIGHLANDS HOSPITAL—S  
401 EAST MURPHY AVENUE  
CONNELLSVILLE, PA 15425  
724-628-1500

000130  
HOLY SPIRIT HOSPITAL—SB  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
717-763-2206

000052  
INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD  
PO BOX 788  
INDIANA, PA 15701-0788  
724-357-7167

000135  
J C BLAIR MEMORIAL HOSPITAL—S  
WARM SPRINGS AVE  
HUNTINGDON, PA 16652  
814-643-8645

000054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
724-656-4080

000240  
JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
215-728-2347

000038  
JEFFERSON REGIONAL MED CTR—RESP LAB—S  
575 COAL VALLEY ROAD  
BIBRO BLDG, 4TH FLOOR  
PITTSBURGH, PA 15236  
412-469-5723

000200  
JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
610-869-1080

000053  
JRHS—BROOKVILLE HOSPITAL—S  
100 HOSPITAL RD  
BROOKVILLE, PA 15825  
814-849-2312

000532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
215-426-8100

021306  
LAB CORP OCCUPATIONAL TEST SRVCS—B  
1120 STATELINE ROAD WEST  
SOUTHAVEN, MS 38671  
886-827-8042

005618  
LAB CORP OF AMERICA HOLDINGS—SB  
6370 WILCOX ROAD  
DUBLIN, OH 43016-1296  
800-282-7300

001088  
LABCORP OF AMERICA HOLDINGS—SB  
69 FIRST AVE  
PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715  
LABONE INC—SB  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

000165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE ST  
PO BOX 3555  
LANCASTER, PA 17604  
717-299-5511

000167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
PO BOX 3434  
LANCASTER, PA 17604  
717-291-8022

000114  
LATROBE AREA HOSPITAL—S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
724-537-1550

000138  
LEWISTOWN HOSPITAL—B  
HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
717-248-5411

000030  
LOCK HAVEN HOSPITAL—B  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
570-893-5000

000213  
MAIN LINE CLIN LABS BRYN MAWR CP—S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
610-526-3554

- 000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615
- 000199  
MAIN LINE CLIN LABS PAOLI MEM CP—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
610-648-1000
- 000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
717-281-1042
- 000049  
MEADVILLE MED CTR—LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
814-336-3121
- 000268  
MEDICAL COLLEGE OF PA HOSPITAL—S  
3300 HENRY AVENUE  
PHILADELPHIA, PA 19129  
215-842-7306
- 005574  
MEDTOX LABORATORIES INC—SB  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
612-636-7466
- 000140  
MEMORIAL HOSPITAL CLINICAL LAB—SB  
325 S BELMONT ST  
PO BOX 15118  
YORK, PA 17403  
717-843-8623
- 000023  
MEMORIAL HOSPITAL LAB—SB  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
570-265-2191
- 000203  
MERCY HEALTH LAB/MFH—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262
- 000247  
MERCY HEALTH LAB/MHOP—S  
54 AND CEDAR AVENUE  
PHILADELPHIA, PA 19143  
215-748-9181
- 000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
610-278-2090
- 000336  
MERCY HEALTH PARTNERS—S  
746 JEFFERSON AVE  
SCRANTON, PA 18510  
570-348-7100
- 000082  
MERCY HOSPITAL LABORATORY—S  
PRIDE & LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831
- 000017  
MERCY HOSPITAL LABORATORY—S  
25 CHURCH STREET  
PO BOX 658  
WILKES-BARRE, PA 18765  
570-826-3100
- 000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
724-527-9330
- 000079  
MERCY PROVIDENCE HOSPITAL LAB—S  
1004 ARCH STREET  
PITTSBURGH, PA 15212  
412-323-5783
- 000245  
METHODIST HOSP DIVISION/TJUH INC—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
215-952-9059
- 000231  
MEYERSDALE COMMUNITY HOSPITAL—S  
200 HOSPITAL DR  
MEYERSDALE, PA 15552  
814-634-5911
- 000269  
MIDVALLEY HOSPITAL—S  
1400 MAIN STREET  
PECKVILLE, PA 18452  
570-383-5520
- 000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
PO BOX 689  
HASTINGS, PA 16646  
814-948-7171
- 000108  
MONONGAHELA VALLEY HOSP INC—S  
COUNTRY CLUB RD, RT 88  
MONONGAHELA, PA 15063  
724-258-1000
- 000323  
MONSOUR MEDICAL CENTER—S  
70 LINCOLN WAY E  
JEANNETTE, PA 15644  
724-527-1511
- 000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
610-270-2173
- 000007  
MOSES TAYLOR HOSPITAL—S  
700 QUINCY AVENUE  
SCRANTON, PA 18510  
570-340-2100
- 000025  
MOUNT NITTANY MEDICAL CENTER—B  
1800 PARK AVENUE  
STATE COLLEGE, PA 16803  
814-234-6117

000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
570-546-8282

000304  
NASON HOSPITAL—B  
NASON DRIVE  
ROARING SPRING, PA 16673  
814-224-6215

000504  
NATIONAL MED SERVICES INC LAB—SB  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
215-335-6245

000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
412-777-6161

000807  
OMEGA MEDICAL LABORATORIES INC—SB  
2001 STATE HILL ROAD, SUITE 100  
WYOMISSING, PA 19610-1699  
610-378-1900

000334  
PALMERTON HOSPITAL—S  
135 LAFAYETTE AVE  
PALMERTON, PA 18071  
610-826-3141

000316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY & LAB MEDICINE  
HERSHEY, PA 17033  
717-531-8353

022533  
PENNSYLVANIA DEPT OF HEALTH—SB  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464

022306  
PHILIPSBURG AREA HOSPITAL—SB  
210 LOCH LOMOND ROAD  
PHILIPSBURG, PA 16866  
814-342-7112

000197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT RD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
610-983-1612

000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
4300 LONDONDERRY RD  
PO BOX 3000  
HARRISBURG, PA 17109  
717-657-7214

000520  
PITTSBURGH CRIMINALISTICS—SB  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118

000022  
POCONO MEDICAL CENTER LAB—SB  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544

000221  
POTTSTOWN MEMORIAL MED CTR MAIN LAB—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
610-327-7000

000183  
POTTSVILLE HOSP AND WARNE CLINIC—S  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
570-621-5262

000258  
PRESBYTERIAN MED CNTR OF UNIV OF PA  
HLTH—S  
51 NORTH 39TH ST, 5TH FLR, RM 530  
DEPARTMENT OF PATHOLOGY & LAB  
PHILADELPHIA, PA 19104-2640  
215-662-3435

000300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
814-938-4500

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—SB  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300

027461  
QUEST DIAGNOSTICS INC—SB  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
610-631-4219

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SB  
875 GREENTREE RD 4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SB  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

000150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

000206  
RIDDLE MEMORIAL HOSPITAL—S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
610-566-9400

000243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
215-487-4394

000171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
610-776-4727

000259  
SAINT AGNES MEDICAL CENTER—S  
1900 SOUTH BROAD STREET  
PHILADELPHIA, PA 19145  
215-339-4360

000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
412-561-4900

000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM ST  
BETHLEHEM, PA 18015  
610-954-4558

000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE-NEWTOWN RD  
LANGHORNE, PA 19047  
215-710-2162

000048  
SAINT VINCENT HEALTH CENTER—S  
232 WEST 25TH STREET  
ERIE, PA 16544  
814-452-5383

000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
412-741-6600

000064  
SHARON REGIONAL HEALTH SYSTEM—SB  
740 EAST STATE STREET  
SHARON, PA 16146  
724-983-3911

000039 SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVE  
WELLSBORO, PA 16901  
570-723-0133

000297  
SOMERSET HOSPITAL LAB—B  
225 S CENTER AVE  
SOMERSET, PA 15501  
814-443-5000

022376  
SPECIALTY LABORATORIES—SB  
2211 MICHIGAN AVENUE  
SANTA MONICA, CA 90404  
310-828-6543

000151  
ST JOSEPH QUALITY MEDICAL LAB—SB  
215 NORTH 12TH STREET, BOX 316  
READING, PA 19603  
610-378-2200

000261  
ST JOSEPH'S HOSPITAL-DIV NPHS—S  
16TH ST & GIRARD AVE  
PHILADELPHIA, PA 19130  
215-787-9000

000318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
610-770-8300

000195  
ST LUKES QUAKERTOWN HOSPITAL—S  
11TH ST & PARK AVE  
PO BOX 9003  
QUAKERTOWN, PA 18951  
215-538-4681

000094  
SUBURBAN GENERAL HOSPITAL—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
412-734-6000

000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 E CHESTER PIKE  
RIDLEY PARK, PA 19078  
610-595-6450

000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
215-291-3671

000193  
TEMPLE LOWER BUCKS HOSPITAL LAB—S  
501 BATH ROAD  
BRISTOL, PA 19007  
215-785-9200

000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
215-427-7333

000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
215-707-4353

000205  
THE MEDICAL CENTER BEAVER PA—SB  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
724-728-7000

000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH ST, 204 PAVILION  
PHILADELPHIA, PA 19107  
215-955-6374

000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
814-827-1851

000313  
TYLER MEMORIAL HOSPITAL—S  
880 SR 6 W  
TUNKHANNOCK, PA 18657-6149  
570-836-2161

000124  
TYRONE HOSPITAL—SB  
CLAY AVENUE EXTENSION  
TYRONE, PA 16686  
814-684-0484

000061  
UNITED COMMUNITY HOSPITAL—SB  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
724-450-7125

000121  
UPMC BEDFORD MEMORIAL—SB  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
814-623-3506

000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
412-636-5291

000059  
UPMC HORIZON GREENVILLE—SB  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
724-588-2100

000057  
UPMC HORIZON SHENANGO—SB  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
724-981-3500

000126  
UPMC LEE REGIONAL HOSPITAL—SB  
320 MAIN STREET  
JOHNSTOWN, PA 15901  
814-533-0130

000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
412-664-2233

000058  
UPMC NORTHWEST—SB  
1 SPRUCE STREET  
FRANKLIN, PA 16323  
814-437-7000

000084  
UPMC PASSAVANT—S  
9100 BABCOCK BLVD  
PITTSBURGH, PA 15237  
412-367-6700

005784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
724-772-5370

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S  
ROOM 5929, MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

000092  
UPMC PRESBYTERIAN SHADYSIDE LAB SHDY—S  
5230 CENTRE AVENUE  
PITTSBURGH, PA 15232  
412-622-2315

000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
412-784-4000

000622  
WARMINSTER HOSPITAL—S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
215-441-6700

000066  
WARREN GENERAL HOSPITAL—SB  
2 CRESCENT PARK  
WARREN, PA 16365  
814-723-3300

000111  
WASHINGTON HOSPITAL—S  
155 WILSON AVE  
WASHINGTON, PA 15301  
724-223-3136

000298  
WAYNE MEMORIAL HOSPITAL—S  
601 PARK STREET  
HONESDALE, PA 18431  
570-253-1300

000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
717-765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
412-578-5779

007731  
WESTERN RESERVE CARE SYSTEM—S  
500 GYPSY LANE  
YOUNGSTOWN, OH 44504  
216-740-3794

000112  
WESTMORELAND HOSPITAL—S  
532 W PITTSBURGH ST  
GREENSBURG, PA 15601  
724-832-4365

000037  
WILLIAMSPORT HOSP & MED CENTER—SB  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
570-321-2300

000106  
WINDBER MEDICAL CENTER—B  
600 SOMERSET AVE  
WINDBER, PA 15963  
814-467-6611

000018  
WVHCS HOSP PENNANT LABORATORY—SB  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
570-829-8111



025064  
WVU HOSPITAL CLINICAL LABS—S  
1 MEDICAL CENTER DR  
PO BOX 8009  
MORGANTOWN, WV 26506-8009  
304-598-4241

000141  
YORK HOSPITAL—SB  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
717-851-2345

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-29. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Laboratories Approved to Determine Urine Controlled Substance Content

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 Department's Bureau of Laboratories. 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; and 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 chemical test to determine amount of alcohol), 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 approximately semiannually and published in the *Pennsyl-*

*vania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories before the name of the laboratory at the time the list was prepared.

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) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact M. Jeffery Shoemaker at V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000212  
ABINGTON MEMORIAL HOSPITAL—S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
215-576-2350

027908  
ACM MEDICAL LABORATORY—SC  
160 ELMGROVE PARK  
ROCHESTER, NY 14624  
716-429-2264

023114  
ACT LAB SERVICES INC—SC  
345 DRESHER ROAD  
HORSHAM, PA 19044  
215-674-0420

027180  
ADVANCED TOXICOLOGY NETWORK—SC  
3560 AIR CENTER COVE SUITE 101  
MEMPHIS, TN 38118  
901-794-5770

000233  
ALBERT EINSTEIN MED CTR NORTH—S  
5501 OLD YORK ROAD  
PHILADELPHIA, PA 19141  
215-456-6100

000040  
ALIQUIPPA COMM HOSP PATHOLOGY DEPT—S  
2500 HOSPITAL DR—PATHOLOGY DEPT  
ALIQUIPPA, PA 15001  
724-857-1240

000671  
ALLEG CNTY CORONERS DIV OF LABS—S  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

028233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
412-359-6886

000077  
ALLEGHENY GENERAL HOSPITAL  
LABORATORIES—S  
1307 NORTH FEDERAL STREET  
PITTSBURGH, PA 15212  
412-359-3521

000119  
ALTOONA HOSPITAL—S  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
814-946-2340

026620  
AMMON ANALYTICAL LABORATORY—SC  
600 BLOY STREET  
HILLSIDE, NJ 07205  
908-624-0004

000452  
ANALYTIC BIO-CHEMISTRIES INC—SC  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
215-322-9210

000047  
ASSOCIATED CLINICAL LABORATORIES—SC  
1526 PEACH STREET  
ERIE, PA 16501  
814-461-2400

000085  
AUH—FORBES REGIONAL—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
412-858-2560

000251  
AYER CLINICAL LAB—PENN HOSPITAL—S  
8TH & SPRUCE STS  
PHILADELPHIA, PA 19107  
215-829-3541

000320  
BARNES KASSON COUNTY HOSPITAL—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
570-853-3135

021553  
BENDINER & SCHLESINGER INC—SC  
47 THIRD AVENUE  
NEW YORK, NY 10003  
212-254-2300

027615  
BIOLOGICAL SPECIALTY CORPORATION—S  
2165 NORTH LINE STREET  
COLMAR, PA 18915  
215-997-8771

027616  
BIOLOGICAL SPECIALTY CORPORATION—S  
3671 HULMEVILLE ROAD  
BENSALEM, PA 19020  
215-245-9855

027617  
BIOLOGICAL SPECIALTY CORPORATION—S  
502 PENN STREET  
READING, PA 19602  
610-375-9862

022757  
BIOREFERENCE LABORATORIES INC—SC  
481B EDWARD H ROSS DRIVE  
ELMWOOD PARK, NJ 07407  
201-791-3600

000120  
BON SECOURS-HOLY FAMILY REG HLTH—S  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
814-949-4495

000033  
BRADFORD HOSPITAL LAB—S  
116-156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
814-362-8247

000296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD  
ATTN: LABORATORY  
COATESVILLE, PA 19320  
610-383-8000

000102  
BROWNSVILLE GENERAL HOSPITAL LAB—S  
125 SIMPSON RD  
BROWNSVILLE, PA 15417  
724-785-7200

000301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
724-284-4510

000107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
724-745-3916

000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
246 PARKER ST  
CARLISLE, PA 17013  
717-249-1212

000751  
CEDAR CREST EMERGICENTER—S  
1101 SOUTH CEDAR CREST BOULEVARD  
ALLENTOWN, PA 18103  
610-433-4260

000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
215-368-2100

000132  
CHAMBERSBURG HOSPITAL—S  
112 NORTH SEVENTH ST  
CHAMBERSBURG, PA 17201  
717-267-7152

000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
814-274-9300

000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
610-431-5182

000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
215-248-8630

000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDREN'S CENTER  
34TH & CIVIC  
PHILADELPHIA, PA 19104  
215-590-1000

000329  
CLARION HOSPITAL—S  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
814-226-9500

000009  
CLINICAL LABS INC—A LAB CORP CO—SC  
901 KEYSTONE INDUSTRIAL PARK  
THROOP, PA 18512-1534  
570-346-1759

024916  
CLINICAL SCIENCE LABORATORY INC—SC  
51 FRANCIS AVENUE  
MANSFIELD, MA 02048  
508-339-6106

000166  
COMMUNITY HOSPITAL OF LANCASTER—S  
1100 EAST ORANGE STREET  
LANCASTER, PA 17602  
717-397-3711

000005 COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
570-969-8000

000125  
CONEMAUGH VALLEY MEMORIAL HOSP—S  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905-4398  
814-534-9000

025256  
CORPORATE HEALTH SERVICES—S  
1914 MERCER AVENUE  
PO BOX 330  
FARRELL, PA 16121  
724-346-6425

000326  
CORY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORY, PA 16407  
814-664-4641

000201 CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
610-447-2000

000363  
DE JOHN MED LABORATORY INC—S  
1570 GARRETT ROAD  
UPPER DARBY, PA 19082  
610-626-2112

000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
610-284-8100

024016  
DENVER FAMILY PRACTICE—S  
63 WEST CHURCH STREET  
STEVENS, PA 17578  
717-335-3311

000266  
DEPT OF PATHOLOGY & LAB MED—HUP—SC  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
215-662-6882

000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
215-345-2250

000977  
DRUGSCAN INC—SC  
1119 MEARNES RD  
PO BOX 2969  
WARMINSTER, PA 18974  
215-674-9310

000175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
610-250-4140

000214  
ELKINS PARK HOSPITAL—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
215-663-6102

000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE  
PO BOX 1002  
EPHRATA, PA 17522  
717-733-0311

000031  
ERHC RIDGWAY LABORATORY—S  
94 HOSPITAL STREET  
RIDGWAY, PA 15853  
814-788-8525

000032  
ERHC ST MARYS LABORATORY—S  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
814-788-8525

000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
570-522-2510

021431  
FITNESS FOR DUTY CENTER—S  
PA POWER & LIGHT CO  
PO BOX 467  
BERWICK, PA 18603  
570-542-3336

000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
215-934-5227

000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVE & WAKELING ST  
PHILADELPHIA, PA 19124  
215-831-2068

000341  
FRANKFORD HOSPITAL—TORRES DIV—S  
RED LION & KNIGHTS ROADS  
PHILADELPHIA, PA 19114  
215-612-4000

000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
724-547-1500

020644  
FRIENDS HOSPITAL—S  
4641 ROOSEVELT BOULEVARD  
PHILADELPHIA, PA 19124-2399  
215-831-4771

009163  
FRIENDS MEDICAL LAB INC—SC  
5820 SOUTHWESTERN BLVD  
BALTIMORE, MD 21227  
412-247-4417

024914  
GAUDENZIA ERIE INC—S  
414 WEST 5TH STREET  
ERIE, PA 16507  
814-459-4775

000173  
GEISINGER MEDICAL CENTER—SC  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338

000019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES-BARRE, PA 18711  
570-826-7830

000237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
215-951-8800

026799  
GHHA OCCUPATIONAL HEALTH CENTER LAB—S  
1000 ALLIANCE DRIVE  
HAZLETON, PA 18202  
570-459-1028

000152  
GNADEN HUETTEN MEMORIAL HOSP—S  
11TH & HAMILTON STS  
LEHIGHTON, PA 18235  
610-377-1300

000299  
GOOD SAMARITAN HOSPITAL—S  
4TH & WALNUT STS  
PO BOX 1281  
LEBANON, PA 17042-1218  
717-270-7500

000182  
GOOD SAMARITAN REGIONAL MED CTR—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
570-621-4032

000238  
GRADUATE HOSPITAL—S  
1800 LOMBARD STREET  
PHILADELPHIA, PA 19146  
215-893-2240

025957  
GRAHAM-MASSEY ANALYTICAL LABS—SC  
60 TODD ROAD  
SHELTON, CT 06484  
203-926-1100

000654  
GUTHRIE CLINIC PATH LAB—S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
570-888-5858

000239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS MS 113  
PHILADELPHIA, PA 19102  
215-762-1783

000139  
HANOVER GENERAL HOSPITAL—S  
300 HIGHLAND AVE  
HANOVER, PA 17331  
717-637-3711

000155  
HARRISBURG HOSPITAL LABORATORY—S  
SOUTH FRONT STREET  
HARRISBURG, PA 17101  
570-782-2832

000010  
HAZLETON GENERAL HOSPITAL—S  
EAST BROAD STREET  
HAZLETON, PA 18201  
570-501-4152

000169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
610-402-2236

000549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
610-402-8150

000600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
484-884-2259

024655  
HEALTH NETWORK LABORATORIES—SC  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

000216  
HOLY REDEEMER HOSPITAL—S  
1648 HUNTINGDON PIKE  
MEADOWBROOK, PA 19046  
215-947-3000

000130  
HOLY SPIRIT HOSPITAL—SC  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
717-763-2206

000052  
INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD  
PO BOX 788  
INDIANA, PA 15701-0788  
724-357-7167

022201  
INTERNATIONAL MEDICAL SYSTEM LAB—S  
600 THOMAS ROAD  
EUGINA HOSPITAL CAMPUS, 2ND FLOOR  
LAFAYETTE HILL, PA 19444  
610-292-0613

000135  
J C BLAIR MEMORIAL HOSPITAL—S  
WARM SPRINGS AVE  
HUNTINGDON, PA 16652  
814-643-8645

000054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
724-656-4080

000240  
JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
215-728-2347

000038  
JEFFERSON REGIONAL MED CTR—RESP LAB—S  
575 COAL VALLEY ROAD  
BIBRO BLDG, 4TH FLOOR  
PITTSBURGH, PA 15236  
412-469-5723

000200  
JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
610-869-1080

000312  
JERSEY SHORE HOSPITAL—S  
1020 THOMPSON STREET  
JERSEY SHORE, PA 17740  
570-398-0100

000532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
215-426-8100

026008  
KROLL LABORATORY SPECIALISTS—SC  
1111 NEWTON STREET  
GRETNA, LA 70053  
504-361-8989

021306  
LAB CORP OCCUPATIONAL TEST SRVCS—SC  
1120 STATELINE ROAD WEST  
SOUTHAVEN, MS 38671  
886-827-8042

020512  
LABCORP OCCUPATIONAL TESTING SER—SC  
1904 ALEXANDER DRIVE  
PO BOX 12652  
RESRCH TRNGL PARK, NC 27709  
919-572-7465

001088  
LABCORP OF AMERICA HOLDINGS—SC  
69 FIRST AVE  
PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715  
LABONE INC—SC  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

000165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE ST  
PO BOX 3555  
LANCASTER, PA 17604  
717-299-5511

000167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
PO BOX 3434  
LANCASTER, PA 17604  
717-291-8022

000114  
LATROBE AREA HOSPITAL—S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
724-537-1550

000138  
LEWISTOWN HOSPITAL—S  
HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
717-248-5411

000030  
LOCK HAVEN HOSPITAL—S  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
570-893-5000

000639  
MAGEE-WOMENS HOSPITAL OF UPMC—S  
300 HALKET STREET  
PITTSBURGH, PA 15213  
412-647-4651

000213  
MAIN LINE CLIN LABS BRYN MAWR CP—S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
610-526-3554

000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

000199  
MAIN LINE CLIN LABS PAOLI MEM CP—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
610-648-1000

000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
717-281-1042

000049  
MEADVILLE MED CTR—LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
814-336-3121

000268  
MEDICAL COLLEGE OF PA HOSPITAL—S  
3300 HENRY AVENUE  
PHILADELPHIA, PA 19129  
215-842-7306

005574  
MEDTOX LABORATORIES INC—SC  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
612-636-7466

000023  
MEMORIAL HOSPITAL LAB—S  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
570-265-2191

000203  
MERCY HEALTH LAB/MFH—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262

000247  
MERCY HEALTH LAB/MHOP—S  
54 AND CEDAR AVENUE  
PHILADELPHIA, PA 19143  
215-748-9181

000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
610-278-2090

000336  
MERCY HEALTH PARTNERS—S  
746 JEFFERSON AVE  
SCRANTON, PA 18510  
570-348-7100

000017  
MERCY HOSPITAL LABORATORY—S  
25 CHURCH STREET  
PO BOX 658  
WILKES-BARRE, PA 18765  
570-826-3100

000082  
MERCY HOSPITAL LABORATORY—S  
PRIDE & LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831

000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
724-527-9330

000245  
METHODIST HOSP DIVISION/TJUH INC—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
215-952-9059

000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
PO BOX 689  
HASTINGS, PA 16646  
814-948-7171

000108  
MONONGAHELA VALLEY HOSP INC—S  
COUNTRY CLUB RD, RT 88  
MONONGAHELA, PA 15063  
724-258-1000

000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
610-270-2173

000025  
MOUNT NITTANY MEDICAL CENTER—S  
1800 PARK AVENUE  
STATE COLLEGE, PA 16803  
814-234-6117

000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
570-546-8282

000304  
NASON HOSPITAL—S  
NASON DRIVE  
ROARING SPRING, PA 16673  
814-224-6215

000504  
NATIONAL MED SERVICES INC LAB—SC  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
215-335-6245

027246  
NORCHEM DRUG TESTING LABORATORY—SC  
1760 EAST ROUTE 66, SUITE 1  
FLAGSTAFF, AZ 86004  
928-526-1011

000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
412-777-6161

000807  
OMEGA MEDICAL LABORATORIES INC—SC  
2001 STATE HILL ROAD, SUITE 100  
WYOMISSING, PA 19610-1699  
610-378-1900

000250  
PARKWAY CLINICAL LABORATORIES—S  
3448 B PROGRESS DRIVE  
BENSALEM, PA 19020  
215-245-5112

000316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY & LAB MEDICINE  
HERSHEY, PA 17033  
717-531-8353

022533  
PENNSYLVANIA DEPT OF HEALTH—SC  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464

027512  
PHARCHEM INC TEXAS DIVISION—SC  
4600 N BEACH STREET  
HALTOM CITY, TX 76137  
817-215-8826

000197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT RD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
610-983-1612

000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
4300 LONDONDERRY RD  
PO BOX 3000  
HARRISBURG, PA 17109  
717-657-7214

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SC  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
412-391-6118

000022  
POCONO MEDICAL CENTER LAB—S  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544

000221  
POTTSTOWN MEMORIAL MED CTR MAIN LAB—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
610-327-7000

000183  
POTTSVILLE HOSP AND WARNE CLINIC—S  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
570-621-5262

000258  
PRESBYTERIAN MED CNTR OF UNIV OF PA  
HLTH—S  
51 NORTH 39TH ST, 5TH FLOOR, ROOM 530  
DEPARTMENT OF PATHOLOGY & LAB  
PHILADELPHIA, PA 19104-2640  
215-662-3435

000516  
PRINCETON BIOMEDICAL LABS INC—S  
2921 NEW RODGERS ROAD  
BRISTOL, PA 19007  
215-785-5200

021648  
PSYCHEMEDICS CORPORATION—SC  
5832 UPLANDER WAY  
CULVER CITY, CA 90230  
800-522-7424

000300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
814-938-4500

009620  
QUEST DIAGNOSTICS CLIN LABS INC—SC  
7600 TYRONE AVENUE  
VAN NUYS, CA 91405  
818-376-6195

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—S  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300

027461  
QUEST DIAGNOSTICS INC—SC  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
610-631-4219

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SC  
875 GREENTREE RD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

024249  
QUINTILES LABORATORIES LTD—SC  
5500 HIGHLANDS PARKWAY, SUITE 600  
SMYRNA, GA 30082  
770-434-8492

000150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

025348  
REDWOOD TOXICOLOGY LABORATORY—SC  
3650 WESTWIND BOULEVARD  
SANTA ROSA, CA 95403  
707-577-7958

000206  
RIDDLE MEMORIAL HOSPITAL—S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
610-566-9400

001247  
ROTHSVILLE FAMILY PRACTICE—S  
2320 ROTHSVILLE ROAD  
LITITZ, PA 17543  
717-627-1214

000243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
215-487-4394

000171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
610-776-4727

000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
412-561-4900

000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM ST  
BETHLEHEM, PA 18015  
610-954-4558

000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE-NEWTOWN RD  
LANGHORNE, PA 19047  
215-710-2162

024496  
SCIENTIFIC TESTING LABS INC—SC  
450 SOUTHLAKE BOULEVARD  
RICHMOND, VA 23236  
804-378-9130

028471  
SECON A DIVISION OF CIVIGENICS—S  
316 MECCA DRIVE  
LAFAYETTE, LA 70508  
337-291-9501

000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
412-741-6600

000064  
SHARON REGIONAL HEALTH SYSTEM—S  
740 EAST STATE STREET  
SHARON, PA 16146  
724-983-3911

000039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVE  
WELLSBORO, PA 16901  
570-723-0133

000297  
SOMERSET HOSPITAL LAB—S  
225 S CENTER AVE  
SOMERSET, PA 15501  
814-443-5000

022376  
SPECIALTY LABORATORIES—S  
2211 MICHIGAN AVENUE  
SANTA MONICA, CA 90404  
310-828-6543

000260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
3601 A STREET  
PHILADELPHIA, PA 19134  
215-427-5337

000151  
ST JOSEPH QUALITY MEDICAL LAB—SC  
215 NORTH 12TH STREET, BOX 316  
READING, PA 19603  
610-378-2200

000261  
ST JOSEPH'S HOSPITAL—DIV NPBS—S  
16TH ST & GIRARD AVE  
PHILADELPHIA, PA 19130  
215-787-9000

000318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
610-770-8300

000094  
SUBURBAN GENERAL HOSPITAL—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
412-734-6000

000187  
SUNBURY COMMUNITY HOSPITAL—S  
350 N 11TH ST  
SUNBURY, PA 17801  
570-286-3333

000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 E CHESTER PIKE  
RIDLEY PARK, PA 19078  
610-595-6450

024997  
TECHNOW INC—S  
31 INDUSTRIAL HIGHWAY  
ESSINGTON, PA 19029  
610-362-0610

000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
215-291-3671

000193  
TEMPLE LOWER BUCKS HOSPITAL LAB—S  
501 BATH ROAD  
BRISTOL, PA 19007  
215-785-9200

000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
215-427-7333

000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
215-707-4353

000205  
THE MEDICAL CENTER BEAVER PA—S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
724-728-7000



000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH ST  
204 PAVILION  
PHILADELPHIA, PA 19107  
215-955-6374

000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
814-827-1851

023608  
UHS OF FAIRMOUNT INC—S  
561 FAIRTHORNE AVENUE  
PHILADELPHIA, PA 19128  
215-487-4078

000061  
UNITED COMMUNITY HOSPITAL—S  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
724-450-7125

000121  
UPMC BEDFORD MEMORIAL—S  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
814-623-3506

000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
412-636-5291

000059  
UPMC HORIZON GREENVILLE—S  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
724-588-2100

000057  
UPMC HORIZON SHENANGO—S  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
724-981-3500

000126  
UPMC LEE REGIONAL HOSPITAL—S  
320 MAIN STREET  
JOHNSTOWN, PA 15901  
814-533-0130

000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
412-664-2233

000058  
UPMC NORTHWEST—S  
1 SPRUCE STREET  
FRANKLIN, PA 16323  
814-437-7000

005784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
724-772-5370

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

000092  
UPMC PRESBYTERIAN SHADYSIDE LAB SHDY—S  
5230 CENTRE AVENUE  
PITTSBURGH, PA 15232  
412-622-2315

000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
412-784-4000

027225  
US DRUG TESTING LABORATORIES INC—SC  
1700 SOUTH MOUNT PROSPECT ROAD  
DES PLAINES, IL 60018  
847-375-0770

000335  
VALLEY FORGE MED CTR & HOSP—S  
1033 W GERMANTOWN PIKE  
NORRISTOWN, PA 19403  
610-539-8500

000622  
WARMINSTER HOSPITAL—S  
225 NEWTOWN ROAD  
WARMINSTER, PA 18974  
215-441-6700

000066  
WARREN GENERAL HOSPITAL—S  
2 CRESCENT PARK  
WARREN, PA 16365  
814-723-3300

000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
717-765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
412-578-5779

007731  
WESTERN RESERVE CARE SYSTEM—SC  
500 GYPSY LANE  
YOUNGSTOWN, OH 44504  
216-740-3794

000112  
WESTMORELAND HOSPITAL—S  
532 W PITTSBURGH ST  
GREENSBURG, PA 15601  
724-832-4365

000037  
WILLIAMSPORT HOSP & MED CENTER—S  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
570-321-2300

000018  
 WVHCS HOSP PENNANT LABORATORY—SC  
 575 NORTH RIVER STREET  
 WILKES-BARRE, PA 18764  
 570-829-8111

000141  
 YORK HOSPITAL—S  
 1001 SOUTH GEORGE STREET  
 YORK, PA 17405  
 717-851-2345

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-30. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations

The following laboratories are licensed in accordance with 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 under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning). These regulations specify the following requirements for reporting by clinical laboratories.

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). As of January 26, 2002, the NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests on 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests on less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5), and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hard copy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25  $\mu\text{g}/\text{dL}$  or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25  $\mu\text{g}/\text{dL}$ .

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the clinical laboratory permit number does not change. If questions arise about the identity of a laboratory due to a name change, the clinical laboratory permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the clinical laboratory permit numbers of the facilities are included in the lists of approved laboratories before the name of the laboratory at the time the list was prepared.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

022912

ACL LABORATORIES—LP  
8901 WEST LINCOLN AVE  
WEST ALLIS, WI 53227  
414-328-7945

000671

ALLEG CNTY CORONERS DIV OF LABS—L  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000016

ANGELINE KIRBY MEM HEALTH CENTER—L  
71 NORTH FRANKLIN STREET  
WILKES-BARRE, PA 18701  
570-823-5450

020506

CENTRAL PA ALLIANCE LABORATORY—LP  
1803 MT ROSE AVENUE  
SUITE C3-C4  
YORK, PA 17403  
717-851-1426

000009

CLINICAL LABS INC A LAB CORP CO—LP  
901 KEYSTONE INDUSTRIAL PARK  
THROOP, PA 18512-1534  
570-346-1759

027845

CLINICAL REFERENCE LABORATORY—LP  
8433 QUIVIRA ROAD  
LENEXA, KS 66215  
913-492-3652

000561

EAST PENN MFG CO INC—LP  
DEKA RD KELLER TECH CENTER  
LYONS STATION, PA 19536  
610-682-6361

000332

ELLWOOD CITY GENERAL HOSPITAL—LP  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
724-752-0081

001950

EMS PATSY J BRUNO MD LABORATORY—L  
369 NORTH 11TH STREET  
SUNBURY, PA 17801  
570-286-7755

000173

GEISINGER MEDICAL CENTER—L  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338

025914

GENOVA DIAGNOSTICS—L  
63 ZILLICOA STREET  
ASHEVILLE, NC 28801  
828-253-0621

000104

GEORGE TOLSTOI LAB—UNIONTOWN HSP—L  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

020802

HAGERSTOWN MEDICAL LABORATORY—L  
11110 MEDICAL CAMPUS RD STE 230  
HAGERSTOWN, MD 21742  
301-790-8670

024655

HEALTH NETWORK LABORATORIES—LP  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

005618

LAB CORP OF AMERICA HOLDINGS—LP  
6370 WILCOX ROAD  
DUBLIN, OH 43016-1296  
800-282-7300

021885

LAB CORP OF AMERICA HOLDINGS—LP  
1447 YORK COURT  
BURLINGTON, NC 27215  
800-334-5161

001088

LABCORP OF AMERICA HOLDINGS—LP  
69 FIRST AVE  
PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715

LABONE INC—LP  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

009523

LABORATORY CORP OF AMERICA—L  
13900 PARK CENTER ROAD  
HERNDON, VA 20171  
703-742-3100

000242

MAIN LINE CLIN LABS LANKENAU CP—L  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

009003

MAYO CLINIC—LP  
200 FIRST ST SW HILTON 530  
ROCHESTER, MN 55905  
507-284-3018

026302

MEDICAL ASSOCIATES PC—P  
935 HIGHLAND BLVD SUITE 4400  
BOZEMAN, MT 59715  
406-587-5123

005574

MEDTOX LABORATORIES INC—LP  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
612-636-7466

000203

MERCY HEALTH LAB/MFH—L  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262

000082

MERCY HOSPITAL LABORATORY—L  
PRIDE & LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831

000504

NATIONAL MED SERVICES INC LAB—LP  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000807

OMEGA MEDICAL LABORATORIES INC—L  
2001 STATE HILL ROAD SUITE 100  
WYOMISSING, PA 19610-1699  
610-378-1900

023801

PACIFIC TOXICOLOGY LABORATORIES—LP  
9348 DE SOTO AVENUE  
CHATSWORTH, CA 91311  
818-598-3110

022533

PENNSYLVANIA DEPT OF HEALTH—LP  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464

000022

POCONO MEDICAL CENTER LAB—L  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544

000324

PRIMARY CARE HLTH SERV INC LAB—L  
7227 HAMILTON AVE  
PITTSBURGH, PA 15208  
412-244-4728

000255

PUBLIC HEALTH LAB CITY OF PHILA—L  
500 SOUTH BROAD STREET  
ROOM 359  
PHILADELPHIA, PA 19146  
215-685-6812

009620

QUEST DIAGNOSTICS CLIN LABS INC—L  
7600 TYRONE AVENUE  
VAN NUYS, CA 91405  
818-376-6195

000315

QUEST DIAGNOSTICS CLINICAL LABS INC—LP  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300

022174

QUEST DIAGNOSTICS INCORPORATED—LP  
33608 ORTEGA HIGHWAY  
SAN JUAN CAPISTRANO, CA 92690-6130  
949-728-4000

001136

QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482

QUEST DIAGNOSTICS OF PA INC—LP  
875 GREENTREE RD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461

QUEST DIAGNOSTICS VENTURE LLC—LP  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

000150

READING HOSPITAL & MED CTR—L  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

022376

SPECIALTY LABORATORIES—L  
2211 MICHIGAN AVENUE  
SANTA MONICA, CA 90404  
310-828-6543

000151

ST JOSEPH QUALITY MEDICAL LAB—L  
215 NORTH 12TH STREET BOX 316  
READING, PA 19603  
610-378-2200

025103

TAMARAC MEDICAL—LP  
7000 SOUTH BROADWAY SUITE 2C  
LITTLETON, CO 80122  
303-794-1083

000083

UPMC PRESBYTERIAN SHADYSIDE CP PUH—L  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
412-648-6000

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-31. Filed for public inspection January 2, 2004, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Inpatient Hospital Services

The purpose of this announcement is to provide prior notice of the Department of Public Welfare's (Department) intent to continue its payment methods for inpatient hospital services effective January 1, 2004. These payment methods affect acute care general hospitals, private psychiatric hospitals, psychiatric units of acute care general hospitals, rehabilitation hospitals and rehabilitation units of acute care general hospitals.

The Department will continue to negotiate with representatives of the hospital industry a Hospital Payment Rate Agreement (agreement) which governs the payment methods and standards applicable to hospitals participating in the Medical Assistance Fee-for-Service Program. The current agreement was effective July 1, 2001, and will expire on December 31, 2003. During this period of continued negotiations, the Department proposes to maintain the payment methods for inpatient hospital services and the inpatient disproportionate share payments at the level in effect on December 31, 2003. In relation to payment rates for inpatient hospital services, the Department will continue to apply the rate limits in effect as of December 31, 2003. In relation to inpatient disproportionate share payments, for the period January 1, 2004, through March 31, 2004, the Department shall distribute to providers that are eligible for inpatient disproportionate share payments the amount of \$16.074 million.

#### *Fiscal Impact*

The necessary funding required to continue the current payment provisions has been provided for in the Department's Fiscal Year 2003-04 budget request.

#### *Public Comment*

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments received will be considered in subsequent revisions to payment methods for inpatient hospital services. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attn: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-377. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 04-32. Filed for public inspection January 2, 2004, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Printing of Internet-Posted Construction Plans and Bid Proposals

Beginning January 5, 2004, the Department of Transportation (Department), Bureau of Design intends to provide access to electronic bid construction plans and bid proposals on the Department's website ([www.dot2.state.pa.us](http://www.dot2.state.pa.us)) as part of its Engineering and Construction Management System (ECMS). The Department will list the names and addresses of registered business partner printing companies capable of downloading the plans and proposals and selling copies (hardcopy, CDs, and the like) to interested bidders or contractors. The list will be available on the Department's website in the "Business Partner" area.

By this notice, printing companies that intend to reproduce and sell hard copies of construction plans, bid proposal and attachments to prospective contractors, sub-

contractors, material suppliers, disadvantaged business enterprise companies and others are invited to submit business partner registration information to be included on the list of registered ECMS business partners. The instructions for business partner registration are available on the Department's website under "How to Register as a Business Partner." After completing the on-line registration information, the Business Partner Registration Agreement may be printed, signed and returned by mail to ECMS Registration, Department of Transportation, Engineering and Computing Management Division, Bureau of Design, P. O. Box 3662, Harrisburg, PA 17105-3662.

The size of the hard copy plans requested will ordinarily be 11" x 18" (half size) or 22" x 36" (full size) and the bid proposals will be formatted for printing on 8 1/2" x 11" paper. The construction plans will be in TIF format and the bid proposals and attachments will be in PDF format. The printing companies should have the capability to download from the Internet and reproduce documents at the customer's request. A high speed direct connection to the Internet service provider at a transfer speed of 128 KBps to 1.54 MBps to reduce the download time of a large bid package is recommended.

The printing company should be capable of printing from a customer provided CD, electronic requests to the printing company by e-mail or e-mail attachments of selected plan sheets to reproduce in hard copy form. The printing company should be capable of producing CDs, full sets of hard copy plans or selected sheets of plans for any construction project or projects. The printing company may be required to ship these hard copy documents to the customer or provide a local address for customer pick up.

The listing of printing companies on ECMS under business partners is provided strictly for informational purposes. Inclusion of any company or any company's services will not constitute an endorsement or advertisement of the company by the Department.

Additional help on business partner registration may be obtained by calling the ECMS Help Desk, (717) 783-7711 between 8 a.m. and 4 p.m., Monday through Friday. The Department will accept business partner registration information beginning January 5, 2004.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 04-33. Filed for public inspection January 2, 2004, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Rulemaking Petition for Study

On December 16, 2003, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by John Morris on behalf of the Stanley Cooper Sr. Chapter of Trout Unlimited, requests that the Board redesignate the stream segment appearing in 25 Pa. Code § 93.9a (relating to Drainage List A) as West Branch Delaware River (Main Stem, PA-NY State border to confluence with East

Branch) and Delaware River, Main Stem (confluence of East and West Branches, to PA 652 Bridge, Narrowsburg, NY) from its present designation of Cold Water Fishes (CWF), Migratory Fishes (MF) to High Quality (HQ)-CWF, MF.

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters before performing survey work. The Department's assessment notice for the West Branch and Main Stem of the Delaware River will appear in a future issue of the *Pennsylvania Bulletin*.

The petition submitted by the Stanley Cooper Sr. Chapter of Trout Unlimited is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and is accessible on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: EQB) (December 16, 2003, meeting).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 04-34. Filed for public inspection January 2, 2004, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, January 7, 2004, Data Systems Committee meeting—10 a.m., Education Committee meeting—1 p.m.; Thursday, January 8, 2004, Council meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Individual's in need of accommodation due to a disability who wish to attend a meeting should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 04-35. Filed for public inspection January 2, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken By The Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, December 18, 2003, and announced the following:

*Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective December 17, 2003*

Insurance Department #11-218: Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits (adds 31 Pa. Code Chapter 84d)

State Board of Dentistry #16A-4611: Application Fees (amends 49 Pa. Code § 33.3)

*Regulations Approved*

Department of Revenue #15-424: Match 6 Lotto (adds Chapter 872 to 61 Pa. Code)

State Board of Cosmetology #16A-4510: Examination Fees (amends 49 Pa. Code Chapter 7)

Underground Storage Tank Indemnification Board #11-219: Fees and Collection Procedures (amends 25 Pa. Code Chapter 977)

### Approval Order

Public Meeting held  
December 18, 2003

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by proxy

*Department of Revenue—Match 6 Lotto; Regulation No. 15-424*

On November 25, 2003, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Revenue). This rulemaking adds Chapter 872 to 61 Pa. Code. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation sets forth the details and procedures that will be followed for the operation and administration of the Match 6 Lotto game.

We have determined this regulation is consistent with the statutory authority of Revenue (72 P. S. § 3761-303) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
December 18, 2003

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by proxy

*State Board of Cosmetology—Examination Fees; Regulation No. 16A-4510*

On September 27, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Cosmetology (Board). This rulemaking amends 49 Pa. Code Chapter 7. The proposed regulation was published in the October 13,

2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 12, 2003.

The regulation deletes references to examination fees. The fees are being deleted because they are set by the professional testing organizations that offer the exams. Applicants will submit the examination fees when they apply to the Board for licensure.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 517, 518 and 519(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commissioner:*

This regulation is approved.

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### Approval Order

Public Meeting held  
December 18, 2003

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., recused

*Underground Storage Tank Indemnification Board—Fees and Collection Procedures; Regulation No. 11-219*

On November 14, 2003, the Independent Regulatory Review Commission (Commission) received this regulation from the Underground Storage Tank Indemnification Board (Board). This rulemaking amends 25 Pa. Code Chapter 977. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation raises the gallon and capacity fees charged by the Board. Upon review of the annual actuarial report, the Board is increasing these fees by 10% to maintain the solvency of the Underground Storage Tank Indemnification Fund.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 6021.705) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commissioner:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 04-36. Filed for public inspection January 2, 2004, 9:00 a.m.]

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### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
61-05	State Civil Service Commission Act 140 of 2002 Implementation	12/22/03

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 04-37. Filed for public inspection January 2, 2004, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Robert F. Walters, Jr.; Doc. No. SC03-12-021

Notice is hereby given of the Order to Show Cause issued on December 17, 2003, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: 40 P. S. §§ 310.6, 310.11 and 310.78; and 31 Pa. Code §§ 37.46 and 37.48 (relating to standards for denial of certificate/license; and reporting requirements).

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 04-38. Filed for public inspection January 2, 2004, 9:00 a.m.]

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## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Lancaster County, Wine & Spirits Store #3610, Muddy Creek Shoppes, 2350 N. Reading Road, Denver, PA 17517.

*Lease Expiration Date:* May 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within 1/2 mile of the

intersection of North Muddy Creek Road and North Reading Road (Route 272), East Cocalico Township.

*Proposals due:* January 23, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Willard J. Rhodes, (717) 657-4228

Monroe County, Wine & Spirits Store #4502, 551 Belmont Avenue, Mt. Pocono, PA 18344-1114.

*Lease Expiration Date:* October 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space within 1 mile of the intersection of Routes 940 and 611, Mt. Pocono. Site must be able to be located within, or provide access from inside, a major grocery store.

*Proposals due:* January 16, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Willard J. Rhodes, (717) 657-4228

Susquehanna County, Wine & Spirits Store #5802, Lake Montrose Mall, R. R. #6, Montrose, PA 18801.

*Lease Expiration Date:* March 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,200 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of Route 167 and LR 57069 (High School Road), Bridgewater Township.

*Proposals due:* January 23, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Willard J. Rhodes, (717) 657-4228

The Liquor Control Board seeks the following new site:

Lehigh County, Wine & Spirits Store #3908, Upper Macungie Township.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of Route 100 and Tilghman Street, Upper Macungie Township.

*Proposals due:* January 23, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Willard J. Rhodes, (717) 657-4228

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-39. Filed for public inspection January 2, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-121850F2034. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas service to one natural gas service customer located in Kingsley Township, Forest County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 20, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* National Fuel Gas Distribution Corporation

*Through and By Counsel:* Christopher M. Trejchel, 1100 State Street, Erie, PA 16501.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-40. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Railroad With Hearing

**I-00960045.** Investigation upon the Pennsylvania Public Utility Commission's (Commission) motion into matters pertaining to the maintenance, inspection and/or disposition of the rail-highway crossing (AAR 541 313 H) carrying Indian Lane, T-344, over and above the grade of the tracks of Southeastern Pennsylvania Transportation Authority in Middletown Township, Delaware County.

An initial hearing on this matter will be held Wednesday, March 24, 2004, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-41. Filed for public inspection January 2, 2004, 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. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the perma-



ment authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 26, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of *household goods* by *transfer of rights* as described under the application.**

**A-00114277, Folder 2, Am-A. Bayshore Transportation Systems, Inc.** (901 Dawson Drive, Newark, DE 19713), a corporation of the State of Delaware—household goods in use, between points in the Counties of Chester and Delaware, and from points in said counties, to points in Pennsylvania: *So As To Permit* the transportation of household goods in use: (1) between points in the City and County of Philadelphia and within an airline radius of 5 statute miles of the Philadelphia City Hall in the County of Montgomery; (2) between points in the City and County of Philadelphia and within an airline radius of 5 statute miles of the Philadelphia City Hall in the County of Montgomery, to other points in Pennsylvania within an airline radius of 50 statute miles of the Philadelphia City Hall and vice versa; (3) between points in the City and County of Philadelphia; (4) from points in the City and County of Philadelphia, to points in Pennsylvania, and vice versa; (5) between points in the City of Chester, Delaware County, and within 5 statute miles of the usually traveled highways of the limits of said city; (6) between points in the County of Delaware, and from points in said county, to other points in Pennsylvania, and vice versa; and (7) between points in the City of West Chester, Chester County, and within an airline distance of 10 statute miles of the limits of said city, and from said area, to points in Pennsylvania, and vice versa; which is to be a transfer of all the rights authorized under the certificate issued at A-00116791, F. 1 to James R. Lafferty, Jr. Trucking Company, subject to the same limitations and conditions. *Attorney:* James P. Melia, 240 North Third Street, Harrisburg, PA 17101-1507.

**Applications of the following for *amendment* to the certificate of public convenience approval of the right and privilege to *discontinue/abandon operating as common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-00108419, Folder 4, Am-A. Erie Transportation, Services, Inc.** (2527 East Avenue, Erie, Erie County, PA 16503), a corporation of the Commonwealth—discontinuance of service—airport transfer service, from the City of Erie, the Borough of Wesleyville and the Townships of Millcreek and Lawrence Park, to the Port Erie Airport located in Millcreek Township, and vice versa, all in Erie County.

**A-00108419, Folder 3, Am-A. Erie Transportation, Services, Inc.** (2527 East Avenue, Erie, Erie County, PA 16503), a corporation of the Commonwealth—discontinuance of service—persons airport transfer service, from the City of Erie, the Borough of Wesleyville and the Townships of Millcreek and Lawrence Park, to the Port Erie

Airport located in Millcreek Township, and vice versa, all in Erie County.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-42. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Sewer Service

**A-230022F2000. Blue Knob Sewer Company.** Application of Blue Knob Sewer Company for approval of the sale of its sewer system's assets to the Greenfield Township Municipal Authority and for the surrender and cancellation of Blue Knob Sewer Company's certificate of public convenience concerning the provision of sewer service to the public in portions of Greenfield Township, Blair County, Kimmel Township, Bedford County and Pavia Township, Bedford County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 20, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Blue Knob Sewer Company

*Through and By Counsel:* J Bruce Walter, Esquire, Robert J. Tribeck, Esquire, Rhoads and Sinon, LLP, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-43. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Telecommunications

**A-311163F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and AT&T Communications of Pennsylvania, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and AT&T Communications of Pennsylvania, Inc. for approval of an opt-in master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and AT&T Communications of Pennsylvania, Inc., by its counsel, filed on December 19, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an opt-in master interconnection and resale 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. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and AT&T Communications of Pennsylvania, Inc.

joint petition are on file with the 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,  
*Secretary*

[Pa.B. Doc. No. 04-44. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Telecommunications

**A-310084F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Capital Telecommunications, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Capital Telecommunications, Inc. for approval of an opt-in master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Capital Telecommunications, Inc., by its counsel, filed on December 19, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an opt-in master interconnection and resale 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. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and Capital Telecommunications, Inc. joint petition are on file with the 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,  
*Secretary*

[Pa.B. Doc. No. 04-45. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Wastewater Service

**A-230240F0020. Little Washington Wastewater Company d/b/a Suburban Wastewater Company.** Application of Little Washington Wastewater Company d/b/a Suburban Wastewater Company for approval of: (1) the acquisition, by purchase, of the wastewater system assets of The Links At Gettysburg Land Company, LLC; and (2) the right of Little Washington Wastewater Company to begin to offer, render, furnish and supply wastewater service to the public in a portion of Mount Joy Township, Adams County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 20, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Little Washington Wastewater Company d/b/a Suburban Wastewater Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-46. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Water Service

**A-210104F0044. Pennsylvania Suburban Water Company.** Application of Pennsylvania Suburban Water Company for approval of: (1) the acquisition by purchase, of the water system assets of The Links At Gettysburg Land Company, LLC; and (2) the right of Pennsylvania Suburban Water Company to begin to offer, render, furnish and supply water service to the public in a portion of Mount Joy Township, Adams County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 20, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-47. Filed for public inspection January 2, 2004, 9:00 a.m.]

### Water Service

**A-210104F0041, A-210104F0042, A-210104F0043, A-210090F2000, A-211305F2000 and A-213560F2000. Pennsylvania Suburban Water Company, Barrett Water Company, Inc., Hex Acres Water Company and Daniel Tambur d/b/a Tambur's Water Works.** Joint application of Pennsylvania Suburban Water Company, Barrett Water Company, Inc., Hex Acres Water Company and Daniel Tambur d/b/a Tambur's Water Works for approval of: (1) the acquisition by Pennsylvania Suburban Water Company of the water system assets of Barrett Water Company, Inc., Hex Acres Water Company and Daniel Tambur d/b/a Tambur's Water Works in Exeter Township, Luzerne County; (2) the right of Pennsylvania Suburban Water Company to begin to offer, render, furnish and supply water service to the public in portions of Exeter Township, Luzerne County; and (3) the abandonment by Barrett Water Company, Inc., Hex Acres Water Company and Daniel Tambur d/b/a Tambur's Water Works of public water service within Exeter Township, Luzerne County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsyl-



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The 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.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



26

Legal Services & Consultation

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

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

#### REQUIRED DATA DESCRIPTIONS

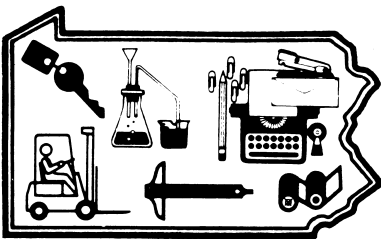
- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, 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

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*

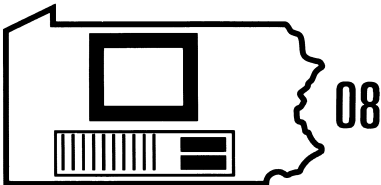


### Commodities

**939534** Quantity: 2,000—Spreader Lights.

**Department:** Transportation  
**Location:** Equipment Division, 17th Street and Arsenal Blvd., Harrisburg, PA 17120  
**Contact:** Sherri Linen, (717) 787-3959

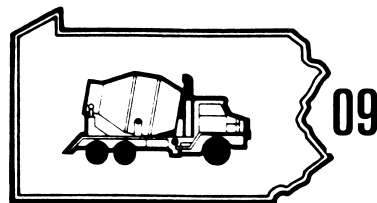
## SERVICES



### Computer Related Services

**SU-03-09** Shippensburg University is seeking vendors interested in submitting proposals for providing a user-friendly software package running on a SQL or Oracle Server for the management of classroom scheduling and event management process at Shippensburg University for a number of different departments. The proposed package shall be supplied, installed, and fully integrated with the University's LAN and servers to provide for a fully functional system. Vendors interested in being added to bidders list should send their written request to Pam King at FAX (717) 477-1350 or by email paking@wharf.ship.edu. All responsible Bidders are invited to participate including MBE/WBE firms.

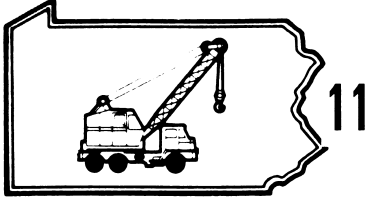
**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257  
**Duration:** To begin as soon as possible and continue for a possible 5 year maximum.  
**Contact:** Pamela A. King, (717) 477-1386



### Construction & Construction Maintenance

**SU-2003/7** Invitation To Bid—Shippensburg University: SU-2003/7—Performing Arts Center and Commuter Parking Lot. Shippensburg University of the State System of Higher Education invites General and Electrical Contractors to request bid documents for this project. Work includes all work necessary for the construction of a Performing Arts Center and Commuter Parking Lot and lighting and incidental related construction. Prospective Bidders may obtain project plans for a nonrefundable fee of \$50.00 from RETTEW Associates Inc., 2500 Gettysburg Road, Suite 100, Camp Hill, PA 17011, ATTN: Ms. Michelle Post, 717-697-3551, Fax: 717-697-6953. Pre-Bid Meeting with site visit immediately to follow will be held on January 14, 2004, at 10:00 AM in Reed Operations Center Conference Room. Bids Due: January 29, 2004, at 4:00 PM in Old Main Room 300. Public Bid Opening: January 30, 2004 at 2:00 PM., Old Main Room 203A. Contracts, Prevailing Wages and MBE/WBE Apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

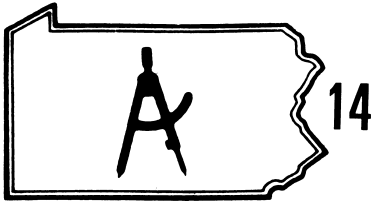
**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Deborah K. Martin, (717) 477-1121



### Demolition—Structural Only

**010K41** The Pennsylvania Department of Transportation is seeking bids for the demolition and/or removal of a single commercial structure located at 7502 West Ridge Road, Fairview PA 16415 (intersection of State Routes 20 and 98 in Fairview Township, Erie County). The contract is for one 1-story concrete block building, approximately 3,345 SF in size with full basement. ASBESTOS REMOVAL WILL BE REQUIRED. Bids over \$25,000 require that you be prequalified by the Prequalification section of the Department's Construction and Materials Division. Their number is 717-787-7032. Subcontractors must also be prequalified. If you are an out-of-state contractor, you must be certified to do business in Pennsylvania. Prevailing wage requirements according to the Davis-Bacon Act will apply. Department of General Services minority, women and disadvantaged enterprise requirements apply. Asbestos removal must be done by certified asbestos contractors. Bid package requests must be received by January 12, 2004. No requests will be honored after this date. A MANDATORY inspection will be conducted at the subject site on January 20, 2004, at 11 AM. The Department will accept sealed bids at 255 Elm Street, P. O. Box 398, Oil City PA 16301-1412, until 2:00 P.M. on January 27, 2004.

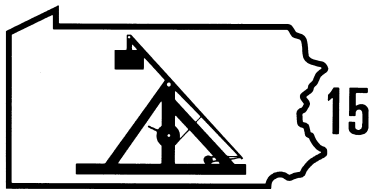
**Department:** Transportation  
**Location:** Engineering District 1-0; 255 Elm Street, P. O. Box 398, Oil City PA 16301-1412  
**Duration:** 30 calendar days  
**Contact:** Jeffrey E. Hahne, (814) 678-7069



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

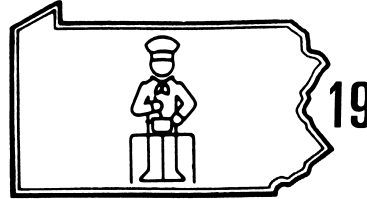
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**OSM 40(2138)102.1** Abandoned Mine Reclamation, Curry Hill-Avondale. The principal items of work and approximate quantities include 5,134,800 cubic yards of grading, 23,165 cubic yards of drainage excavation, 17,850 square yards of rock lining, 305 cubic yards class AAA cement concrete, and 135.9 acres of seeding. This project issues on December 26, 2003 and bids will be opened on January 29, 2004, at 2:00 p.m. Payment in the amount of \$15.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML grant.

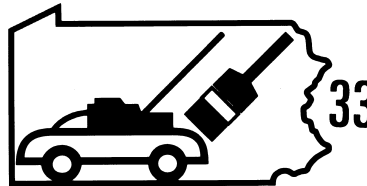
**Department:** Environmental Protection  
**Location:** Plymouth Township, Luzerne County, PA  
**Duration:** 1,240 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994



### Food

**11736A** Provide breakfast, lunch and dinner, seven days a week during academic school year to approximately 350 residential students, grades 3-12; either through dining room serving (cafeteria style) or delivery of food stuffs to the living quarters, according to menus controlled by SSSVC. Contractor will be responsible for the following: (1) purchase, receipt, storage, preparation, and issuance of all food stuffs; (2) provide a certified dietician, to be approved by SSSVC; (3) must participate with USDA program; (4) delivery of food stuffs to living quarters according to schedule. Contractor must be able to provide special meals according to vegetarian or religious preference, or due to medical requirements. Flexibility will be required in providing food services for special events or occasions. Contract will be effective July 1, 2004; however, services to begin when students return for the academic year. Contract will have a 4-year option to renew by mutual agreement with any price increases to be negotiated.

**Department:** Military Affairs  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900  
**Duration:** July 1, 2004—June 30, 2005, when students return in August, with a 4-year option to renew  
**Contact:** Ronald J. Sheppard, (717) 264-7187, x 690



### Property Maintenance

**KUCC-0047 Slate Roof Replacement** Kutztown University is seeking qualified roofing contractors for the work associated with the Slate Roof Replacement on A Wing of the Old Main Building and on Risley Hall at Kutztown University. The project consists of the removal of existing slate roof, deck preparation and the installation of new slate roofing and accessories. Bid packages are available for a non-refundable fee of \$50.00 from: Virginia Stoudt, STV Architects, 205 West Welsh Drive, Douglassville, PA, 19508, Phone: (610) 385-8325. Bid packages are available January 5, 2004 through Pre-Bid. A pre-bid meeting has been scheduled for January 15, 2004 at 1:30 PM in Room OM-26, Old Main Building. Bids are to be received no later than February 05, 2004, in Room 229, Office of Planning and Construction. Bids will be opened on February 05, 2004, at 3:00 PM in the conference room of the Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA  
**Duration:** Work shall commence on or after May 10, 2004, and work shall be complete on or before August 13, 2004. The University anticipates issuing a Notice to Proceed on or before April 1, 2004.  
**Contact:** Virginia Stoudt, (610) 385-8325

**CPC 03-074** Cleaning, repair, preparation and refinishing of historic plaster ceilings, beam drops, mouldings. Stripping, repair, selective disassembly, reinstallation, preparation and refinishing of historic wood paneling, doors, frames, trim, pilasters, columns, capitols and misc woodworking items; cleaning, repair and polishing of marble walls and flooring, provision cleaning and conservation of bronze light fixtures and grilles and architectural accessories.

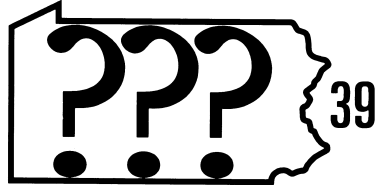
**Department:** PA Capitol Preservation Committee  
**Location:** North Office Building, Senate Hearing Rooms  
**Duration:** Approximately 2.5 months  
**Contact:** David L. Craig, (717) 783-6484

**W-0588-0310** Supply all labor, scaffolding, utilities, tools, equipment, and materials to renovate the existing toilet and shower areas in the Reed Building of the North Central Secure Treatment Unit.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821 (located on the grounds of the Danville State Hospital)  
**Duration:** Unknown  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508

**KUCC-0047** Kutztown University is seeking qualified roofing contractors for the work associated with the Slate Roof Replacement on A Wing of the Old Main Building and on Risley Hall, Kutztown University. The project consists of removal of existing slate roof, deck preparation and the installation of new slate roofing and accessories. Bid packages are available for a non-refundable fee of \$50.00 from: Virginia Stoudt, STV Architects, 205 West Welsh Drive, Douglassville, PA 19508, Phone: (610) 385-8325. Bid packages are available January 5, 2004, through Pre-Bid. A pre-bid meeting has been scheduled for January 15, 2004, at 1:30 PM in Room OM-26, Old Main Building. Bids are to be received no later than February 5, 2004, in Room 229, Office of Planning and Construction. Bids will be opened on February 5, 2004, at 3:00 PM in the conference room of the Office of Planning and Construction. Non-discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA  
**Duration:** Work to be completed on or before Aug. 13, 2004, with work to begin May 10, 2004  
**Contact:** Barbara Barish, (610) 683-4602



### Miscellaneous

**043582** Sweeping approximately 881 lane miles of curbed and uncurbed roadways in Luzerne County.

**Department:** Transportation  
**Location:** Maintenance District 4-3, Luzerne County, P. O. Box 311, Wilkes-Barre, PA 18703  
**Duration:** 1-year contract with option to renew for three 1-year periods.  
**Contact:** Robert J. Watkins, (570) 826-2386

[Pa.B. Doc. No. 04-50. Filed for public inspection January 2, 2004, 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> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*