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PENNSYLVANIA BULLETIN

Volume 41

Number 27

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Pages 3517—3708

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January—June 2011

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(Master Transmittal Sheets):**

No. 440, July 2011

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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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 209 of the Rules of Disciplinary Enforcement; No. 102 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 14th day of June, 2011, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication in the interests of justice pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 209 of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 209. Immunity.

(a) Complaints submitted to the Board or Disciplinary Counsel shall be confidential unless the matter results in the filing of formal charges. See Rule 402(a) (relating to access to disciplinary information and confidentiality). Members of the Board, members of hearing committees, special masters, Disciplinary Counsel and staff shall be immune from civil suit for any conduct in the course of their official duties. All communications to the Board, a hearing committee, special master, or Disciplinary Counsel relating to misconduct by a respondent-attorney and all testimony given in a proceeding conducted pursuant to these rules shall be absolutely privileged and the person making the communication or giving the testimony shall be immune from civil suit based upon such communication or testimony[, except that such immunity shall not extend to any action that violates Rule 402]. For purposes of this subdivision (a), the staff of the Board shall be deemed to include conservators and sobriety, financial or practice monitors appointed pursuant to these rules or the rules of the Board.

* * * * *

Official Note: The provisions of subdivision (a) of the rule recognize that the submission and receipt of complaints against attorneys, and the investigation, hearing, decision and disposition of such complaints, are all parts

of a judicial proceeding conducted pursuant to the inherent power of the Supreme Court of Pennsylvania. The immunity from civil suit recognized to exist in subsection (a) is that which exists for all participants in judicial proceedings under Pennsylvania law, so long as their statements and actions are pertinent, material and during the regular course of a proceeding. [**Communications made or revealed in violation of the confidentiality requirement of Rule 402 are not pertinent to the proceeding and, thus, do not entitle the person who publishes them to absolute immunity.**]

[Pa.B. Doc. No. 11-1088. Filed for public inspection July 1, 2011, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Amendment of Rule 1006 of the Rules of Civil Procedure; No. 543 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 15th day of June, 2011, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 39 Pa.B. 5412 (September 19, 2009) and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 977 No. 2); and the Committee having reaffirmed its original proposal after reviewing the matter again after submission upon the request of this Court:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1006 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2011.

Mr. Justice Saylor files a dissenting statement.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

VENUE AND PROCESS

Rule 1006. Venue. Change of Venue.

* * * * *

(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county in which the cause of action arose. **This provision does not apply to a cause of action that arises outside the Commonwealth.**

Official Note: See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c), for the definitions of "health

care provider,” “medical professional liability action” and “medical professional liability claim.”

(b) Actions against the following defendants, except as otherwise provided in subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

Official Note: Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.

Subdivision (a.1) is a venue rule and does not create jurisdiction in Pennsylvania over a foreign cause of action where jurisdiction does not otherwise exist.

(c)(1) Except as otherwise provided by paragraph (2), an action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of subdivisions (a) or (b).

(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1). **This provision does not apply to a cause of action that arises outside the Commonwealth.**

* * * * *

Explanatory Comment

Currently, a lawsuit based on medical treatment furnished in another state cannot be brought in Pennsylvania even if the defendants have substantial contacts with the state whereas Pennsylvania defendants can be sued in any state in which they have at least minimum contacts. The amendment to this rule would eliminate this discrepancy.

By the Civil Procedural Rules Committee

HONORABLE ROBERT C. DANIELS,
Chair

Dissenting Statement

Mr. Justice Saylor

I understand and appreciate the reasoning behind the amendment exempting causes of action arising outside the Commonwealth from the operation of the special venue rule applicable in medical professional liability actions. Nevertheless, to my knowledge the Civil Procedural Rules Committee has presented no analysis of the disparate impact of the amendment on out-of-state defendants or attendant constitutional ramifications. Moreover, the Committee has been presented with a number of compromise alternatives, including a less strict application of the doctrine of *forum non conveniens* in medical malpractice suits premised on causes arising outside Pennsylvania. In this regard, notably, it was suggested that at least some Pennsylvania courts impose a uniquely high bar impeding transfer. The Committee, nonetheless, has offered nothing to address such concerns, other than to say it rejected them.

In light of the above, I would return the matter to the Committee for a recommendation which would provide a better predicate for informed decision-making.

[Pa.B. Doc. No. 11-1089. Filed for public inspection July 1, 2011, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 113

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Monday August 29, 2011 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635
Fax: 717 231-9531
E-mail: domesticrules@pacourts.us

Deleted material is bold and bracketed. New material is bold.

*By the Domestic Relations
Procedural Rules Committee*

CAROL A. BEHERS, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

* * * * *

(d)(1) The conference officer [**may**] shall make a recommendation to the parties of an amount of support which is calculated in accordance with the guidelines.

(2) **Except as set forth in this subdivision, in all cases, even where the parties have reached an agreement, the parties must provide income information to the domestic relations section so that a guidelines calculation can be performed. However, if both parties are represented by counsel and the parties knowingly waive their right to receive or to pay a guideline amount, income information need not be provided if the parties have reached an agreement and object to providing income information.**

(3) If an agreement for support is reached at the conference, **based on either the statewide guidelines or an amount stipulated by counsel for each party,** the officer shall prepare a written order substantially in

the form set forth in Rule 1910.27(e) and in conformity with the agreement for signature by the parties and submission to the court together with the officer's recommendation for approval or disapproval. The court may enter the order in accordance with the agreement without hearing the parties.

* * * * *

Explanatory Comment—2011

The rule has been amended to require that income information be provided in all cases, unless both parties are represented in reaching an agreement and object to providing income information, so that a guidelines calculation can be performed. The guidelines create a rebuttable presumption that the amount calculated pursuant to them is the correct amount, so there should be a calculation in every case. If parties are going to waive their right to receive or to pay an order reflecting the guideline amount, they should know what that amount is so that they can enter an agreement knowingly. If both parties are represented by counsel, it is assumed that their entry into the agreement for an amount other than a guidelines amount is knowing as it is counsels' responsibility to advise the parties. In addition, part of the mandatory quadrennial review of the support guidelines mandates a study of the number of cases in which the support amount ordered varies from the amount that would result from a guidelines calculation. Federal regulations presume that if a large percentage of cases vary from the guideline amount, then the guidelines are not uniform statewide.

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) There shall be an office conference as provided by Rule 1910.11(a) through (d). **The provisions of Rule 1910.11(d)(2) regarding income information apply in cases proceeding pursuant to Rule 1910.12.**

* * * * *

[Pa.B. Doc. No. 11-1090. Filed for public inspection July 1, 2011, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 5 AND 6]

Renumbering of Rule 520 to 620 and New Rules 622, 625 and 628

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the renumbering of Rule 520 to 620 and new Rules 622, 625, and 628 be adopted and prescribed. These proposed modifications and additions address *nunc pro tunc* relief.

The following Explanatory Report highlights the intent of these Rules. Please note that the Committee's Reports should not be confused with the official Committee Comments to the Rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Explanatory Reports.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this pro-

posal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq., Counsel
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635.

All comments shall be received no later than August 12, 2011.

By the Juvenile Court
Procedural Rules Committee:

GEORGE D. MOSEE, Jr., Esq.,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 5. DISPOSITIONAL HEARING

PART C. [POST-DISPOSITIONAL MOTIONS] (Reserved)

(*Editor's Note:* As part of this proposal, the Committee is proposing to renumber Rule 520, which appears in 237 Pa. Code pages 5-5—5-10, serial pages (347943)—(347948), as Rule 620.)

Rule 520. [Post-Dispositional Motions] (Reserved and Renumbered).

CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

PART B. MODIFICATIONS[,] AND REVIEWS[, AND APPEALS]

Rule 605.	Detaining Juvenile for Modification of the Dispositional Order or Violation of Probation.
610.	Dispositional and Commitment Review.
612.	Modification or Revocation of Probation.
613.	Termination of Court Supervision (Reserved).
616.	Post-Dispositional Procedures; Appeal (Reserved).
617.	Release of Juvenile Pending Appeal (Reserved).

PART C. MOTIONS AND *NUNC PRO TUNC* RELIEF

620.	Post-Dispositional Motions.
622.	Motion for <i>Nunc Pro Tunc</i> Relief.
625.	Hearing and Findings on Motion for <i>Nunc Pro Tunc</i> Relief.
628.	Order of Court on Motion for <i>Nunc Pro Tunc</i> Relief.

(*Editor's Note:* The following rules are new and printed in regular type to enhance readability.)

Rule 620. Post-Dispositional Motions.

A. *Optional Post-Dispositional Motion.*

1) The parties shall have the right to make a post-dispositional motion. All requests for relief from the court shall be stated with specificity and particularity, and shall be consolidated in the post-dispositional motion.

2) Issues raised before or during the adjudicatory hearing shall be deemed preserved for appeal whether or not the party elects to file a post-dispositional motion on those issues.

B. Timing.

1) If a post-dispositional motion is filed, it shall be filed no later than ten days after the imposition of disposition.

2) If a timely post-dispositional motion is filed, the notice of appeal shall be filed:

a) within thirty days of the entry of the order deciding the motion;

b) within thirty days of the entry of the order denying the motion by operation of law in cases in which the judge fails to decide the motion; or

c) within thirty days of the entry of the order memorializing the withdrawal in cases in which a party withdraws the motion.

3) If a post-dispositional motion is not timely filed, a notice of appeal shall be filed within thirty days of the imposition of disposition.

C. Court Action.

1) *Briefing Schedule and Argument.* Within ten days of the filing of the post-dispositional motion, the court shall:

a) determine if briefs, memoranda of law, or oral arguments are required; and

b) set a briefing schedule and dates for oral argument, if necessary.

2) *Failure to Set Schedule.* If the court fails to act according to paragraph (C)(1), briefs and oral arguments are deemed unnecessary.

3) *Transcript.* If the grounds asserted in the post-dispositional motion do not require a transcript, neither the briefs nor arguments on the post-dispositional motion shall be delayed for transcript preparation.

D. Time Limits for Decision on Motion. The judge shall not vacate disposition pending the decision on the post-dispositional motion, but shall decide the motion as provided in this paragraph.

1) Except as provided in paragraph (D)(2), the judge shall decide the post-dispositional motion as soon as possible but within thirty days of the filing of the motion. If the judge fails to decide the motion within thirty days, or to grant an extension as provided in paragraph (D)(2), the motion shall be deemed denied by operation of law.

2) Upon motion of a party within the 30-day disposition period, for good cause shown, the judge may grant one 30-day extension for decision on the motion. If the judge fails to decide the motion within the 30-day extension period, the motion shall be deemed denied by operation of law.

3) When a post-dispositional motion is denied by operation of law, the clerk of courts shall enter an order on behalf of the court, and, as provided pursuant to Rule 167, shall serve a copy of the order on each attorney and the juvenile, if unrepresented, that the post-dispositional motion is deemed denied. This order is not subject to reconsideration.

4) If the judge denies the post-dispositional motion, the judge promptly shall issue an order and the order shall be filed and served as provided in Rule 167.

5) If a party withdraws a post-dispositional motion, the judge promptly shall issue an order memorializing the withdrawal, and the order shall be filed and served as provided in Rule 167.

E. Contents of order. An order denying a post-dispositional motion, whether issued by the judge pursuant to paragraph (D)(4) or entered by the clerk of courts pursuant to paragraph (D)(3), or an order issued following a party's withdrawal of the post-dispositional motion pursuant to paragraph (D)(5), shall include notice to the party of the following:

1) the right to appeal;

2) the time limits within which the appeal shall be filed; and

3) the right to counsel in the preparation of the appeal.

F. After-discovered evidence. A motion for a new adjudication on the grounds of after-discovered evidence shall be filed in writing promptly after such discovery. If an appeal is pending, the judge may grant the motion only upon remand of the case.

Comment

The purpose of this rule is to promote the fair and prompt resolution of all issues relating to admissions, adjudication, and disposition by consolidating all possible motions to be submitted for court review, and by setting reasonable but firm time limits within which the motion is to be decided. Because the post-dispositional motion is optional, a party may choose to raise any or all properly preserved issues in the trial court, in the appellate court, or both.

For the definition of "disposition," see Rule 120 and its Comment.

OPTIONAL POST-DISPOSITIONAL MOTION

See In re Brandon Smith, 393 Pa. Super. 39, 573 A.2d 1077 (1990), for motions on ineffective assistance of counsel.

Under paragraph (A)(2), any issue raised before or during adjudication is deemed preserved for appeal whether a party chooses to raise the issue in a post-dispositional motion. It follows that the failure to brief or argue an issue in the post-dispositional motion would not waive that issue on appeal as long as the issue was properly preserved, in the first instance, before or during adjudication. Nothing in this rule, however, is intended to address Pa.R.A.P. 1925(b) or the preservation of appellate issues once an appeal is filed. *See Commonwealth v. Lord*, 553 Pa. 415, 719 A.2d 306 (1998) (any issues not raised in a 1925(b) statement will be deemed waived).

Under paragraph (B)(1), if a party chooses to file a post-dispositional motion, the motion is to be filed within ten days of imposition of disposition. The filing of the written post-dispositional motion triggers the time limits for decision on the motion. *See* paragraph (D)(1).

TIMING

Paragraph (B) contains the timing requirements for filing the optional post-dispositional motion and taking an appeal. Under paragraph (B)(1), the post-dispositional motion is to be filed within ten days of imposition of disposition. Supplemental motions may be filed but the time requirements of paragraph (B)(1) are to be followed.

When a party files a timely post-dispositional motion, the 30-day period for the juvenile's direct appeal on all matters in that case is triggered by the judge's decision on the post-dispositional motion, the denial of the motion

by operation of law, or the withdrawal of the post-dispositional motion. The appeal period runs from the entry of the order. As to the date of entry of orders, see Pa.R.A.P. 108. No direct appeal may be taken by the party while the post-dispositional motion is pending. See paragraph (B)(2).

If no timely post-dispositional motion is filed, the party's appeal period runs from the date disposition is imposed. See paragraph (B)(3).

BRIEFS; TRANSCRIPTS; ARGUMENT

Under paragraph (C)(1), the judge should determine, on a case-by-case basis, whether briefs, memoranda of law, or arguments are required for a fair resolution of the post-dispositional motion. If they are not needed, or if a concise summary of the relevant law and facts is sufficient, the judge should so order. Any local rules requiring briefs or oral argument are inconsistent with this rule. See Rule 121(E).

Under paragraph (C)(3), the judge, in consultation with the attorneys, should determine what, if any, portions of the notes of testimony are to be transcribed so that the post-dispositional motion can be resolved. The judge should then set clear deadlines for the court reporter to insure timely resolution of the motion. Nothing in this rule precludes the judge from ordering the transcript or portions of it immediately after the conclusion of the adjudicatory hearing or the entry of an admission.

For the recording and transcribing of court proceedings generally, see Rule 127. The requirements for the record and the writing of an opinion on appeal are set forth in the Pennsylvania Rules of Appellate Procedure.

There is no requirement that oral argument be heard on every post-dispositional motion. When oral argument is heard on the post-dispositional motion, the juvenile need not be present.

DISPOSITION

Under paragraph (D), once a party makes a timely written post-dispositional motion, the judge retains jurisdiction for the duration of the disposition period. The judge may not vacate the order imposing disposition pending decision on the post-dispositional motion.

Paragraph (D)(2) permits one 30-day extension of the 30-day time limit, for good cause shown, upon motion of a party. In most cases, an extension would be requested and granted when new counsel has entered the case. Only a party may request such an extension. The judge may not, *sua sponte*, extend the time for decision: a congested court calendar or other judicial delay does not constitute "good cause" under this rule.

The possibility of an extension is not intended to suggest that thirty days are required for a decision in most cases. The time limits for resolution of the post-dispositional motion are the outer limits. Easily resolvable issues, such as a modification of disposition or an admission challenge, should ordinarily be decided in a much shorter period of time.

If the judge decides the motion within the time limits of this rule, the judge may grant reconsideration on the post-dispositional motion pursuant to 42 Pa.C.S. § 5505 or Pa.R.A.P. 1701(b)(3), but the judge may not vacate the disposition pending reconsideration. The reconsideration period may not be used to extend the timing requirements set forth in paragraph (D) for decision on the post-dispositional motion: the time limits imposed by paragraphs (D)(1) and (D)(2) continue to run from the

date the post-dispositional motion was originally filed. The judge's reconsideration, therefore, is to be resolved within the 30-day decision period of paragraph (D)(1) or the 30-day extension period of paragraph (D)(2), whichever applies. If a decision on the reconsideration is not reached within the appropriate period, the post-dispositional motion, including any issues raised for reconsideration, will be denied pursuant to paragraph (D)(3).

Under paragraph (D)(1), on the date when the court disposes of the motion, or the date when the motion is denied by operation of law, the judgment becomes final for the purposes of appeal. See Judicial Code, 42 Pa.C.S. §§ 102, 722, 742, 5105(a) and *Commonwealth v. Bolden*, 472 Pa. 602, 373 A.2d 90 (1977). See Pa.R.A.P. 341.

An order entered by the clerk of courts under paragraph (D)(3) constitutes a ministerial order and, as such, is not subject to reconsideration or modification pursuant to 42 Pa.C.S. § 5505 or Pa.R.A.P. 1701.

If the motion is denied by operation of law, paragraph (D)(3) requires that the clerk of courts enter an order denying the motion on behalf of the court and immediately notify the attorneys, or the juvenile, if unrepresented, that the motion has been denied. This notice is intended to protect the party's right to appeal. The clerk of courts also is to comply with the filing, service, and docket entry requirements of Rule 167.

CONTENTS OF ORDER

Paragraph (E) protects a party's right to appeal by requiring that the judge's order denying the motion, the clerk of courts' order denying the motion by operation of law, or the order entered memorializing a party's withdrawal of a post-dispositional motion, contain written notice of the party's appeal rights. This requirement ensures adequate notice to the party, which is important given the potential time lapse between the notice provided at disposition and the resolution of the post-dispositional motion. See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. Ct. 1998), concerning the contents of the order memorializing the withdrawal of a post-dispositional motion.

When a party withdraws a post-dispositional motion in open court and on the record, the judge should orally enter an order memorializing the withdrawal for the record, and give the party notice of the information required by paragraph (E). See *Commonwealth v. Miller*, *supra*.

MISCELLANEOUS

Under paragraph (A)(1), the grounds for the post-dispositional motion should be stated with particularity. Motions alleging insufficient evidence, for example, are to specify in what way the evidence was insufficient, and motions alleging that the court's findings were against the weight of the evidence are to specify why the findings were against the weight of the evidence.

Because the post-dispositional motion is optional, the failure to raise an issue with sufficient particularity in the post-dispositional motion will not constitute a waiver of the issue on appeal as long as the issue was preserved before or during adjudication. See paragraph (A)(2).

Issues properly preserved at the dispositional hearing need not, but may, be raised again in a motion to modify disposition in order to preserve them for appeal. In deciding whether to move to modify disposition, counsel carefully is to consider whether the record created at the dispositional hearing is adequate for appellate review of

the issues, or the issues may be waived. *See Commonwealth v. Jarvis*, 444 Pa. Super. 295, 663 A.2d 790 (1995). As a general rule, the motion to modify disposition under paragraph (A)(1) gives the dispositional judge the earliest opportunity to modify the disposition. This procedure does not affect the court's inherent powers to correct an illegal disposition or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. *See, e.g., Commonwealth v. Jones*, 520 Pa. 385, 554 A.2d 50 (1989) (court can, *sua sponte*, correct an illegal sentence even after the defendant has begun probation or placement) and *Commonwealth v. Cole*, 437 Pa. 288, 263 A.2d 339 (1970) (inherent power of the court to correct obvious and patent mistakes).

Once a disposition has been modified or reimposed pursuant to a motion to modify disposition under paragraph (A)(1), a party wishing to challenge the decision on the motion does not have to file an additional motion to modify disposition in order to preserve an issue for appeal, as long as the issue was properly preserved at the time disposition was modified or reimposed.

Official Note: Rule 520 adopted May 17, 2007, effective August 20, 2007; amended July 28, 2009, effective immediately. Amended January 11, 2010, effective March 1, 2010.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 520 published with the Court's Order at 37 Pa.B. 2506 (June 2, 2007).

Final Report explaining the amendment to Rule 520 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009).

Rule 622. Motion for *Nunc Pro Tunc* Relief.

A. *Timing.* A motion for *nunc pro tunc* relief shall be filed with the clerk of courts in the court in which the alleged error occurred as soon as possible but no later than sixty days after the date that the error was known or reasonably should have been known through the exercise of due diligence.

B. *Counsel.*

1) The juvenile is to retain the same counsel as assigned pursuant to Rule 151 unless ineffective assistance of counsel is alleged.

2) If alleged ineffective assistance of counsel is the basis for the appeal, counsel is to withdraw pursuant to Rule 150(C) and the judge shall assign new counsel.

C. *Contents of Motion.* A motion for relief under this rule shall include:

- 1) the name of the juvenile and case docket number;
- 2) the location of the juvenile;
- 3) the delinquent acts for which the juvenile was adjudicated delinquent;
- 4) if ineffective assistance of counsel is alleged, the name of counsel who allegedly rendered ineffective assistance;
- 5) the relief requested;
- 6) a statement that one of the following requirements for the relief has been met:
 - a) there is a need for correction of an error to accurately reflect the court's findings; or
 - b) allegations that:
 - 1) the juvenile has been adjudicated delinquent and is under the court's supervision;
 - 2) there is a legitimate basis for the relief requested; and
 - 3) there are sufficient facts upon which to conclude the delay for the motion was justified and should be overlooked in the interest of justice.

7) the facts supporting the grounds for relief and sufficient facts to support the delay of the motion for relief that:

a) appear in the record, and the place in the record where they appear; and

b) do not appear in the record, and an identification of any affidavits, documents, and other evidence showing such facts;

8) whether the grounds for the relief requested were raised before, and if so, at what stage of the proceedings;

9) a verification that the facts set forth in the motion are true and correct to the best of the movant's personal knowledge or information and belief and that any false statements are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

10) if applicable, any request for an evidentiary hearing, including:

a) a signed certification by counsel as to each intended witness, stating the:

- i) witness's name;
- ii) witness's address;
- iii) witness's date of birth; and
- iv) the substance of the witness's testimony; and

b) any documents material to the witness's testimony, attached to the motion; and

11) if applicable, any request for discovery.

D. *Answer.*

1) The Commonwealth may answer the motion. If the Commonwealth chooses to respond to the motion, such response shall:

a) be submitted within ten days of receipt of the motion; and

b) include a verification that the facts set forth in the answer are true and correct to the best of the attorney's personal knowledge or information and belief and that any false statements are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

2) The court may order the Commonwealth to file an answer within a timeframe established by the court.

Comment

Relief under this rule is to be filed with the clerk of courts in the court in which the alleged error occurred. Rule 120 defines "court" as the Court of Common Pleas. *See* Rule 120. Because the court has continual supervision over a juvenile until court supervision is terminated pursuant to Rules 631 or 632, the juvenile court is the appropriate forum for such relief.

This process allows the juvenile court to accept late motions when there is a sufficient basis for the delay. *See* paragraph (C)(6) for requirement of the grounds for the motion. Because the court is providing relief *nunc pro*

tunc, the requirements of 42 Pa.C.S. § 5505 do not apply. See *City of Philadelphia Police Dept. v. Civil Service Comm'n of City of Philadelphia*, 702 A.2d 878 (Pa. Commw. Ct. 1997) (absent specific rule, only technical errors may be corrected after 30-day period). See also *Justice v. Justice*, 612 A.2d 1354, 417 Pa.Super. 581 (1992) (after a 30-day period the order can be opened or vacated if there is fraud or some other circumstance so grave or compelling as to constitute extraordinary cause which justifies intervention by the court); *Com., Dept. of Transp., Bureau of Driver Licensing v. Duncan*, 601 A.2d 456, 144 Pa.Comm.w. 261 (1991) (after a 30-day period order can be opened or vacated upon extraordinary cause).

Pursuant to paragraph (A), the motion is to be filed as soon as possible but no later than sixty days of the date the error was made known or discovered. It is best practice to file the motion within thirty days. The juvenile is to allege facts to support the delay for the relief pursuant to paragraph (C)(7). Pursuant to paragraph (B), counsel is to remain in the case until court supervision of the juvenile is terminated, including any proceedings upon appeal. See Rule 150(B).

If ineffectiveness of counsel is alleged, counsel is to file a motion to withdraw pursuant to Rule 150(C) and the judge is to assign new counsel.

Second or subsequent motions will not be entertained unless a strong prima facie showing is offered to demonstrate that a miscarriage of justice may have occurred. See *Commonwealth v. Szuchon*, 633 A.2d 1098, 534 Pa. 483 (1993) (citing *Commonwealth v. Lawson*, 549 A.2d 107, 519 Pa. 504 (1988)). This standard is met if the juvenile can demonstrate either: 1) the proceedings resulting in the juvenile's disposition were so unfair that a miscarriage of justice occurred in which no civilized society can tolerate; or 2) the juvenile is innocent of the delinquent acts petitioned. See *Szuchon*, *supra*.

Rule 625. Hearing and Findings on Motion for *Nunc Pro Tunc* Relief.

A. Hearing.

1) The judge may grant an evidentiary hearing to resolve material questions of fact.

2) The hearing shall be conducted as soon as possible but no later than thirty days of the filing of the motion for *nunc pro tunc* relief unless, upon good cause shown, the judge determines more time is necessary for investigation and preparation.

B. Grant with No Hearing. If sufficient facts exist in the record to warrant relief, the judge may grant the motion without a hearing. If the judge grants the motion, it shall be granted within thirty days unless an extension is granted.

C. Dismiss with No Hearing.

1) The judge shall give notice to the parties of the intention to dismiss the motion, stating the reasons for the dismissal in the notice upon conclusion that:

- a) there are no genuine issues concerning any material fact;
- b) the juvenile is not entitled to relief; or
- c) no purpose would be served by any further proceedings.

2) The juvenile may respond to the proposed dismissal within twenty days of the date of the notice.

3) The judge shall order the motion dismissed, grant leave to file an amended motion, or direct that the proceedings continue.

4) The judge may dispose of only part of a motion without a hearing by ordering dismissal of or granting relief on only some of the issues raised, while ordering a hearing on other issues.

D. Findings. The judge shall:

1) state its findings and conclusions of law for all material issues raised:

- a) on the record when there is a hearing; or
- b) in the order when there is no hearing; and

2) issue an order denying relief or granting a specific form of relief, and issue any supplementary orders or modification of dispositional orders appropriate to the proper disposition of the case.

E. Dismissed by Operation of Law. If the judge fails to decide the motion within thirty days, or to grant an extension:

1) the motion shall be deemed denied by operation of law and not subject to reconsideration; and

2) the clerk of courts shall forthwith:

a) enter an order on behalf of the court; and

b) as provided pursuant to Rule 167, shall serve a copy of the order on each attorney and the juvenile, if the juvenile has waived counsel, that the motion is deemed denied.

F. Appellate Rights.

1) If the judge disposes of the case in open court at the conclusion of the hearing, the judge shall advise the juvenile on the record of the right to appeal from the final order disposing of the motion and of the time within which the appeal must be taken.

2) If the case is taken under advisement or the judge denies the motion without a hearing, the judge shall notify the juvenile of the right to appeal.

Comment

The judge is permitted, pursuant to paragraph (C), to summarily dismiss a motion in certain cases. To determine whether a summary dismissal is appropriate, the judge should review the motion, the answer, if any, and all other relevant information included in the record. If, after this review, the judge determines that the motion is patently frivolous and without support in the record, or that the facts alleged would not, if proven, entitle the juvenile to relief, or that there are no genuine issues of fact, the judge may dismiss the motion.

A summary dismissal would also be authorized under this rule if the judge determines that a previous motion involving the same issue or issues was filed and determined adversely to the juvenile. See Comment to Rule 622 for second or subsequent motions.

Additionally, relief may be granted without a hearing pursuant to paragraph (D)(2) after an answer has been filed.

Rule 628. Order of Court on Motion for *Nunc Pro Tunc* Relief.

A. Order by court. The court order shall:

- 1) state the judge's findings and conclusions of law;
- 2) provide for appropriate relief and supplementary orders or modifications of the dispositional order as to:

- a) the detention of the juvenile;
 - b) whether a new adjudicatory hearing is granted;
 - c) correction of the adjudication of delinquency;
 - d) correction of the disposition;
 - e) termination of court supervision; and/or
 - f) other matters that are appropriate.
- 3) include a statement explaining the right to appeal from the final order disposing of the motion, and of the time within which the appeal must be taken.

B. *Order by clerk of courts for deemed denied by operation of law.* When the clerk of courts has entered an order providing that the motion for *nunc pro tunc* relief is deemed denied by operation of law pursuant to Rule 625(E), the court order shall:

- 1) state that the motion is denied by operation of law pursuant to Rule 625(A)(2); and
- 2) include a statement explaining the right to appeal from the final order disposing of the motion, and of the time within which the appeal must be taken.

PART D. CESSATION OF COURT JURISDICTION OR SUPERVISION

Rule	
630.	Loss of Court Jurisdiction.
631.	Termination of Court Supervision.
632.	Early Termination of Court Supervision by Motion.

Explanatory Report

Background

Testimony from hearings conducted by the Interbranch Commission on Juvenile Justice (ICJJ) revealed a number of constitutional and procedural rule violations occurred, more than just the violation of the right to counsel. One such violation involved the notice of the right to file a post-dispositional motion and appeal.

Pa.R.J.C.P. 512(C) requires that the court determine on the record that the juvenile has been advised of the following: 1) the right to file a post-dispositional motion; 2) the right to file an appeal; 3) the time limits for a post-dispositional motion and appeal; 4) the right to counsel to prepare the motion and appeal; 5) the time limits within which the post-dispositional motion shall be decided; and 6) that issues raised before and during adjudication shall be deemed preserved for appeal whether or not the juvenile elects to file a post-dispositional motion.

The ICJJ recommended that a form be developed to give to juveniles that would refer them to the statewide appellate office. Currently, there is no statewide appellate office that handles all juvenile appeals. Whether an office is ultimately established by the General Assembly as recommended by the ICJJ for this purpose is outside the scope of this Committee and its recommendations.

As stated *supra*, the court should determine if the juvenile has been advised of his or her rights regardless of whether there is a statewide appellate office. The Supreme Court of Pennsylvania requires under Pa.R.J.C.P. 150(B) that counsel shall represent the juvenile until final judgment, including any proceeding upon direct appeal. Therefore, counsel for the juvenile is required to file any post-dispositional motions and to perfect an appeal for the juvenile. The attorney for the juvenile should also explain the post-dispositional and appellate process.

The ICJJ also recommended that consideration be given to creating a mechanism which would afford a juvenile an avenue to petition for relief from a wrongful adjudication even though the period for direct appeal has expired. In the adult system, the use of the Post Conviction Relief Act (PCRA) permits those who have been convicted of a crime and have exhausted their direct appeal rights, to bring their case to the attention of the court under certain limited circumstances.

These proposed rule additions address *nunc pro tunc* relief for juveniles. Currently, issues similar to PCRA claims, such as ineffective assistance of counsel, are raised on direct appeal for juveniles. However, claims that are raised must be filed through the normal appellate process which can take several months only to be remanded to the juvenile court for an evidentiary hearing. Additionally, if the appeal is not filed within thirty days as required, the case will be dismissed as untimely.

These rule additions specifically address allowance of untimely appeals when good cause has been shown. The additions also provide for an expedited review by the juvenile court to avoid the delays inherent in the direct appeal process. For example, a juvenile claims that counsel was ineffective. The juvenile court could order an evidentiary hearing and ultimately find the counsel was ineffective. A new adjudicatory hearing would be ordered and the case would progress through the normal juvenile court process, eliminating the need for an appeal to Superior Court.

In other instances, the juvenile court could allow an appeal to the Superior Court even though the appeal is untimely. For example, the juvenile may claim he or she advised counsel to file an appeal and counsel did not file an appeal. If the juvenile court finds that the appeal should have been perfected, the appeal would be allowed even though the time for filing an appeal has passed.

Rule Discussion

Rule 520 to 620—Post-Dispositional Motions

The Committee is recommending that the Rule on Post-Dispositional Motions be placed in Chapter Six under new Part C, Motions. This new Part will include post-dispositional motions and motions for *nunc pro tunc* relief.

Rule 622—Motion for Nunc Pro Tunc Relief

This new proposed rule sets forth the requirements for filing a motion for *nunc pro tunc* relief. The allegations must contain that: 1) there is a need for correction of an error to accurately reflect the court's findings; or 2) the juvenile has been adjudicated delinquent for a delinquent act and is currently under the court's supervision; there is a legitimate basis for the appeal; and there are sufficient facts upon which to conclude the delay for the motion was justified and should be overlooked in the interest of justice. See paragraph (C)(6)(a) and (b).

Rule 625—Hearing and Findings on Motion for Nunc Pro Tunc Relief

This new proposed rule allows the judge to grant an evidentiary hearing if it is clear there is no evidence or insufficient evidence on the record upon which the Superior Court could base its decision. This is important because if an appeal was taken and there was no evidence in the record for the Superior Court to review, the case would be remanded for an evidentiary hearing. This is common for ineffective assistance of counsel claims because there would be no evidence in the record.

Also, there may be new evidence that was just made available and it did not appear in the record.

This bypass procedure streamlines the process and will prevent an overload of cases to the Superior Court. It also saves time and money to have the juvenile court judge or another Common Pleas judge hear cases that would otherwise be remanded.

The judge may also grant or deny a motion without a hearing. Before the judge denies the motion under paragraph (C), the judge is to give notice of the intention to dismiss the motion and state the reasons for the dismissal in the notice. The juvenile may respond to the notice within twenty days, whereupon the judge will make his or her final ruling.

Rule 628—Order of Court on Motion for Nunc Pro Tunc Relief

This new proposed rule governs the contents of the court order. The order must include the judge's findings and conclusions of law; any appropriate relief and supplementary orders or modifications of the dispositional order; and advise the parties of the right to appeal and time within which the appeal must be taken.

[Pa.B. Doc. No. 11-1091. Filed for public inspection July 1, 2011, 9:00 a.m.]

Title 249— PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Criminal Rule No. 122-1; Rescission of Philadelphia Criminal Rules 406-1, 406-2, 406-4, 410, 420, and 421; and Amendment of Philadelphia Criminal Rules 406(A) and 424(B)(1); President Judge General Court Regulation No. 2011-01

Order

And Now, this 10th day of June, 2011, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on March 10, 2011 to adopt Philadelphia Criminal Rule 122-1; to rescind Philadelphia Criminal Rules 406-1, 406-2, 406-4, 410, 420, and 421; and to amend Philadelphia Criminal Rules 406(A) and 424(B)(1), *It Is Hereby Ordered* that Philadelphia Criminal Rule 122-1; Philadelphia Criminal Rules 406-1, 406-2, 406-4, 410, 420, 421; and Philadelphia Criminal Rules 406(A) and 424(B)(1) are adopted, rescinded and amended as follows.

As required by Pa.R.Crim.P. No. 105(D), the proposed amended rule has been submitted to the Supreme Court's Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that the proposed amended rule is not inconsistent with any general rule of the Supreme Court. The original Administrative Order and amended local rule shall be filed with the Prothonotary and the Clerk of Courts in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Administrative Order and amended local rule as well as a copy on a computer diskette shall be distributed to the Legislative Reference

Bureau for publication in the *Pennsylvania Bulletin*. The adopted, rescinded and amended local rules will become effective on the dates noted therein. As required by Pa.R.Crim.P. No. 105(F) one certified copy of this General Court Regulation and amended local rules shall be filed with the Administrative Office of Pennsylvania Courts and the local rule will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies of this General Court Regulation and amended local rules shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE PAMELA PRYOR DEMBE,
President Judge

COURT OF COMMON PLEAS

CRIMINAL DIVISION

PHILADELPHIA CRIMINAL RULES

Rule 122-1. Homicide Appointment System.

The Judges of the First Judicial District (FJD) adopt the following Homicide Appointment System (HAS) Plan for the competent representation of any person otherwise financially unable to obtain competent representation in cases wherein a charge of homicide has been filed.

I. *Provision for Furnishing Counsel*

A. This Plan provides for the continued appointment of private counsel in homicide cases for which the Defender Association of Philadelphia (Defender Association) is not appointed.

B. This Rule is promulgated to insure that counsel who participate in homicide cases possess the ability, knowledge and experience to do so in a competent and professional manner.

C. To that end, although not the focus of this Rule, privately retained and pro bono counsel must meet the educational and experiential requirements of Pa.R.Crim.P. 801 or, if counsel is licensed to practice law in a jurisdiction other than Pennsylvania, the court is satisfied that the attorney has equivalent experience and educational qualifications and is a member in good standing of the Bar of the attorney's home jurisdiction, before counsel may enter an appearance at any stage of the proceedings in which he or she wishes to represent a defendant charged with a capital case.

D. The office of Active Criminal Records¹ shall determine whether any person entitled to representation (hereinafter, defendant) will be represented by a private attorney appointed pursuant to this Rule or by the Defender Association.

II. *Selection of Attorneys*

A. *Panels of Attorneys*

1. *Approval*. The FJD, through the process promulgated by the Selection Committee described in paragraph C herein, shall establish Panels of attorneys who are eligible and willing to be appointed to provide representation to defendants under the FJD Homicide Appointment System (FJD-HAS) Plan.

¹ When the office of Active Criminal Records is mentioned in this Rule, it is understood to include any successor office to the office of Active Criminal Records.

2. *Equal Opportunity.* All qualified attorneys shall be and are encouraged to participate in the furnishing of representation under the FJD-HAS Plan, without regard to race, color, religion, gender, age, national origin, sexual orientation or disabling condition.

3. Seven panels of Homicide attorneys will be created. These shall be known as the "Capital Trial Panel," the "Non-capital Trial Panel," the "Defender Association Panel,"² the "Capital Appeals Panel," the "Non-capital Appeals Panel," the "Capital PCRA"³ Panel," and the "Non-capital PCRA Panel." Attorneys on each Panel must demonstrate substantial familiarity with the ethics, practice, procedure and rules of the trial and reviewing courts of the Commonwealth of Pennsylvania. Although the term of service for a private attorney who becomes a member of a Panel pursuant to this Rule may expire, the appointments that have been made during the course of the term shall remain in full force and effect as set forth by Pa.R.Crim.P. 120(A)(4), Pa.R.Crim.P. 122(B)(2) and Pa.R.Crim.P. 904(F)(2).

4. *Capital Trial Panel*

A. To be approved for this Panel, it is required that an attorney:

(1) is a member in good standing of the Bar of the Pennsylvania Supreme Court, or admitted to practice *pro hac vice* and a member in good standing of the Bar of the jurisdiction in which the attorney is admitted to practice;

(2) is an active trial practitioner with a minimum of 5 years criminal litigation experience;

(3) has maintained a practice of which, during the 5 year period immediately preceding the date of the filing of the application for membership in this Panel, 75% has consisted of serving as trial counsel in criminal cases before the FJD or before any trial court of record of the Commonwealth of Pennsylvania, or before any federal court within the boundaries of Pennsylvania;

(4) has served as lead counsel in a minimum of 10 felony cases⁴ that were given to the jury for deliberations, and

(a) 4 of which were non-capital homicide cases and

(b)(i) at least one in which the death penalty was sought and was tried through the penalty phase, or

(b)(ii) 2 in which the death penalty was sought and where, although resolved prior to trial or at the guilt phase, a thorough investigation was performed for a potential penalty phase;

(5) is familiar with the practice and procedure of the Pennsylvania Supreme Court, as pertains to the appeal of capital cases;

(6) demonstrates, by training or experience, knowledge of principles of criminal and constitutional law as they apply to death penalty cases;

(7) has extensive knowledge of the Pennsylvania Rules of Criminal Procedure, the Pennsylvania Rules of Evidence, and the case law as promulgated by the Pennsylvania Courts and the U.S. Supreme Court, and has

² This Panel is made up of attorneys from the Defender Association who are assigned to that organization's Homicide Unit, which handles both capital and non-capital matters. The Defender Association's Appeals Unit will also handle appeals as regards those matters. This Plan does not address the selection process for the attorneys of the Defender Association. Nor does anything in this Plan imply that the City of Philadelphia will continue its current contractual arrangements with the Defender Association.

³ The Post-Conviction Relief Act, 42 Pa.C.S. §§ 9541 et seq.

⁴ A "felony case" for purposes of this Panel requires that the defendant was arraigned before the jury on a charge of murder, manslaughter, vehicular homicide, or a felony of the first degree.

substantial familiarity with and extensive experience in the use of expert witnesses, and forensic, psychiatric, scientific and medical evidence including, but not limited to, mental health, pathology and DNA profiling evidence.

(8) is in full and current compliance with the minimal educational requirements mandated by the Pennsylvania Supreme Court in Pa.R.Crim.P. 801(2)⁵;

B. Members of the Capital Trial Panel will be appointed to represent defendants charged with capital homicide as either Lead Counsel or as Mitigation Counsel. Lead Counsel appointed to a capital case shall select Mitigation Counsel for the case, which selection shall be from the members of the Capital Trial Panel, but not before the case has reached the Homicide Calendar Room. If the case is still designated as a capital case at that time, Lead Counsel shall then immediately confer with the Mitigation Counsel to be selected to ensure his or her availability. Once a member of the Capital Trial Panel agrees to serve as Mitigation Counsel, Lead Counsel shall immediately, in writing, notify the Calendar Judge⁶ and the office of Active Criminal Records. The Calendar Judge shall then appoint Mitigation Counsel and enter an order of appointment in accord with Pa.R.Crim.P. 122.

C. The Capital Trial Panel shall initially consist of not more than 18 members, which number may be adjusted based on the needs of the Court. Panel members shall serve staggered terms, with each Panel member serving for a term of 3 years, except that the initial Panel shall serve staggered terms as follows: 1/3 of the initial Panel shall serve for 1 year, 1/3 shall serve for 2 years, and the remaining 1/3 shall serve the full 3-year term.⁷ Any member of the initial Panel or subsequent Panels whose term expires may be reappointed or replaced, pursuant to an evaluation and selection by the Selection Committee. Members of this Panel shall also be members of the Non-capital Trial Panel.

5. *Non-capital Trial Panel*

A. To be approved for this Panel, it is required that an attorney:

(1) is a member in good standing of the Bar of the Pennsylvania Supreme Court, or admitted to practice *pro hac vice* and a member in good standing of the Bar of the jurisdiction in which the attorney is admitted to practice;

(2) is an active trial practitioner for whom, during the 5 year period immediately preceding the date of the filing of the application for membership in this Panel, not less than 75% of his or her practice has consisted of serving as trial counsel in criminal cases before the FJD or before any trial court of record of the Commonwealth of Pennsylvania, or before any federal court within the boundaries of Pennsylvania;

⁵ Every attorneys who accepts a capital homicide appointment at any stage of the proceedings must be Rule 801 certified at the time of the appointment and must remain certified throughout the entire period of the representation, at every stage of the proceedings, including pretrial, trial, appellate and post-conviction.

⁶ Mitigation Counsel should, as a general practice, have been identified and have been appointed by order of the Calendar Judge prior to the case leaving the Homicide Calendar Room. In an extraordinary case, if the selection is made after the case has left the Calendar Room, Lead Counsel shall then immediately notify the assigned trial judge in writing instead of the Calendar Judge. The assigned trial judge shall then appoint Mitigation Counsel and enter an order of appointment in accord with Pa.R.Crim.P. 122. Although these are distinct areas of the trial which must be addressed consistent with the law, the trial court will view the two attorneys as co-counsel, and will not segregate their responsibilities; the two attorneys will function as a team, shepherding the case as a whole.

⁷ The Selection Committee shall make every effort to select the attorneys with the highest qualifications and greatest experience to serve in the initial three year staggered term, rather than in the one or two year staggered terms. This same principle shall be applied by the Selection Committee to each of the additional Panels with staggered terms.

(3) has served as Lead Counsel in a minimum of 10 felony cases⁸ that were given to the jury for deliberations, at least one of which was a non-capital homicide case, except that if the attorney only sat as second chair in that non-capital homicide case, the attorney must have participated as second chair in at least 2 non-capital homicide cases;

(4) is familiar with the practice and procedure of the Pennsylvania Superior Court;

(5) has extensive knowledge of the Pennsylvania Rules of Criminal Procedure, the Pennsylvania Rules of Evidence, and Pennsylvania case law and has substantial familiarity with and extensive experience in the use of expert witnesses, and forensic and medical evidence including, but not limited to, mental health, pathology and DNA profiling evidence;

(6) is in full and current compliance with the educational requirements of Pa.R.Crim.P. 801(2), which are mandated by the Pennsylvania Supreme Court in capital cases.

B. The Non-capital Trial Panel shall initially consist of not more than 36 members, which number may be adjusted based on the needs of the Court. Panel members shall serve staggered terms, with each Panel member serving for a term of 3 years, except that the initial Panel shall serve staggered terms as follows: 1/3 of the initial Panel shall serve for 1 year, 1/3 shall serve for 2 years, and the remaining 1/3 shall serve the full 3-year term. Any member of the initial Panel or subsequent Panels whose term expires may be reappointed or replaced, pursuant to an evaluation and selection by the Selection Committee.

6. *Second Chair Counsel*

In order to meet the required "non-capital case" experience, attorneys seeking to attain membership on a Panel or Panels of this HAS Plan may participate as second chair counsel to Lead Counsel in non-capital cases. In order for this experience to qualify, such attorney must:

- At or before the scheduling conference of the case for which she or he seeks to sit as second chair, submit to the trial judge a request to sit as second chair, certifying that 10 felony jury trials⁹ have in fact been tried by him or her to completion within the past 5 years, or that 10 non-capital homicide appeals (direct or PCRA appeals) have been filed by him or her, through to a decision of the Superior Court, or that she or he has handled 10 non-capital homicide PCRA matters for which an evidentiary hearing was held, or a combination thereof, and listing those cases on the appropriate application.

- Request that the trial court designate the case as one in which the second chair experience will be appropriate.

- Obtain a certification from the Lead Counsel Non-capital Trial Panel member that the applicant participated in every aspect of the trial, beginning with the initial trial Scheduling Conference.

- Be present at all substantive proceedings regarding the case, through conclusion of the trial.

- Actively participate in the preparation and examination of at least one witness at trial.

7. *Defender Association Panel*

⁸ A "felony case" for purposes of this Panel requires that the defendant was arraigned before the jury on at least a felony of the second degree or an offense which is punishable by a maximum sentence of 10 years.

⁹ Felony jury trial means that the defendant was arraigned on a felony of the second degree or an offense which is punishable by a maximum sentence of ten years.

This Panel shall consist of the staff attorneys of the Defender Association assigned to that organization's Homicide Unit and certified by the Chief Public Defender to be qualified to fulfill the duties of staff attorney. The Defender Association will be appointed to represent defendants charged with capital as well as non-capital homicide in accordance with any allocation agreement then in effect and established between the Defender Association, the City of Philadelphia, and the FJD.

8. *Capital Appeals Panel*¹⁰

A. An attorney who is appointed at the post-sentence motions/appeal stage of a case for a defendant who has received a sentence of death shall only be appointed if the attorney:

(1) is a member in good standing of the Bar of the Pennsylvania Supreme Court, or admitted to practice *pro hac vice* and a member in good standing of the Bar of the jurisdiction in which the attorney is admitted to practice;

(2) has represented clients in appellate or post conviction matters in at least 8 "significant cases", as defined in Pa.R.Crim.P. 801(1)(c), has had primary responsibility for at least 5 briefs in those significant cases, and has prior experience within the last 5 years as appellate or PCRA counsel, in federal or state court, in at least one case in which a sentence of death was imposed.

(3) submits to the Selection Committee at least one appellate brief written primarily by herself/himself and demonstrates to the Selection Committee excellence in written legal advocacy;

(4) is familiar with the practice and procedure of the Pennsylvania Supreme Court, particularly as pertains to the appeal of capital cases;

(5) demonstrates, by training or experience, knowledge of principles of criminal and constitutional law as they apply to death penalty cases;

(6) is in full and current compliance with Pa.R.Crim.P. 801(2);

B. The Capital Appeals Panel shall initially consist of not more than 9 members, which number may be adjusted based on the needs of the Court. Panel members shall serve staggered terms, with each Panel member serving for a term of 3 years, except that the initial Panel shall serve staggered terms as follows: 1/3 of the initial Panel shall serve for 1 year, 1/3 shall serve for 2 years, and the remaining 1/3 shall serve the full 3-year term. Any member of the initial Panel or subsequent Panels whose term expires may be reappointed or replaced, pursuant to an evaluation and selection by the Selection Committee.

9. *Non-capital Appeals Panel*

A. An attorney who is appointed at the post-sentence motions/appeal stage of a case for a defendant who has not received a sentence of death shall only be appointed if the attorney:

(1) is a member in good standing of the Bar of the Pennsylvania Supreme Court, or admitted to practice *pro hac vice* and a member in good standing of the Bar of the jurisdiction in which the attorney is admitted to practice;

¹⁰ Although appointed counsel are required to represent defendants through direct appeal, Pa.R.Crim.P. 122, it is understood that in some cases it will serve a defendant's best interests to have new counsel appointed for a defendant upon being sentenced to death. Attorneys serving on this Panel will help meet that need, in addition to being available for appointment opportunities when the court otherwise must appoint counsel at the appellate stage.

(2) is familiar with the practice and procedure of the Pennsylvania Superior Court;

(3) is an experienced and active trial or appellate practitioner (whether via direct appeals or appeals of PCRA cases) with at least 5 years experience in the field of criminal defense;

(4) has filed briefs within the past 5 years as appellate counsel in either the Pennsylvania Supreme or Superior Court in no fewer than 3 capital or non-capital homicide matters and 5 felony matters;

(5) submits a writing sample to the Selection Committee for which she/he was primarily responsible.

B. The Non-Capital Appeals Panel shall initially consist of not more than 15 members, which number may be adjusted based on the needs of the Court. Panel members shall serve staggered terms, with each Panel member serving for a term of 3 years, except that the initial Panel shall serve staggered terms as follows: 1/3 of the initial Panel shall serve for 1 year, 1/3 shall serve for 2 years, and the remaining 1/3 shall serve the full 3-year term. Any member of the initial Panel or subsequent Panels whose term expires may be reappointed or replaced, pursuant to an evaluation and selection by the Selection Committee.

10. Capital PCRA Panel

A. An attorney may be appointed to represent a post-conviction petitioner under sentence of death only if that attorney:

(1) is a member in good standing of the Bar of the Pennsylvania Supreme Court, or admitted to practice pro hac vice and a member in good standing of the Bar of the jurisdiction in which the attorney is admitted to practice;

(2) is an active practitioner with at least 5 years criminal litigation (trial and/or appellate) experience in this or any other jurisdiction;

(3) has maintained a practice of which, during the 5 year period immediately preceding the date of the filing of the application for membership in this Panel, 75% has consisted of serving as trial or appellate or PCRA counsel regarding criminal cases before the FJD or before any court of the Commonwealth of Pennsylvania or before any federal court within the boundaries of Pennsylvania;

(4) has served as lead counsel in a minimum of 8 "significant cases" that were given to the jury for deliberations and or has represented clients in appellate or post conviction matters in at least 8 "significant cases, as defined in Pa.R.Crim.P. 801(1)(c); has had primary responsibility for at least 5 briefs in those significant cases; and has prior experience, within the last 5 years, as PCRA or appellate counsel before any court in the Commonwealth of Pennsylvania, including federal court, in at least one case in which a sentence of death was imposed;

(5) submits to the Selection Committee at least one sample of legal writing for which she/he was primarily responsible. This writing must advocate the position of a party in an adversary proceeding and must demonstrate excellence in written legal advocacy;

(6) is familiar with the practice and procedure of the Philadelphia Court of Common Pleas and of the Pennsylvania Supreme Court, particularly as it pertains to the handling of appeals in post-conviction matters in which a sentence of death has been imposed;

(7) demonstrates, by training or experience, knowledge of principles of criminal and constitutional law as they apply to death penalty cases;

(8) has extensive knowledge of the Pennsylvania Rules of Criminal Procedure, the Pennsylvania Rules of Evidence, and the case law of not only Pennsylvania but also of the U.S. Supreme Court, and has substantial familiarity with, and extensive experience in, the use of expert witnesses, and forensic, psychiatric and medical evidence including, but not limited to, mental health, pathology and DNA profiling evidence;

(9) Is in full and current compliance with the minimal educational requirements mandated by the Pennsylvania Supreme in Pa.R.Crim.P. 801(2).

B. The Capital PCRA Panel shall initially consist of not more than 9 members, which number may be adjusted based on the needs of the Court. Panel members shall serve staggered terms, with each Panel member serving for a term of 3 years, except that the initial Panel shall serve staggered terms as follows: 1/3 of the initial Panel shall serve for 1 year, 1/3 shall serve for 2 years, and the remaining 1/3 shall serve the full 3-year term. Any member of the initial Panel or subsequent Panels whose term expires may be reappointed or replaced, pursuant to an evaluation and selection by the Selection Committee. No member of this Panel may be appointed in any 12 month period to represent more than 1 death penalty PCRA petitioner.

11. Non-capital PCRA Panel

A. To be approved for this Panel, it is required that an attorney:

(1) is a member in good standing of the Bar of the Pennsylvania Supreme Court, or admitted to practice pro hac vice and a member in good standing of the Bar of the jurisdiction in which the attorney is admitted to practice;

(2) has maintained a practice of which, during the 3 year period immediately preceding the date of the filing of the application for membership in this Panel, not less than 25% has consisted of serving as counsel representing petitioners who have filed a post-conviction petition pursuant to the PCRA before any court in the Commonwealth of Pennsylvania;

(3) has experience, within the past 3 years, as PCRA counsel in no fewer than 10 felony cases, including 2 cases in which a PCRA hearing was held, or in 1 case in which a PCRA hearing was held and has completed one CLE program on Pennsylvania post-conviction practice within the past year;

(4) has participated in the preparation and litigation of 3 adversary hearings where factual issues were contested. (This may include the 2 PCRA hearings required in (3));

(5) submits to the Selection Committee an Amended Petition and a *Finley* letter that was filed by him or her within the past 2 years;

(6) is familiar with the practice and procedure of the Pennsylvania Superior Court.

B. The Non-capital PCRA Panel shall initially consist of not more than 18 members, which number may be adjusted based on the needs of the Court. Panel members shall serve staggered terms, with each Panel member serving for a term of 3 years, except that the initial Panel shall serve staggered terms as follows: 1/3 of the initial Panel shall serve for 1 year, 1/3 shall serve for 2 years, and the remaining 1/3 shall serve the full 3-year term. Any member of the initial Panel or subsequent Panels

whose term expires may be reappointed or replaced, pursuant to an evaluation and selection by the Selection Committee.

12. *Initial Year Consideration of Alternative Qualifications*

In the initial year of this Rule, due to respect for the body of work an experienced attorney may have achieved and who may nevertheless not meet the technical requirements of this new local rule, such experienced attorney may petition the Selection Committee to review his or her credentials and to allow such attorney to explain how that attorney will be able to meet the spirit if not the letter of this new Rule. There are no exceptions to the requirements of Pa.R.Crim.P. 801 as regards any of the Capital Panels. If, after a determination that the attorney's experience, knowledge and training are clearly equivalent to the standards for the Panel to which the attorney seeks admission, the Selection Committee approves the attorney for inclusion on a Panel, such attorney must thereafter comply with all the performance standards of this Rule which pertain to the Panel for which the attorney has been selected.

13. *Continuing Legal Education*

Every attorney selected to serve on any Panel is required to, and agrees to, obtain a minimum of 6 hours annually of CLE courses, as approved by the Selection Committee, which are relevant to the Panel for which that attorney was selected to represent defendants facing homicide charges, above and beyond, where applicable, the CLE requirements of Pa.R.Crim.P. 801. The additional CLE hours may be obtained as either participants or presenters. The number of CLE hours and the nature of the continuing legal education may be increased or modified by the Selection Committee as may be relevant and appropriate for the adequate representation of indigent defendants in homicide matters.

In addition, as approved by the Selection Committee, all attorneys selected for the Capital Trial Panel must complete a live¹¹ capital homicide course during the first year on the Panel, except that any attorney intending to serve only as Mitigation Counsel must complete a 6 hour course in mitigation advocacy during the first year on the Panel; all attorneys selected for the Non-capital Trial Panel must complete a live homicide course during the first year on the Panel.

14. *Exclusive Compensation*

Every attorney who is selected to be a member of any Panel under this FJD-HAS Plan agrees not to request or accept any payment, or promise of payment, from the defendant or the defendant's family or from any source other than from the FJD, in connection with his or her representing a defendant whom they were appointed to represent pursuant to this Rule.

B. *Application for Admission to a Panel*

1. Every admission to a Panel must be by application.
2. Application forms will be available annually from the Chair of the Selection Committee and from the office of Active Criminal Records.

C. *Selection Committee*

1. The Selection Committee shall consist of thirteen members as follows:

(a) 6 judges of the FJD, at least 3 of whom are presently assigned to the Homicide Program; 2 of whom are currently assigned to the Majors Program of the Trial Division—Criminal; and the Supervising Judge of the Trial Division—Criminal;

(b) 1 attorney who is a member of the FJD-HAS Capital Panel¹²;

(c) the Chair of the Screening Committee for Court Appointed Counsel, who must be a member of the Criminal Justice Section of the Philadelphia Bar Association;

(d) the Chair of the Criminal Justice Section of the Philadelphia Bar Association, or his or her "permanent designee"¹³;

(e) the President of the Philadelphia Chapter of the Pennsylvania Association of Criminal Defense Lawyers, or his or her "permanent designee";

(f) the Chief of the Homicide Unit of the Defender Association, or his "permanent designee" and the Chief of the Appeals Unit of the Defender Association, or his "permanent designee";

(g) the Chief of the PCRA Unit of the Philadelphia District Attorney's Office, or her "permanent designee".

2. The President Judge, or his/her designee, shall be an ex-officio member of the Selection Committee. The Court Administrator, or his/her "permanent designee", will attend all meetings in a non-voting capacity.

3. The Committee members described in subparagraphs 1(a) and (b) above shall be appointed by the Administrative Judge of the Trial Division, with the exception of the Supervising Judge.

4. Any Judge who resigns from the Committee prior to the expiration of his or her term due to a transfer in judicial assignment will be replaced by an appropriate appointment by the Administrative Judge of the Trial Division.

5. The Supervising Judge of the Trial Division—Criminal shall be the Chair of the Selection Committee.

6. Each Committee member shall serve for a period of 3 years and may be reappointed for succeeding terms at the discretion of the Administrative Judge of the Trial Division.

7. Eight members of the Committee shall be deemed a quorum.

8. Each member of the Committee shall be committed to ensuring that, prior to approving any applicant for inclusion on a Panel, the applicant has fully met the requirements set forth in this FJD-HAS Plan as to the Panel for which he or she is applying.

9. The Committee shall thoroughly review all applications for admission to the Panels, and shall conduct the necessary interviews or other inquiry into any matter deemed by the Committee to be necessary to make its determinations in regard to any applicant.

10. a. The Committee shall prepare an Evaluation Form, which will be distributed to all judges hearing Homicide cases.

¹² In the initial year, an attorney who has handled at least 5 homicide appointments within the past 3 years as court-appointed counsel will fill this position.

¹³ As used in this sub-section, the "permanent designee" must be someone who, for effectiveness, commits to attending all meetings of the Committee for the duration of the entire selection process in at least that calendar year.

¹¹ "Live" as used in this section require attendance "in person" and not via broadcast or by viewing a previously recorded presentation.

b. This Evaluation Form will also be available to attorneys who seek to obtain evaluations from Judges in the Majors Program or other appropriate forum.

D. Additions to the Panel

The submission of an application to the Selection Committee shall be confidential unless the applicant is accepted to a Panel. Notification of acceptance or rejection shall be made in writing to the applicant. The membership of the Panels shall be published at least annually.

E. Removal from the Panel

The Selection Committee may determine from time to time, prior to the expiration of a Panel member's term that, by reason of information received by the Committee and concerning a Panel member's ability to continue to perform as competent counsel, a Panel member should be recommended for removal from the Panel. In such instance, the Panel member shall first have the opportunity for a hearing before the Selection Committee, pursuant to procedures to be established by the Selection Committee. Upon a two-thirds vote by the Selection Committee, a Panel member shall be removed from receiving any further appointments pursuant to this Rule. Any Panel member so removed will not be barred from reapplying in the future for appointment to a Panel for which he or she is qualified. A copy of such removal decision shall be furnished to the President Judge as well as to the Court Administrator, who shall cause that attorney's name to be removed from each Panel on which his or her name appeared.

III. Determination of Need for Counsel and Appointment of Counsel

A. When Appearing Before the Court in a Criminal Case.

1. In every criminal case in which a defendant is charged with homicide and appears without counsel at any stage of the trial proceedings, the presiding judge shall advise the defendant that he or she has the right to be represented by counsel throughout the case and that counsel will be appointed to represent the defendant if the defendant is financially unable to retain counsel. Any statements elicited from a defendant regarding such an inquiry by the presiding judge are inadmissible in any criminal proceeding against the defendant, except as may be provided by law.

It shall be the duty of the presiding Judge to direct that the appropriate entity within the FJD which makes inquiry into whether a defendant meets the criteria for court-appointed counsel do so, in a timely manner.

In every criminal case in which a determination is made that a defendant charged with homicide qualifies for court-appointed counsel, it is the duty of the presiding judge to promptly cause counsel to be appointed to represent the defendant by forthwith communicating electronically with the office of Active Criminal Records, which will effectuate the appointment.¹⁴ An order of appointment shall be entered and served in accord with Pa.R.Crim.P. 122. The defendant shall not have the right to select his or her attorney from the Panel of attorneys or otherwise.

2. The presiding judge shall cause separate counsel to be appointed for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

¹⁴ Nothing in this paragraph or in local Rule 122-1 is intended to modify current law that a petitioner will ordinarily not be eligible for court appointed counsel concerning second and subsequent PCRA petitions. See Pa.R.Crim.P. 904(C), (D) and (E).

3. If at any time after the appointment of counsel pursuant to this FJD-HAS Plan the presiding judge finds that the defendant is financially able to retain counsel, the judge shall terminate the appointment of counsel. Being able to "retain counsel" includes the ability to pay for all investigators, experts or other services, including mitigation evidence in a capital case. Prior to terminating the appointment of counsel, the presiding judge shall conduct a colloquy both with the defendant for whom representation is to be terminated because the defendant is able to retain counsel, and with the attorney to be retained, and ensure that both acknowledge, on the record, that they are fully able to meet the responsibility for the provision of these services.

4. Any counsel appointed to represent a defendant charged in a homicide pursuant to the FJD-HAS Plan who wishes to withdraw his appearance and be relieved of further representation of a particular defendant shall comply with the requirements of Pa.R.Crim.P. 120(B) and shall immediately make a motion for withdrawal to the judge before whom the case is then pending. If new counsel is to be appointed, pursuant to Pa.R.Crim.P. 120(B)(3), the judge before whom the case is pending shall promptly communicate electronically with the office of Active Criminal Records of the need for new counsel and of the appropriate Panel from which the appointment is to be made. An order of appointment shall be entered and served in accord with Pa.R.Crim.P. 122.

B. Appointment of Appellate Counsel

Although it is anticipated that an attorney who has been appointed to represent a defendant will continue to represent that individual for appellate purposes, as set forth in Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2), in an appropriate case (including the defendant having retained counsel), the court may permit the attorney to withdraw from further representation pursuant to Pa.R.Crim.P. 120(B); additionally, an appellate court may direct that new counsel be appointed to represent a defendant whose case is already on appeal. In all such cases, the trial judge shall promptly communicate electronically with the office of Active Criminal Records, and notify that office that an appointment is necessary and the appropriate Panel from which the appointment is to be made. An order of appointment shall be entered and served in accord with Pa.R.Crim.P. 122.

C. The Court Administrator and the office of Active Criminal Records

1. The Court Administrator may delegate to the office of Active Criminal Records the responsibility for effectuating the appointments of counsel as regards this FJD-HAS Plan, but maintains the responsibility for ensuring that their duties are properly discharged.

2. In effecting the appointment of counsel for a defendant, the office of Active Criminal Records shall verify that a determination of financial inability to retain counsel has been made and the office of Active Criminal Records shall then arrange for the appointment of counsel consistent with the system provided in subsection 4 and 5 of this Section C.

3. The Court Administrator shall collect data regarding this FJD-HAS Plan to document that the Rule is being complied with. In addition, the Court Administrator will maintain the names of all attorneys, and the defendant they were representing, whom the appellate courts order removed, and the reason therefor, as well as all attorneys, and the defendants they were representing, found to have been ineffective in a post-conviction matter, and the

reason therefor. The Court Administrator will provide this information annually to the President Judge and, upon request, to the Selection Committee.

4. The office of Active Criminal Records shall maintain a current list of all attorneys selected to serve on each Panel. For each Panel, the office of Active Criminal Records shall maintain a "wheel" of all attorneys admitted to serve on such Panel, which will operate alphabetically from A to Z. After making a determination of which Panel is the appropriate Panel from which an appointment shall be made, the office of Active Criminal Records shall go to the next name on the wheel and contact that attorney electronically to see if that attorney is able to accept that appointment. The attorney shall be provided with sufficient information about the case/prospective defendant so as to be able to conduct a conflict check, to ensure there will be no problem with the representation of a prospective defendant. The attorney must respond electronically to the office of Active Criminal Records within 48 hours of being contacted.

5. If an attorney fails to respond electronically within 48 hours of being contacted, the office of Active Criminal Records shall go on to the next name on the wheel, and the attorney who failed to respond timely shall be placed at the bottom of the wheel, as if an appointment had in fact been made. Any attorney on any Panel has the ability to decline or reject a prospective appointment when contacted by the office of Active Criminal Records. Such declination or rejection will cause that attorney to be placed at the bottom of the wheel, as if an appointment had in fact been made. The exception to this is when a true conflict exists, in which case the attorney shall be required to provide the name of the other defendant or client as to whom the conflict exists. In the event of such a conflict, the office of Active Criminal Records will go on to the next name or names until an appointment has successfully been made, but shall then go back to the attorney who was conflicted out.

6. The Court Administrator will have responsibility for overseeing the promulgation of standard forms for the submission of requests for counsel fees and fees for investigative, expert and other services.

IV. Investigative, Expert and Other Services¹⁵

An attorney appointed under this HAS Plan who seeks investigative, expert or other services necessary for an adequate defense in the case, in accordance with Phila.Crim.R. 424 B(3)(a) and 425 G(4), must seek prior authorization, which must be presented in a written application, ex parte, to the Homicide Calendar Judge, if the case has not yet been assigned to a trial judge, or to the trial judge. Upon finding, after appropriate inquiry in such ex parte proceeding, that the services are necessary, the Court shall issue an Order authorizing counsel to obtain the services. The Judge may establish a limit on the amount which may be expended for such services within the maximum prescribed by the FJD, subject to the provider of such services providing proper and detailed accounting for the services rendered in a fee petition. Phila.Crim.R. 424 B and 425 shall continue to govern these services.

¹⁵ An attorney who is retained by a client to represent him or her in a homicide case must be able to certify to the Court that the entire defense is funded by the client, including all investigative and expert services, whether the case is capital or not. There is no provision under this Rule for retained counsel to obtain funds from the Court for these services. *Pro bono* counsel may apply to the Court for funds for these services, provided that *pro bono* counsel is certified pursuant to Pa.R.Crim.P. 801. Any such funds will be within the limits set by the FJD.

V. Compensation

Payment of fees and expenses to private counsel appointed under this FJD-HAS Plan, and payments for investigative, expert and other services incurred pursuant to Title IV hereof, shall be made in accordance with Phila.Crim.R. 424 B and 425, and such rules and regulations and guidelines as have been or may be prescribed by the President Judge and in accordance with the fiscal policies of the FJD.

VI. Forms

Where standard forms have been approved and promulgated, such forms shall be used by the court and by attorneys appointed pursuant to this Rule.

Adopted at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Explanatory Note: Implementation of the Homicide Appointment System will commence immediately upon the effective date of this Rule, thirty (30) days after publication in the *Pennsylvania Bulletin*. However, the actual appointment of counsel in Homicide Cases pursuant to this Rule will commence on January 2, 2012, the effective date of the amendment to Rule 424(B)(1) and the rescission of Rule 410.

Amendments to Philadelphia Criminal Rules; Board of Judges Meeting: 3-10-2011

Deletions are bold and bracketed; additions are bold.

Rule 406. Standards for Appointment of Counsel.

(A) *Lists of Qualified Attorneys.* The Appointment Clerk in the Office of the Secretary of the Board of Judges will maintain a list of attorneys qualified for appointment in each of the following five categories of cases:

(1) [**Homicide**]. **Rescinded effective January 2, 2012.**

Amended at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 02, 2012.

Rule 406-1. Standards for Appointment in Homicide Cases.

Rescinded at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 02, 2012.

Rule 406-2. Appeals in Death Penalty Cases.

Rescinded at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 02, 2012.

Rule 406-4. Post-Conviction Petitions by Prisoners under Sentence of Death.

Rescinded at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 02, 2012.

Rule 410. Appointment of Counsel in Homicide Cases.

Rescinded at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 02, 2012.

Rule 420. Appointment of Counsel for Cases Appealed to the Supreme Court or Superior Court of Pennsylvania.

Rescinded at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 02, 2012.

Rule 421. Petition for Leave to Withdraw as Private or Court-Appointed Counsel in Homicide Cases.

Rescinded at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 02, 2012.

Rule 424. Compensation Rates for Court-Appointed Counsel.

* * * * *

B. Homicide Cases

(1) The appointment of counsel in homicide cases shall be made in accordance with the procedures contained in Phila.Crim.R. [410] 122-1.

Amended at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 02, 2012.

[Pa.B. Doc. No. 11-1092. Filed for public inspection July 1, 2011, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Local Orphans' Court Rule of Procedure 15.2, 15.4 and 15.5; Administrative Order No. 19 of 2011

Order of Court

And Now, this 14th day of June, 2011, Adams County Rule of Orphans' Court Procedure 15.2, 15.4 and 15.5 are hereby amended to provide as follows:

15.2 Voluntary Relinquishment To Agency

A. The caption for all pleadings and the docket entry shall carry the given name of the child.

B. The petition shall contain an averment that notification has been given to the birth parents and child of the right to enter into a voluntary agreement for post-adoption continuing contact or communication as required by 23 Pa.C.S.A. § 2733(c), or an averment setting forth why such notification is not applicable. In addition, a copy of the notification shall be attached as an exhibit.

15.4 Termination of Parental Rights

* * * * *

C. The petition shall contain an averment that notification has been given to the birth parents and child of the right to enter into a voluntary agreement for post-adoption continuing contact or communication as required by 23 Pa.C.S.A. § 2733(c), or an averment setting forth why such notification is not applicable. In addition, a copy of the notification shall be attached as an exhibit.

15.5 Adoption

A. Petition

* * * * *

3. The petition shall contain an averment that notification has been given to the birth parents and child of the right to enter into a voluntary agreement for post-adoption continuing contact or communication as required by 23 Pa.C.S.A. § 2733(c), or an averment setting forth why such notification is not applicable. In addition, a copy of the notification shall be attached as an exhibit.

4. The petition shall aver whether a voluntary agreement for post-adoption continuing contact or communication authorized by 23 Pa.C.S.A. § 2731, et seq., is anticipated or executed and if executed a copy thereof shall be attached as an exhibit. Additionally, any such agreement must be presented to the Court at least 15 days prior to the hearing on the petition.

These rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further directed that:

a. This Order shall be filed in the Office of Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

b. Seven (7) certified copies of this Order shall be forwarded to the Administrative Office of the Pennsylvania Court for distribution in accordance with the provisions of Pa.R.J.A. No. 103(c)(2); and

c. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b) containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

By the Court

JOHN D. KUHN,
President Judge

[Pa.B. Doc. No. 11-1093. Filed for public inspection July 1, 2011, 9:00 a.m.]

SCHUYLKILL COUNTY

Adopted Civil Rule of Procedure 1915.15(2) Form of Complaint; S-1304-11

Order of Court

And Now, this 14th day of June, 2011 at 11:15 a.m., Schuylkill County Civil Rule of Procedure No. 1915.15(2) is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary 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 the Pennsylvania Courts.

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.

3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

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.

By the Court

WILLIAM E. BALDWIN,
President Judge

IN THE COURT OF COMMON PLEAS FOR
SCHUYLKILL COUNTY
CIVIL ACTION—LAW

Plaintiff : No: S-
vs. : Custody
Defendant :

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, at _____ o'clock ____ .m.; you are hereby ORDERED to appear as follows:

You have been sued in Court to obtain Custody, Partial Custody or Visitation of the child(ren) named in the Complaint.

I. PARENT EDUCATION PROGRAM

1. ALL PARTIES NAMED ABOVE SHALL ATTEND AND COMPLETE THE "KIDS FIRST" PROGRAM. THE PROGRAM IS REQUIRED FOR ALL PARTIES PARTICIPATING IN A CUSTODY ACTION. PARTICIPATION IS REQUIRED WHETHER OR NOT AN AGREEMENT IS SUBMITTED.

2. EACH OF YOU SHALL CONTACT "KIDS FIRST" WITHIN TEN (10) DAYS OF RECEIVING THIS ORDER TO REGISTER AND ATTEND THE NEXT AVAILABLE PROGRAM. IF YOU FAIL TO COMPLY WITH THE PROVISIONS OF THIS ORDER, CONTEMPT CHARGES AGAINST YOU SHALL BE FILED WITH THE COURT.

TO SCHEDULE AND REGISTER FOR THE "KIDS FIRST" PROGRAM CONTACT ANTHONY LIBASSI BY ONE OF THE FOLLOWING:

- (a) internet: WWW.LIBASSIMEDIATION.COM
- (b) telephone: 570-558-1002
888-215-7445 (toll free)
- (c) mail: ANTHONY LIBASSI
200 Adams Avenue, First Floor
Scranton, PA 18503

YOU ARE EACH REQUIRED TO PAY A FEE OF FORTY DOLLARS (\$40.00) DIRECTLY TO THE "KIDS FIRST" PROGRAM AT THE TIME OF REGISTRATION.

3. LOCATION OF "KIDS FIRST" PROGRAMS:

SCHUYLKILL COUNTY COURTHOUSE
401 N. 2ND STREET
POTTSVILLE, PA 17901

FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN FINES, IMPRISONMENT OR OTHER SANCTIONS.

II. CUSTODY CONCILIATION CONFERENCE

You are ORDERED to appear in person at the Custody Conciliation Office, of the Schuylkill County Courthouse on _____, for a Custody Conciliation Conference.

You are further ORDERED to bring with you the fully completed conciliation questionnaire provided by the Court.

If you fail to appear as provided by the Order, an Order of Custody, Partial Custody or Visitation may be entered against you or the Court may issue a Warrant for your arrest.

III. GENERAL PROVISIONS

YOU SHOULD TAKE THIS PAPER (and the attached papers) TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Bar Association Lawyer Referral Service
100 South Street, P. O. Box 186, Harrisburg, PA 17108
1-800-692-7375

Counsel and pro se litigants without counsel are ORDERED to immediately consult their schedules for conflicts and to promptly request a continuance where necessary because of a prior attachment or emergency situation. All requests for a continuance of a Custody Conciliation Conference must be made on the APPLICATION FOR CONTINUANCE form available from the offices of the Court Administrator, Custody Conciliator or Prothonotary in the Schuylkill County Courthouse. The application must be filed in the Prothonotary Office. A continuance will be granted only upon good cause shown.

The moving party shall immediately serve on all interested parties a copy of the original pleading, this order, "Kids First" registration and information, and a custody conciliation questionnaire; and shall further file an affidavit verifying service.

Americans With Disabilities Act of 1990: The court of Common Pleas of Schuylkill County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT,

Date: _____ WILLIAM E. BALDWIN, P.J.

[Pa.B. Doc. No. 11-1094. Filed for public inspection July 1, 2011, 9:00 a.m.]

STATEMENTS OF POLICY

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 60]

Sales and Use Tax Pronouncements; Nonprofit Associations which Support Sports Programs

The Department of Revenue (Department) has adopted amendments to a statement of policy under the authority in § 3.2 (relating to statements of policy). Section 60.17 (relating to sale of food and beverages by nonprofit associations which support sports programs) is amended and shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

This amendment to § 60.17 is promulgated by the Department to reflect a legislative change made by the act of April 23, 1998 (P. L. 239, No. 45) which removed the fixed location on public property requirement in section 204(49) of the Tax Reform Code of 1971 (72 P. S. § 7204(49)). Additionally, the Department is deleting examples affected by the legislative change.

Specific questions regarding information in this statement of policy should be directed to the Department of Revenue, Office of Chief Counsel, P. O. Box 281061, Harrisburg, PA 17128-1061.

DANIEL MEUSER,
Secretary

(Editor's Note: Title 61 of the Pa. Code is amended by amending a statement of policy in § 60.17 to read as set forth in Annex A.)

Fiscal Note: 15-452. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE II. SALES AND USE TAX

CHAPTER 60. SALES AND USE TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

§ 60.17. Sale of food and beverages by nonprofit associations which support sports programs.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Nonprofit association—

(i) An entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of the Commonwealth or the United States.

(ii) An entity which is authorized to do business in this Commonwealth as a nonprofit corporation or unincorporated association under the laws of the Commonwealth, and which is organized and operated on a nonprofit basis, including the following associations or separately chartered auxiliaries thereof:

- (A) Youth or athletic.
- (B) Volunteer fire.
- (C) Ambulance.

- (D) Religious.
- (E) Charitable.
- (F) Fraternal.
- (G) Veterans.
- (H) Civic.

*Sports program—*Subject to the limitations set forth in subparagraph (ii), a sports program shall include:

(i) Baseball, softball, football, basketball, soccer and other competitive sports formally recognized as a sport by one or more of the following:

(A) The United States Olympic Committee as specified by and under the jurisdiction of the Amateur Sports Act of 1978 (36 U.S.C.A. §§ 371—396).

(B) The Amateur Athletic Union.

(C) The National Collegiate Athletic Association.

(ii) The term is limited to a program or that portion of a program which meets the following criteria:

(A) Organized for recreational purposes and conducts activities substantially for these purposes.

(B) Organized primarily for participants who are 18 years of age or younger or whose 19th birthday occurs during the year of participation or the competitive season, whichever is longer. There is no age limitation for programs operated for persons with physical handicaps or persons with mental retardation.

*Support—*The term means the following:

(i) The nonprofit association sells food and beverages and uses the funds raised solely to pay the expenses of a sports program.

(ii) The nonprofit association sells food and beverages at a location where a sports program is being conducted.

(b) *Scope.*

(1) The sale of food and beverages by nonprofit associations which support sports programs is not subject to tax.

(2) The following are examples of taxable and nontaxable sales by nonprofit associations:

(i) "F" fraternal association sells food and beverages to fans from a food stand located on university property where basketball games are played by members of the various fraternities, most of whom are 20 years of age or older. Sales of food and beverages by "F" to fans are taxable since the sports program is primarily for participants who are older than 18 years of age.

(ii) "A" charitable association operates a food stand four times a year at a public park where food and beverages are sold to raise funds solely to pay the expenses of a sports program. Since the funds raised from the sales of food and beverages by "A" are used solely to support sports programs, these sales are not subject to tax even though they are made from a location other than where the sports program is being conducted.

(c) *Equipment and supplies.*

(1) A vendor of food or beverages (which is not otherwise an exempt organization under § 32.21 (relating to charitable, volunteer firemen's and religious organizations, and nonprofit educational institutions)) is required to pay tax upon the purchase of utilities, equipment, fixtures, utensils—such as glasses, knives and forks, and

nondisposable plates and cups—table cloths, napkins, straws, returnable containers and related supplies.

(2) The purchase of the following items in connection with the sale of food or beverages is exempt from tax regardless of whether the purchaser is an exempt entity under § 32.21:

(i) Prepared or nonprepared food and beverages for resale.

(ii) Wrapping supplies as defined by § 32.1 (relating to definitions).

(3) The following examples illustrate what items are and are not subject to tax:

(i) In connection with the sale of food and beverages at a food stand where a sports program is being conducted, “N” nonprofit association provides tables and chairs for its customers to use. “N” is not an exempt organization

under § 32.21. “N” shall pay tax on these items at the time of purchase and may not claim the resale exemption even though the invoices separately state the charges for these items.

(ii) In connection with the sale of food and beverages at a food stand where a sports program is being conducted, “X” nonprofit association provides to its customers paper plates, styrofoam cups, straws, paper napkins, and plastic knives, forks and spoons. “X” is not an exempt organization under § 32.21. “X” can purchase paper plates and styrofoam cups exempt from tax on the basis that these items qualify as wrapping supplies. “X” shall pay tax upon the purchase of straws, paper napkins, and plastic knives, forks and spoons.

[Pa.B. Doc. No. 11-1095. Filed for public inspection July 1, 2011, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 6710 (relating to commercial value), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

Nitrogen	\$0.50 per pound
Available phosphate	\$0.57 per pound
Soluble potash	\$0.44 per pound

Further information is available by contacting Erin Bubb, Chief, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5216.

These commercial values are effective beginning July 1, 2011, and shall remain effective until further notice.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 11-1096. Filed for public inspection July 1, 2011, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), 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 June 14, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. 733-503.E), any person wishing to comment on the following applications, with § the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-26-2011	Susquehanna Bancshares, Inc. Lititz Lancaster County	Filed
	Application for approval to acquire 100% of Abington Bancorp, Inc., Jenkintown, and thereby indirectly acquire 100% of Abington Savings Bank, Jenkintown.	

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-26-2011	Susquehanna Bank Lititz Lancaster County	Filed
	Application for approval to merge Abington Savings Bank, Jenkintown, with and into Susquehanna Bank, Lititz.	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-9-2011	PeoplesBank, A Codorus Valley Company Glen Rock York County	535 Old Westminster Pike Suite 101 West Minster, MD	Filed
6-10-2011	Luzerne Bank Luzerne Luzerne County	1073 Route 315 Plains Township Luzerne County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-9-2011	Northwest Savings Bank Warren Warren County	105 Petroleum Street Oil City Venango County One East First Street Oil City Venango County	Approved

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-20-2011	S&T Bank Indiana Indiana County	410 Main Street Clarion Clarion County 650 Main Street Clarion Clarion County	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-7-2011	Public Savings Bank Huntingdon Valley Montgomery County	Filed

Amendment to Article III of the institution's Articles of Incorporation provides for an increase in the authorized number of shares of common stock and preferred stock in order to raise capital.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-1-2011	Bradford Postal Credit Union Bradford McKean County	Filed

Application for approval to merge Bradford Postal Credit Union, Bradford, with and into Bradford Area Federal Credit Union, Bradford.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 11-1097. Filed for public inspection July 1, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
APPLICATIONS FOR NATIONAL 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 regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063444 (Sewage)	Butler Township Municipal Authority 572 Dutchtown Road Ashland, PA 17921	Schuylkill County Butler Township	Mahanoy Creek (06B)	Y

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0088668—SEW	Metal Township Municipal Authority 17001 Fannettsburg Road East Fannettsburg, PA 17221	Franklin County / Metal Township	Conocheaque Creek, Potomac River Basin/13-C	Y
PA0034304—IW	Cambridge-Lee Industries, LLC PO Box 14026 Reading, PA 19612-4026	Berks County / Ontelaunee Township	Schuylkill River / 3-C	Y
PA0044628—IW	York Haven Hydroelectric Station 1 Hydro Park Drive & Locust Street York Haven, PA 17370	York County / York Haven Borough	Susquehanna River / 3-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0052400—SEW	Irish Creek Village 552 Irish Creek Road Mohrsville, PA 19541-9333	Berks County / Centre Township	Irish Creek / 3-B	Y
PA0082759—SEW	Hopewell Township (Shy Beaver Lakeview Estates) 1115 Dorman Road James Creek, PA 16657	Huntingdon County / Hopewell Township	UNT Shy Beaver Creek / 11-D	Y
PA0088579—SEW	Felton Borough 88 Main Street Felton, PA 17322	York County / Felton Borough	North Branch Muddy Creek / 7-I	Y
PA0085073—SEW	Wood Broad Top Wells Joint Municipal Authority PO Box 7 Wood, PA 16694	Huntingdon County / Wood Township & Bedford County / Broad Top Township & Fulton County / Wells Township	UNT Great Trough Creek / 11-D	Y
PA0081744—IW	York County Solid Waste and Refuse Authority 2700 Blackridge Road York, PA 17406-7901	York County / Hopewell Township	UNT Ebaugh's Creek and UNT Rambo Run / 7-I	Y
PA0261025—CAFO	Leon Zimmerman 2011 Maytown Road Elizabethtown, PA 17022	Lancaster County / East Donegal Township	UNT Susquehanna River / 7-G	Y

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228435 (Sewage)	Brady Township Southeast WWTP Fritz Station Road Montgomery, PA 17752	Lycoming County Brady Township	Unnamed Tributary to Black Run (10-C)	Y
PA0228311 (Sewage)	Brady Township Northwest WWTP 1986 Elimsport Road Montgomery, PA 17752	Lycoming County Brady Township	Unnamed Tributary to Black Hole Creek (10-C)	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0003026 (Sewage)	U.W. Bronze Foundry & Machine 18649 Brake Shoe Road Meadville, PA 16335	Crawford County Woodcock Township	Unnamed tributary to French Creek 16-D	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PAS203504, Storm Water, SIC Code 3444, **Contech Construction Products Inc.**, 9025 Centre Pointe Drive #400, West Chester, OH 45069. Facility Name: Contech Construction Products Inc. This proposed facility is located in Greencastle Borough, **Franklin County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Storm Water.

The receiving stream(s), Unnamed Tributary to Muddy Run, is located in State Water Plan watershed 13-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001*:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

* The permittee may conduct an annual inspection using the Annual Inspection Form (3800-PM-WSWM0083v) in lieu of annual monitoring for the parameters listed above.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Application No. PA0260169, Concentrated Animal Feeding Operation (CAFO), Elmer King, 3382 B West Newport Road, Ronks, Pennsylvania 17572.

Elmer King has submitted an application for an Individual NPDES permit for an existing CAFO known as Greenfield Farms, located at 6420 Route 35 South, East Waterford, Pennsylvania 17021 in Lack Township, **Juniata County**.

The CAFO is situated near unnamed tributary of Dougherty Run in Watershed 12-B, which is classified for High Quality Cold Water Fishery. The CAFO is designed to maintain an animal population of approximately 496.71 animal equivalent units (AEUs) consisting of 148,000 poultry layers. Manure is collected underneath and conveyed to an enclosed, roofed storage shed. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717.705.4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0082694, Sewage, SIC Code 4952, **East St Clair Township Municipal Authority Bedford County**, PO Box 55, Fishertown, PA 15539-0055. Facility Name: East St Clair Township Fishertown STP. This existing facility is located in East Saint Clair Township, **Bedford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Dunning Creek, is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.112 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅		37.4				
BOD ₅	23.4	Wkly Avg	XXX	25	40	50
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids		42				
Fecal Coliform (CFU/100 ml)	28	Wkly Avg	XXX	30	45	60
May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1,000
Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10,000

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0082732, Sewage, SIC Code 4952, **East St Clair Township Municipal Authority Bedford County**, PO Box 55, Fishertown, PA 15539-0055. Facility Name: East St Clair Township Stone Creek STP. This existing facility is located in East Saint Clair Township, **Bedford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Dunning Creek, is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.112 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	23.4	37.4 Wkly Avg	XXX	25	40	50
BOD ₅	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	28	42 Wkly Avg	XXX	30	45	60
Total Suspended Solids	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2000 Geo Mean	XXX	10,000
May 1 - Sep 30						
Oct 1 - Apr 30						

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0097233, Sewage, **South Versailles Township**, Allegheny County, PO Box 66, Coulter, PA 15028. Facility Name: South Versailles Township STP. This existing facility is located in South Versailles Township, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Youghiogheny River, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Average Weekly	
Flow (MGD)	Monitor	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	6.3	XXX	XXX	25	XXX	50
Total Suspended Solids	7.5	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)				200 Geo Mean	XXX	1000
May 1 - Sep 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Oct 1 - Apr 30	XXX	XXX	XXX			

The EPA Waiver is in effect.

PA0095729, Sewage, **Eastern Orthodox Foundation**, 8715 Route 422 Highway E, Penn Run, PA 15765-0342. Facility Name: Eastern Orthodox Foundation STP. This existing facility is located in Cherryhill Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Yellow Creek, is located in State Water Plan Watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.018 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.018	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen	XXX	XXX	XXX	1.5	XXX	3.0

The EPA Waiver is in effect.

PA0097489, Sewage, **Sharp Paving Inc.**, PO Box 156, Shelocta, PA 15774-0156. Facility Name: Sharp Paving STP. This existing facility is located in Armstrong Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Curry Run, is located in State Water Plan watershed 17-E. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

The EPA Waiver is in effect.

PA0097632, Sewage, **Valley Tire Inc.**, PO Box 367, Windber, PA 15963. Facility Name: Valley Tire STP. This existing facility is located in Paint Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Roaring Fork, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00049 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.00049	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen				3.0	XXX	6.0
May 1 - Oct 31	XXX	XXX	XXX	9.0	XXX	18.0
Nov 1 - Apr 30	XXX	XXX	XXX			

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 3811403, Sewage, **Union Township**, 3111 SR 72, Jonestown, PA 17038.

This proposed facility is located in Union Township, **Lebanon County**.

Description of Proposed Action/Activity: Expansion from the existing 0.100 million gallon per day extended aeration wastewater treatment plant to a 0.300 mgd sequencing batch reactor type plant. These modifications are being implemented to comply with the Chesapeake Bay Tributary regulations.

WQM Permit No. 2896404 11-1, Sewerage, **Borough of Chambersburg**, 100 South 2nd Street, Chambersburg, PA 17201.

This proposed facility is located in Chambersburg Borough, **Franklin County**.

Description of Proposed Action/Activity: Implementing improvements to the existing ultraviolet disinfection system in order to improve system reliability and flexibility and to accommodate disinfection of the additional flows that will be realized after the future WWTP upgrade expansion project.

WQM Permit No. 0105402 Amendment 11-1, Sewerage, **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316.

This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Replacement of STP lift station pumps.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151115	Matthews Road Associates, LP 2701 Renaissance Blvd, 4th Fl King of Prussia, PA 19406-2781	Chester	East Whiteland Township	Little Valley Creek (EV)
PAI01 151116	PA Department of Transportation District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Chester	West Goshen Township	Broad Run/East Branch Brandywine Creek (HQ-CWF-MF)
PAI01 511009	JERC Partners XIII, LP 171 State Route 173 Suite 201 Asbury, NJ 08802	Philadelphia	City of Philadelphia	Unnamed Tributary Pennypack Creek - Pennypack Creek (TSF-MF)

Northeast Region: Watershed 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024511009	Christopher G. Peechatka 142 Route 611 Bartonsville, PA 18321	Monroe County	Pocono Twp.	Cranberry Creek (HQ-CWF, MF)
PAI024511007	PPL Electric Utilities Corp. 2 N. Ninth St. GENN 4 Allentown, PA 18101	Monroe County	Chestnuthill Twp	UNT Jonas Creek (EV, MF)
PAI024511010	PPL Electric Utilities Corp. 2 N. Ninth St. GENN 4 Allentown, PA 18101	Monroe County	Polk Twp. and Chestnuthill Twp.	Pohopoco Creek, EV, MF; UNTs to Pohopoco Creek, EV, MF; UNT to Middle Creek, HQ-CWF, MF; Middle Creek, CWF, MF; Jonas Creek, EV, MF; UNT to Jonas Creek, EV, MF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033605009R	Craig Fernsler F&F Investments PO Box 121 Dreshler PA 19025	Lancaster	Colerain Township	West Branch Octoraro Creek HQ-CWF, MF
PAI030611004	David Bitler 290 Ruth Road Fleetwood, PA 19522	Berks	Richmond Township	Moselem Creek HQ-CWF
PAI030711002	James & Deborah Faith 717 Turkey Valley Road Hollidaysburg, PA 16648	Blair County	Frankstown Township	New Creek (HQ-CWF)

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/ New
Elvin Hurst 61 Clay Road Lititz, PA 17543	Lancaster	33	351.3	Broilers	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the

name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 2211505, Public Water Supply.

Applicant	Borough of Royalton
Municipality	Royalton Borough
County	Dauphin
Responsible Official	Tildon J. Sides, Borough Council President 101 Northumberland Street Royalton, PA 17057
Type of Facility	Public Water Supply
Consulting Engineer	Joshua T. Fox, P.E. Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111
Application Received:	4/11/2011
Description of Action	Installation of the Grubb St. Booster Pumping Station.

Permit No. 3811501, Public Water Supply.

Applicant	South Mountain Spring Water Company
Municipality	South Lebanon Township
County	Lebanon
Responsible Official	Barton Kirk, Owner 826 Chislett Street Pittsburgh, PA 18206
Type of Facility	Public Water Supply
Consulting Engineer	Edward E. Davis, P.E. Forino Co., LP 555 Mountain Spring Road Sinking Spring, PA 19608
Application Received:	5/9/2011
Description of Action	Installation of an Atlantium RZ104-12 UV System as GWR 4-log treatment.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 6611501MA, Minor Amendment.

Applicant	Highland Campground
[Township or Borough]	Falls Township, Wyoming County
Responsible Official	Ms. Nancy Mayer RR2, Box 278 Dalton, PA. 18414
Type of Facility	Non-Community Water Supply
Consulting Engineer	KBA Engineering c/o Mr. Dennis Kutch, PE. 25 South Washington Avenue Jermyn, PA. 18433
Application Received Date	5/5/11
Description of Action	This project provides for the construction of 1,165 gallons of additional storage and additional appurtenances in order to comply with the Ground Water Rule.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

WA 06-1019A, Water Allocations. Bern Township Municipal Authority, **Berks County**. The applicant is requesting the right to purchase 500,000 gallons per day based on a 30 day average from the Western Berks Water Authority through an interconnection that will be constructed. Date Application Received: March 25, 2011.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area

remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

GVH Coopersburg, 208-214 North Third Street, Coopersburg Borough, **Lehigh County**. Toby Kessler, Gilmore and Associates, Inc., 65 East Butler Avenue, Suite 100, New Britain, PA 18901 has submitted a Notice of Intent to Remediate (on behalf of his client, GVH Coopersburg, L.P., 323 Union Street, Suite 300, Nashville, TN 37201), concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of historical operations at this former automobile service center. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for groundwater. The intended future use of the property is commercial. A summary of the Notice of Intent to Remediate is expected to be published in *The Morning Call* on June 13, 2011.

Austin's Auto Service, 1843 West Broad Street, Bethlehem City, **Lehigh County**. Scott Campbell and Andrew Gutshall, EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 have submitted a Notice of Intent to Remediate (on behalf of their client, Austin's Auto Service, 1843 West Broad Street, Bethlehem, PA 18018), concerning the remediation of soil found to have been impacted by unleaded gasoline as a result of historical operations at a former gasoline station and the current auto service station. The applicant proposes to remediate the site to meet the Site-Specific Standard for soil. The intended future use of the property is to continue as an auto service station. A summary of the Notice of Intent to

Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Baver Residence, 1 Rolling Mill Road, West Brunswick Township, **Schuylkill County**. James Cinelli and Jason Spanier, Liberty Environmental, Inc., 50 N. 5th Street, 5th Floor, Reading, PA 19601 have submitted a Notice of Intent to Remediate (on behalf of their clients, Frank and Marion Baver, 1 Rolling Mill Road, Auburn, PA 17922), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a punctured saddle tank of a truck, which accidentally skidded through a guard rail and came to rest on the property. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The intended future use of the property is residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Campus Theatre, Lewisburg Borough, **Union County**. Alternative Environmental Solutions, Inc., 480 New Holland Ave., Suite 8203, Lancaster, PA 17602, on behalf of Bucknell Real Estate, Lewisburg, PA has submitted a Notice of Intent to Remediate soil contaminated with heating oil at 419 Market St., Lewisburg, PA 17837. The applicant proposes to remediate the site to meet the Site Specific Standard. The current and intended future use of the property is for commercial purposes by the Campus Theatre and possible residential use.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Ezeflow USA Inc—Flowline Division, Shenango Township, **Lawrence County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murraysville, PA 15668-1848 on behalf of Ezeflow USA, Inc., 1400 New Butler Road, New Castle, PA 16107 has submitted a Notice of Intent to Remediate. Phase II investigation activities identified soil contaminated with arsenic, lead, mercury and groundwater contaminated by arsenic as a result of historical industrial activities. The intended future use of the property is non-residential. The proposed cleanup standard for the site is Site-Specific. The Notice of Intent to Remediate was published in the New Castle News on May 16, 2011.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Kennedy Highlands Development, Kennedy Township, **Allegheny County**. CP Environmental Group, 1092 Fifth Avenue, New Kensington, PA 15068 on behalf of Maronda Homes Inc., 1383 St. Route 30, Clinton, PA 15026 has submitted a Notice of Intent to Remediate. During Site development activities in 2006, it was found that the southeastern most property boundary was encroached by the adjacent former Mazzaro McKees Rocks Landfill. The area impacted was nearly 300 feet long by less than 60 feet wide. The former landfill material was excavated and properly disposed of and the area was backfilled with clean fill and rock. The remediator intends to show attainment of the residential statewide health standard for soil.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit 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 received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall 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 to 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 listed 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 (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

PLAN APPROVALS

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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

24-083T: Mersen USA—St Mary's (215 Stackpole Street, St Mary's, PA 15857) formerly known as Carbone

of America, for the installation of a new graphitizing furnace. This action is under Plan Approval 24-083T for their facility at 1032 Trout Run Road, in the City of St Mary's, **Elk County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

23-0038D: Delaware County Regional Water Quality Control Authority—DELCORA (P. O. Box 999, Chester, PA 19016) for replacement of the auxiliary fuel burners on each of two (2) sewage sludge incinerators in the City of Chester, **Delaware County**. DELCORA is a major facility. The new burners will be dual fuel fired, #2 fuel oil and natural gas, compared with the existing burners which are only #2 fuel oil fired. There will be no change in number, location or capacity of the replacement burners, compared with the existing burners. No increases in emissions are requested. Emission limits for each incinerator for all pollutants (particulate matter, nitrogen oxides, sulfur oxides, carbon monoxide, total hydrocarbons) in the facility Operating Permit, 23-00038 will remain unchanged.

With Plan Approval 23-0038D, DELCORA is taking additional restrictions in volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions. The combined VOC emissions from both incinerators will be limited to 24.90 tons per year on a 12-month rolling sum basis. A Plantwide Applicability Limit (PAL) for NOx of 82.56 tons/year is set, in accordance with the requirements of 25 Pa. Code § 127.218.

No changes to the incinerators, besides the burner replacement, are authorized under this Plan Approval. The Plan Approval will include monitoring, testing and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager - Telephone: 570-327-3648

53-00001F: Tennessee Gas Pipeline Company (1001 Louisiana Street, PO Box 2511, Houston TX 77252-2511) for the existing installation of an oxidation catalyst on an existing reciprocating internal combustion engine located at Station 313 in Hebron Township, **Potter County**. The respective facility is a major facility and operates under Title V Operating Permit 53-00001.

The Department's review of the information contained in the application indicates that the installation of the oxidation catalyst meets all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the installation of an oxidation catalyst. Additionally, if the Department determines that the respective control device is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V Operating Permit 53-00001 via an administrative amendment pursuant to 25 Pa. Code Sections 127.450.

All applicable regulatory requirements relating to fugitive, visible, and malodorous emissions standards and additional requirements regarding malfunctions, testing, monitoring, recordkeeping, and reporting have been included in the proposed plan approval. In addition to the above requirements, the following is a list of conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Pursuant to 25 Pa. Code § 127.12b, the permittee shall equip control device ID C111 with instrumentation to monitor pressure drop across control device ID C111 and the inlet gas temperature of control device ID C111 and shall monitor these parameters on a continuous basis.

2. Pursuant to 25 Pa. Code § 127.12b, the permittee shall keep records of the following information:

(1) The number of hours that source ID P111 is operated on a monthly basis.

(2) The test report and/or supporting calculations used to verify compliance with the nitrogen oxides, particulate matter, and sulfur oxides emissions limitations for Source ID P111.

(3) 4-hour averages of the inlet temperature of control device ID C111.

(4) 1-hour averages of the pressure drop across control device ID C111.

(5) The analysis report(s) of the investigation(s) conducted when the pressure drop increased above the established limit based upon pressure drop data collected during testing.

(6) The date and the total hours of operation of source ID P111 at the time of the catalyst replacement and/or cleaning.

(7) The manufacturer's recommended timeline and frequency of catalyst replacement and/or cleaning.

These records shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

3. Pursuant to 25 Pa. Code § 127.12b, the permittee shall construct and operate control device ID C111 in accordance with the manufacturer's specifications and good air pollution control practices. The permittee shall follow the manufacturer's recommended timeline and frequency for catalyst replacement and cleaning.

4. Pursuant to 25 Pa. Code § 127.12b, the carbon monoxide emissions from source ID P111 shall be controlled by an oxidation catalyst (control device ID C111). The permittee shall not operate source ID P111 without the simultaneous operation of control device ID C111.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

08-313-004K: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504), for the proposed construction of process equipment (Source IDs

P211) to manufacture ammonium paratungstate (APT) and associated control device and increase throughput for existing equipment that produces APT for their facility, located in North Towanda Township, **Bradford County**. This is a state only facility. The facility has taken a synthetic minor restriction to limit the carbon monoxide, nitrogen oxides, and volatile organic compounds emissions below the major thresholds.

The Department's review of the information contained in the application submitted by GTP indicates that the ammonia emissions from the proposed seven tanks and three presses controlled by the proposed Bionomics scrubber and the existing sources with increase throughput will comply with applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the proposed new sources will not exceed 0.09 tons of ammonia per year. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Work practice requirements to install and operate the sources and control device in accordance with manufacturer's recommendations and good air pollution control practices.

Monitoring and Recordkeeping conditions to verify compliance with the applicable requirements and good air pollution control practices.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: B. Hatch, Environmental Engineer Managers - Telephone: 412-442-4163/5226

04-00731: U.S. Electrofused Minerals, Inc. (600 Steel Street Aliquippa, PA 15001) for installation and initial temporary operation of a mineral processing facility at their facility in Aliquippa City, **Beaver County**.

In accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-04-00731 to allow the installation and initial temporary operation of a mineral processing facility at the U.S. Electrofused Minerals Plant located in Aliquippa city, Beaver County.

Potential emissions from the facility are estimated to be 0.17 tons of particulate matter and particulate matter less than 10 microns in diameter (PM/PM₁₀) per year. Best available technology (BAT) for the proposed sources is the installation of a fabric collector unit TAV-MAC of capacity 23,428 ACFM to control the air emissions, and proper operation and maintenance. The authorization is

subject to appropriate regulatory standards including limitations on visible fugitive & malodors emissions as well as work practice, maintenance, stack testing, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Jesse Parihar, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (PA-04-00731).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication. For additional information you may contact Jesse Parihar at 412-442-4030.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief - Telephone: 814-332-6636

42-184J: Keystone Powdered Metal Co. (289 Eberl Street, St. Mary's, PA 15857) for modification of throughput restrictions associated with an existing induction heat treater in Lewis Run Borough, **McKean County**.

Pursuant to 25 Pa. Code §§ 127.44(a) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval for their facility located in Lewis Run Borough, McKean County. This plan approval is for the modification of throughput restrictions associated with an existing induction heat treater. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 42-184J is for the modification of throughput restrictions associated with an existing induction heat treater (Source ID 4733). The installation of this unit was previously permitted by the Department under Plan Approval 42-184H. Based on the information provided by the applicant and DEP's own analysis, the subject source will have potential emissions of 0.016 ton per year of particulate matter, all of which will be particulate matter less than 10 microns (PM-10).

The Plan Approval will contain monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340, for an appointment.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must

be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.

2. Identification of the proposed Plan Approval; No. 42-184J.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6940.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00038: Delaware County Regional Water Quality Control Authority—Western Regional Treatment Plant—DELCTORA (100 E 5th Street, P.O. Box 999, Chester, PA 19016) for renewal of the facility's Title V Operating Permit originally issued on August 8, 2006 at 3201 West Front Street, City of Chester, Delaware County. The major sources of pollution at the facility are VOC, NOx, SOx, CO, HAP and PM. The operation is subjected to federal NSPS and NESHAP regulations. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section - Telephone: 717-949-7935

22-05012: ArcelorMittal, LLC (215 South Front Street, Steelton, PA 17113) for operation of steel ingot and rail track plant in Steelton Borough, **Dauphin County**. This is a renewal of their Title V Operating permit issued in January 2006.

In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above-mentioned facility.

The actual annual emissions based on the 2010 data were approximately 466 tons of NOx, 238 tons of CO, 34 tons of SOx, 21 tons of PM10, and 26 tons of VOC including less than 2 tons of HAPs. The Operating Permit will include emission limits and work practice standards

along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, P.E., West Permitting Section Chief may be contacted at (717) 705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Permits issued to sources identified in 25 Pa. Code Section 127.44(b)(1)—(4) or permits issued to sources with limitations on the potential to emit used to avoid otherwise applicable Federal requirements may become part of the SIP, and will be submitted to the EPA for review and approval.

31-05011: U S Silica Co.—Mapleton Depot Plant (12942 Oriskany Road, Mapleton Depot, PA 17052) for operation of rock crushing operation in Brady Township, **Huntingdon County**. This is a renewal of their Title V Operating permit issued in August 2005.

In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The actual annual emissions based on the 2010 data were approximately 56 tons of PM10 including 28 tons of PM2.5 and less than 1 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.

- Identification of the proposed permit by the permit number listed above.

- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, P.E., West Permitting Section Chief may be contacted at (717) 705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Permits issued to sources identified in 25 Pa. Code Section 127.44(b)(1)—(4) or permits issued to sources with limitations on the potential to emit used to avoid otherwise applicable Federal requirements may become part of the SIP, and will be submitted to the EPA for review and approval.

06-05040: East Penn Manufacturing Co., Inc. (PO Box 147, Deka Road, Lyon Station, PA 19536) for the operation of a secondary lead smelter facility in Richmond Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Title V Operating Permit for the abovementioned facility.

The subject facility had approximate actual emissions in 2010 of the following main pollutants (amounts listed are in tons per year): carbon monoxide: 25, nitrogen oxides: 58, particulate matter: 8, sulfur oxides: 48, VOC: 10, lead: 0.13, total hazardous air pollutants (HAP): 0.16. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart X, National Emission Standards for Hazardous Air Pollutants: Secondary Lead Smelting, 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 64, Compliance Assurance Monitoring, and 25 Pa. Code Section 129.91, Control of Major Sources of NOx and VOC, Reasonably Available Control Technology (RACT).

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Thomas J. Hanlon, P.E., Chief, East Permitting Section may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Permits issued to sources identified in 25 Pa. Code Section 127.44(b)(1)–(4) or permits issued to sources with limitations on the potential to emit used to avoid otherwise applicable Federal requirements may become part of the SIP, and will be submitted to EPA for review and approval.

21-05002: PPG Industries, Inc. (400 Park Drive, Carlisle, PA 17015) for operation of their flat glass manufacturing facility in South Middleton Township, **Cumberland County**.

In accordance with 25 Pa. Code § 127.463, the Department has received an application and intends to issue a revised Title V Operating Permit for the abovementioned facility.

Recent regulations under Section 129 reduce allowable nitrogen oxides (NO_x) emission levels and establish detailed monitoring, recordkeeping and reporting requirements for the facility's two glass melting furnaces. The company has requested an alternative compliance schedule for the No. 1 melting furnace in accordance with Section 129.304(c) which expressly provides for such measures. The compliance date for the No. 1 furnace will be extended to 180 days after startup following the next scheduled cold shutdown now planned for 2020. The permit revision will also establish requirements to minimize overall NO_x emissions from the facility during the interim period.

Facility actual emissions for calendar year 2009 included 2,640 tons of NO_x, 571 tons of sulfur oxides and 328 tons of particulate matter.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, PE, Chief, West Permitting Section, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

24-00083: Mersen USA—St. Mary's-PA Corp.—previously Carbone of America Industries Corp. (215 Stackpole Street, Saint Mary's, PA 15857-1401) for renewal of their Title V Operating Permit to manufacture Carbon and Graphite Products in the City of Saint Mary's, **Elk County**. The facility's major emission sources include crushers, coke and graphite mills, screening operation, pulverizers, blenders, mixers, curing ovens, CBH kilns, carbottom kilns, dryers, jet mill, graphite machining lathes, extrusion press, pit oven, batch graphitizers, excess air ovens, graphite machining saw grinders, two parts washers, Raymond mills, miscellaneous sources exhaust outside the facility and isostatic system. The facility is a major facility due to its potential to emit of particulate matter less than 10 microns in diameter. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 CFR Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the permit.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00101: Esschem, Inc. (4000 Columbia Avenue, Linwood, PA 19061) for a Non-Title V Facility, State-Only, Natural Minor Permit in Lower Chichester Township, **Delaware County** to manufacture acrylic polymers and monomers for medical devices and the cosmetic industry. The sources of emissions include boilers, the Methacrylate Polymerization process and a scrubber. The facility has a potential to emit less than 25 tons per year of Volatile Organic Compounds (VOCs) and less than 10 tons per year of Hazardous Air Pollutants, (Methyl Methacrylate). Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

09-00068: Orchard Hill Memorial Park, Inc.—d/b/a Abbey Glen Pet Memorial Services (80 Kelly Road, Quakertown, PA 18951) for renewal of a State Only Operating Permit ("SOOP") No. 09-00068 in Richland Township, **Bucks County**. The facility's air emissions sources consist of four animal crematory units, one of which was installed in 2006 under General Plan Approval and General Permit (GP-14) No. 09-301-124GP. This is the only change that has occurred at the facility since the SOOP was issued in 2005.

The potential to emit nitrogen oxides ("NO_x") from the animal crematory units/facility exceeds 25 tons per year; however, Orchard Hill Memorial Park, Inc., has elected to restrict the hours of operation for the animal crematory units such that the NO_x emissions from the facility will not exceed 18.3 tons per year.

The SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—
Telephone: 570-826-2507

64-00011: Wayco, Inc. (P. O. Box Y, Waymart, PA 18472-0240) for a sand and gravel processing plant in South Canaan Township, **Wayne County**. The facility's main sources include one primary crusher, one twin roll crusher, two three-deck screens, conveyors and one diesel fired generator. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations. This is a renewal of a State-Only Operating Permit.

39-00080: Muhlenberg College (2400 West Chew Street, Allentown, PA 18104-5564) for colleges, universities, and professional schools facility in the City of Allentown, **Lehigh County**. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

54-00058: Leed Foundry, Inc. (Wade Road, PO Box 98, St. Clair, PA 17970) for operation of their foundry operations in St. Clair Borough, **Schuylkill County**. This is an initial State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

35-00050: Maple Hill Cemetery (68 East St. Mary's Road, Wilkes-Barre, PA 18706) for a Natural Minor Operating Permit for crematory operations in Archbald, **Lackawanna County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations. This is a renewal of a State-Only Operating Permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

06-03096: Lucas Lane, Inc. (10 Lucas Lane, Bernville, PA 19506) for oil filter recycling unit in Upper Tulpehocken Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of 0.12 tpy of SOx. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information

to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Chief, East Permitting Section may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

19-00021: UAE Coal Corp (P. O. Box 306, Mount Carmel, PA 17851) for issuance of a State-Only Operating Permit renewal for operation of its Harmony Mine facility located in Conyngham Township, **Columbia County**. UAE Coal Corp. operates four combustion units all rated 0.175 MMBtu/hr (Source 031), a wet coal screening plant (Source ID P101), a portable screen plant (Source ID P102), a remote-reservoir parts washer (Source P103), and a 75 bhp emergency hoist generator (Source ID P104). The Department of Environmental Protection (Department) proposes to issue State-Only Operating Permit 19-00021. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

63-00632 American Iron Oxide Co. (7 Foster Plaza, 661 Andersen Dr., Pittsburgh, PA, 15220-2700) for operation of a waste pickle liquor treatment/recycling facility in Allenport, **Washington County**.

In accordance with 25 Pa. Code §§ 127.424—127.425, the Pennsylvania Department of Environmental Protection (DEP) intends to issue a State Only Operating permit for the operation of a waste pickle liquor treatment/recycling facility located in Allenport, Washington County.

Sources at this facility include a spray roaster, a natural gas-fired boiler, two iron oxide storage bins, a truck unloading/loading station, a scrap dissolver tank, a ferric processing vessel, twelve waste pickle liquor/hydrochloric acid storage tanks, and plant paved roads and surfaces. Annual emissions from the facility are estimated to be approximately 4.9 tons of total particulate matter, 4.7 tons of hydrochloric acid and 2.2 tons of chlorine. Emissions from these sources are controlled through the use of an absorber, two scrubbers, two baghouses, and a vacuum sweeper. The facility is subject to the applicable requirements of Title 25 PA Code, Chapters 121 through 145. The Department believes that

the facility will meet these requirements by complying with State Only Operating Permit conditions relating to restrictions, testing, monitoring, recordkeeping, reporting and work practice standards:

Those who wish to object to the permit or to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Nicholas Waryanka, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments, Identification of the proposed Operating Permit (specify Operating Permit OP-63-00632), and Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with PA Code Title 25 § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

10-00288: Bear Metallurgical Manufacturing (679 East Butler Road, Butler, PA 16002-9127) for renewal of the State Only Operating Permit for the ferroalloy production facility in Summit Township, **Butler County**. The sources at the facility include the ferroalloy product line controlled by a baghouse, the ferroalloy co-product line controlled by a baghouse, a remote reservoir parts cleaner, and additional trivial sources. The facility is a natural minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

24-00135: National Fuel Gas Supply Corp.—Island Run Compressor Station (R.D. 2, St. Mary's, PA 15857) for a Synthetic Minor Permit to operate a natural gas compressor station in Ridgeway Township, **Elk County**.

33-00107: Beverage Air Corporation (119 Progress Street, Brookville, PA 15825), for renewal of the State Only Operating Permit for the commercial refrigeration equipment manufacturing facility located in Brookville Borough, **Jefferson County**. The sources at the facility include dip coating metallic parts (Source 107), wipe down of sheet metal and metal parts with solvent (Source 101), powder coatings which are baked onto the part in a natural gas-fired curing oven (Source 102), miscellaneous gas usage (Source 031) an emergency generator (Source 103), and two air make up units (Source 105). The facility is a natural minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

11110102 and NPDES No. PA0263249. Laurel Sand & Stone, Inc., P. O. Box 556, 210 E. Main Street, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface and auger mine in Jackson Township, **Cambria County**, affecting 225.1 acres. Receiving stream(s): unnamed tributaries to/and South Branch Blacklick Creek and unnamed tributaries to/and Bracken Run classified for the following use(s): cold water fishery. The application includes a stream encroachment to upgrade an existing access road within the barrier of

unnamed tributary "B" to Bracken Run. The application also includes a request for a Section 401 Water Quality Certification. There are no potable water supply intakes within 10 miles downstream. Application received May 23, 2011.

56110105 and NPDES No. PA0263257. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 318.4 acres. Receiving stream(s): unnamed tributaries to the North Branch of Jennings Run and an unnamed tributary to Rush Run classified for the following use(s): cold water fishery, high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 2, 2011.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17960101 and NPDES No. PA0220256. RES Coal LLC (P. O. Box 228, Armagh, PA 15920). Renewal of an existing bituminous surface/auger mine located in Morris township, **Clearfield County** affecting 189.8 acres. Receiving streams: Hawk Run and two unnamed tributaries classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Renewal application received May 31, 2011.

17000107 and NPDES No. PA0242951. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866). Transfer of an existing bituminous surface mine located in Woodward and Bigler Townships, **Clearfield County** affecting 167.8 acres. Receiving streams: unnamed tributaries to Upper Morgan Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Transfer application received May 25, 2011.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

54940203R3. Wilbur White Coal Company, (11 Low Road, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 23.0 acres, receiving stream: Mahanoy Creek, classified for the following use: warm water fishes. Application received: May 25, 2011.

19960101R3 and NPDES Permit No. PA0223719. City of Philadelphia, Trustee, Acting by the Board of Directors of City Trusts for Girard Estate, (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite surface mine, refuse reprocessing and refuse disposal operation in Conyngham, Union and Butler Townships, **Columbia and Schuylkill Counties** affecting 876.0 acres, receiving stream: Mahanoy Creek, classified for the following use: cold water fishes. Application received: May 26, 2011.

49861303R5 and NPDES Permit No. PA0225029. Bear Gap Coal Company, (PO Box 64, Spring Glen, PA 17978), renewal of an existing anthracite underground

mine operation and addition of an NPDES Permit for discharge of treated mine drainage in Zerbe Township, **Northumberland County** affecting 2.8 acres, receiving stream: Zerbe Run, classified for the following use: cold water fishes. Application received: May 31, 2011.

54060102R and NPDES Permit No. PA0224524. Kuperavage Enterprises, Inc., (PO Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine and refuse disposal operation that includes and NPDES Permit for discharge of treated mine drainage in Blythe Township, **Schuylkill County** affecting 66.0 acres, receiving stream: Bushey Creek, classified for the following use: cold water fishes. Application received: June 2, 2011.

Noncoal Applications Received

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

59020301 and NPDES No. PA0243213. Chad E. Cross (19316 Route 6, Mansfield, PA 16933). Transfer of an existing industrial mineral surface mine from Jill D. Cross located in Lawrence Township, **Tioga County** affecting 13.8 acres. Receiving streams: Harts Creek to the Tioga River classified for warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Transfer application received: June 1, 2011.

59950301 and NPDES No. PA0220086. Chad E. Cross (19316 Route 6, Mansfield, PA 16933). Transfer of an existing industrial mineral surface mine from Jill D. Cross located in Sullivan Township, **Tioga County** affecting 30.0 acres. Receiving streams: unnamed tributary to Corey Creek to Corey Creek to the Tioga River classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Transfer application received: June 1, 2011.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act(33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l

<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	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapters 77 are as follows:

<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
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0248851 (Mining permit no. 11000104), Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, renewal of an NPDES permit for surface-auger mining in Adams Township, **Cambria County**, affecting 151.0 acres. Receiving stream(s): Paint Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: December 20, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to Paint Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 002, 003	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

The storm water outfall(s) listed below discharge to Paint Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004, 005, 006, 007	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

NPDES No. PA0249998 (Mining permit no. 3366BSM2), PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 109.4 acres. Receiving stream(s): unnamed tributary to Stonycreek River, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: April 1, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to unnamed tributary to Stonycreek River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

NPDES No. PA0249971 (Mining permit no. 56060105), AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, renewal of an NPDES permit for surface/auger mine in Jenner Township, **Somerset County**, affecting 120.1 acres. Receiving stream(s): Unnamed Tributaries to Quemahoning Reservoir/Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: March 8, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The stormwater outfall(s) listed below discharge to Unnamed Tributaries to Quemahoning Reservoir/Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 003, 005, 007	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

Noncoal NPDES Draft Permits

Cambria District Mining Office:—286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0213306 (Mining permit no. 07960301), Grannas Brothers Stone & Asphalt Company, Inc., P. O. Box 488, Hollidaysburg PA 16648, renewal of an NPDES permit for a large noncoal (industrial mineral) surface mine operation in Catharine Township, **Blair County**, affecting 195.0 acres. Receiving stream(s): unnamed tributary to Frankstown Branch Juniata River and Frankstown Branch Juniata River, classified for the following use(s): warm water fishery and trout stocked fishery. Application received: February 14, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Frankstown Branch Juniata River and Frankstown Branch Juniata River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (Sediment Pond 2)	N
003 (Sediment Pond 3)	

NPDES No. PA0213373 (Mining permit no. 05960301), New Enterprise Stone & Lime Company, Inc., P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of an NPDES permit for a large noncoal (industrial mineral) surface mine operation in Snake Spring Valley Township, **Bedford County**, affecting 383.4 acres. Receiving stream(s): Raystown Branch Juniata River, classified for the following use(s): trout stocked fishery. Application received: February 18, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Raystown Branch Juniata River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Pond A)—Erosion and Sedimentation Facility	N
002 (Sediment Pond B)—Erosion and Sedimentation Facility	
003 (Sediment Pond C)—Mine Drainage Treatment Facility	

The proposed effluent limits for 003 (Sediment Pond C) outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Flow (Discharge Rate) in MGD	1.0	1.0	1.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

NPDES No. PA0257656 (Mining permit no. 53112802), Goodwin and Sons, 1815 US Route 6 West, Roulette, PA 16746, new NPDES permit for small noncoal surface mine in Roulette Township, **Potter County**, affecting four acres. Receiving stream(s): Upper Allegheny River, classified for the following use(s): CWF. Application received: May 2, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Upper Allegheny River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
DP 1	Y

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of

an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, draw-

ings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

E05-358: Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, Piney Creek Arch Culvert Installation, 440 Buchanan Trail, McConnellsburg, PA 17233-8204, in Mann Township, **Bedford County**, ACOE Baltimore District.

The applicant proposes to install and maintain an aluminum arch culvert pipe approximately 20.0 feet long, 103.0 inches wide x 71.0 inches high, 1.0-foot depressed below the natural streambed in Piney Creek (EV) for the purpose of allowing equipment to cross the stream for timber harvesting. The project is located on Arnold Road (Chaneyville, PA Quadrangle; N: 11.17 inches, W: 3.35 inches, Latitude: 39°48'41.4", Longitude: -78°23'55.9") in Mann Township, Bedford County.

E07-439: Duncansville Borough, Gillans Run Streambank Stabilization Project, PO Box 308, Duncansville, Pennsylvania 16635, Duncansville Borough and Allegheny Township, ACOE Baltimore District

To install and maintain three rock deflectors, six rock cross vanes, approximately 454.0 linear feet of full-bank riprap protection, approximately 1,316.0 feet of riprap at the toe of streambank, regrade, and revegetate approximately 785.0 linear feet of streambank, approximately 435.0 linear feet of gravel bar removal, approximately 190.0 linear feet of minor stream relocation at the confluence with unnamed tributary, and removal of approximately 373.0 linear feet of accumulated debris and deposition from in and along Gillans Run (CWF, MF), for the purpose of streambank stabilization and stream restoration. The project is located along or near the northern municipal limits of Duncansville Borough and adjacent areas of Allegheny Township, Blair County (Holidaysburg, PA Quadrangle; N: 9.0 inches, W: 7.6 inches; Latitude: 40°25'28.5", Longitude: -78°25'46.7").

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E08-474. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. S.R. 1029, Section 002, Segment 0190, Offset 0000, Bridge Replacement Project. Sheshequin Township, **Bradford County**, ACOE Baltimore District (Litchfield, PA Quadrangle N: 41°53'26"; W: 76°24'57").

PA DOT Engineering District 3-0 proposes to remove the existing single-span steel I-beam bridge with reinforced concrete abutments and wing walls. The existing structure has a total clear span from abutment face to

abutment face of 38.5' with a normal clear span of 21.2'. The structure is on approximately a 35° skew to the roadway baseline. The stream alignment with the structure is poor. To construct and maintain a 22.0' normal span precast concrete box culvert with an 11.0' clear height depressed 1' resulting in a minimum under clear of 10.0' and askew of 45° carrying S.R. 1029 over Bullard Creek. The total estimated stream disturbance is approximately 115' linearly of permanent stream impact and an additional 25' linearly of temporary stream impact. There will be approximately 347 ft² (0.01 acres) of permanent wetland impacts and 1541 ft² (0.04 acres) of temporary wetland impacts. Bullard Creek is classified as Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation.

E17-468. Paris Companies, Inc., P. O. Box 1043, DuBois, PA 15801. Parking Area Expansion, City of DuBois, **Clearfield County**, ACOE Pittsburgh District (Luthersburg, PA Quadrangle: Latitude 41°07'12.58", Longitude: 78°44'47.02").

The applicant proposes to expand their Tom Mix Drive parking lot to the west to accommodate one additional double row of employee parking spaces by placing and maintaining fill in a wetland within the Sandy Lick Creek watershed (trout stocked, cold water fishery). As proposed, the project shall include, but not be limited to permanently filling 0.18 acre of palustrine emergent wetland (PEM) that abuts the existing parking area and extends west into the neighboring property's parcel. Paris expects the new parking spaces will be required for the increased workforce following the company's expansion. The project will also enlarge the retention basin to accommodate additional stormwater generated from the new impervious areas. The proposed mitigation for this impact is either deducting from the City of DuBois' wetland bank or purchasing credits from the Pennsylvania Department of Environmental Protection's wetland fund.

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-015: Angelina Gathering Company, LLC, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 14,100 square feet of Palustrine Emergent Wetland (PEM) and Palustrine Scrub Shrub Wetland (PSS); (Le Raysville, PA Quadrangle, Latitude: 41°46'17.91", Longitude: -76°14'32.49") in Herrick Township, Bradford County;

2. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 4,136 square feet of Palustrine Emergent Wetland (PEM); (Le Raysville, PA Quadrangle, Latitude: 41°46'24.66", Longitude: -76°14'38.18") in Herrick Township, Bradford County;

3. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Camps Creek (CWF-MF) impacting 65 linear feet of stream; (Le Raysville, PA Quadrangle, Latitude: 41°46'26.48", Longitude: -76°14'39.24") in Herrick Township, Bradford County;

4. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 3,095 square feet of Palustrine Emergent Wetland (PEM); (Le Raysville, PA Quadrangle, Latitude: 41°46'16.50", Longitude: -76°13'39.99") in Herrick Township, Bradford County;

5. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 2,938 square feet of Palustrine Emergent Wetland (PEM) and Palustrine Scrub Shrub Wetland (PSS); (Le Raysville, PA Quadrangle, Latitude: 41°46'16.10", Longitude: -76°13'48.46") in Herrick Township, Bradford County;

6. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 6,385 square feet of Palustrine Emergent Wetland (PEM) and Palustrine Scrub Shrub Wetland (PSS); (Le Raysville, PA Quadrangle, Latitude: 41°46'15.44", Longitude: -76°14'07.63") in Herrick Township, Bradford County;

7. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 267 square feet of Palustrine Emergent Wetland (PEM) and Palustrine Scrub Shrub Wetland (PSS); (Rome, PA Quadrangle, Latitude: 41°46'51.39", Longitude: -76°16'02.13") in Herrick Township, Bradford County;

8. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 1,119 square feet of Palustrine Emergent Wetland (PEM); (Rome, PA Quadrangle, Latitude: 41°47'07.83", Longitude: -76°15'52.49") in Herrick Township, Bradford County;

9. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 10,056 square feet of Palustrine Emergent Wetland (PEM) and Palustrine Scrub Shrub Wetland (PSS); (Rome, PA Quadrangle, Latitude: 41°47'17.55", Longitude: -76°15'49.71") in Herrick Township, Bradford County;

10. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 5,034 square feet of Palustrine Emergent Wetland (PEM); (Rome, PA Quadrangle, Latitude: 41°47'13.68", Longitude: -76°15'51.93") in Herrick Township, Bradford County;

11. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 4,994 square feet of Palustrine Emergent Wetland (PEM) and Palustrine Scrub Shrub Wetland (PSS); (Le Raysville, PA Quadrangle, Latitude: 41°46'38.96", Longitude: -76°14'57.40") in Herrick Township, Bradford County;

12. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 20,560 square feet of Palustrine Emergent Wetland (PEM); (Rome, PA Quadrangle, Latitude: 41°46'47.43", Longitude: -76°15'07.92") in Herrick Township, Bradford County;

13. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 52,621 square feet of Palustrine Emergent Wetland (PEM) and Palustrine Scrub Shrub Wetland (PSS); (Rome, PA Quadrangle, Latitude: 41°47'00.46", Longitude: -76°15'33.58") in Herrick Township, Bradford County;

14. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Camps Creek (CWF-MF) impacting 43 linear feet of stream ; (Rome, PA Quadrangle, Latitude: 41°46'52.33", Longitude: -76°15'31.39");

15. a 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 27,707 square feet of Palustrine Emergent Wetland (PEM) and Palustrine Scrub Shrub Wetland (PSS); (Rome, PA Quadrangle, Latitude: 41°46'51.78", Longitude: -76°15'27.44") in Herrick Township, Bradford County;

The project will result in 108 linear feet of temporary stream impacts and 154,163 square feet (3.54 acres) of PEM and PSS wetland impact all for the purpose of installing a natural gas pipeline and a waterline with associated access roadways.

E4129-016: Anadarko Marcellus Midstream, LLC, PO Box 1330, Houston, TX 77251, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 6 inch gas pipelines, two 6 inch waterlines, and electrical line across Dam Run (EV) impacting 4 linear feet adjacent to Limbaugh Road (Waterville Quadrangle 41°20'19"N 77°19'22"W),

(2) two 6 inch gas pipelines, two 6 inch waterlines, and electrical line across an unnamed tributary to Dam Run (EV) impacting 3 linear feet (Waterville Quadrangle 41°20'19"N 77°19'23"W),

(3) two 6 inch gas pipelines, two 6 inch waterlines, and electrical line across an unnamed tributary to Dam Run (EV) impacting 2 linear feet (Waterville Quadrangle 41°20'20"N 77°19'26"W),

(4) two 6 inch gas pipelines, two 6 inch waterlines, and electrical line across Carson Run (EV) impacting 2 linear feet (Waterville Quadrangle 41°21'02"N 77°19'25"W).

The project will result in 11 linear feet of temporary stream impacts from utility line crossings. These crossings will accumulate a total of 0.02 acres of watercourse impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E5829-007. Chesapeake Appalachia, LLC; 101 North Main Street, Athens, PA 18810; Rush and Jessup Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 34 inch x 53 inch x 50 feet long elliptical RCP culvert on an Unnamed Tributary to Wyalusing Creek (Chap. 93 WWF); Stream Impact: 370 square feet (U.S.G.S. Lawton, PA Quadrangle; located at N 41.796670° Lat., W -76.071264° Long.).

2) a 30 inch x 43.5 feet long culvert on an Unnamed Tributary to Wyalusing Creek (Chap. 93 WWF); Stream Impact: 75 square feet (U.S.G.S. Lawton, PA Quadrangle; located at N 41.797696° Lat., W -76.070417° Long.).

The project will result in the impact of 445 square feet of an Unnamed Tributary to Wyalusing Creek all for the purpose of constructing an access road for the Hare Ridge project. No wetland impacts are associated with this application.

E5929-018: Ultra Resources, Inc., 304 Inverness Way South, Suite 295, Englewood, CO 80112, Elk Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain a temporary road crossing using 4 - 34 foot long, 12" inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, and 2 - 6 inch diameter fresh waterlines, impacting 12 linear feet of an UNT to Thompson Hollow (EV-CWF) (Marshlands, PA Quadrangle 41°41'09" N 77°31'24" W)

The project will result in 12 linear feet of temporary stream impacts all for the purpose of installing a natural gas gathering line, fresh waterline, and associated access roadways.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

EA21-007: Pennsylvania Department of Transportation, State Game Land No. 169 Wetland Restoration/Creation Project, in Upper Mifflin Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain a non-jurisdictional dam and four outfall structures in the floodplain of Conodoguinet Creek (WWF, MF) resulting in 0.42 acre of permanent impacts to PEM wetlands on SGL 169 located in Upper Mifflin Township, Cumberland County (Newville and Newburg, PA Quadrangle; N: 8.07 inches, W: 14.90 inches; Latitude: 40°10'10", Longitude: -77°28'54") for the purpose of creating 6.11 acres of wetlands that provide wildlife and waterfowl habitat. The permittee is required to replace a minimum of 0.42 acre of PEM wetlands. The wetlands will be replaced at the site through operation of additional wetlands.

Northcentral Region: Program Manager, Watershed Management Program, 208 West Third Street, Williamsport, PA 17701

EA17-010. EQT Gathering, LLC, EQT Plaza, 625 Liberty Avenue-Suite 1700, Pittsburgh, PA 15222. Con-

crete Road Removal and Site Restoration of Jack Dents Branch-Medix Run, Goshen Township, **Clearfield County**, ACOE Baltimore District

The applicant proposes to remove an existing concrete road crossing Jack Dents Branch, Medix Run, (High Quality-Cold Water) to restore the natural stream channel cross-section, profile and stability. As proposed, the restoration of the stream channel section, shall include but not be limited to, construction of a temporary rock construction access along the stream left and right over-bank, complete removal of the 12-foot (wide) by 18-foot (long) concrete slab, and stabilization of stream bank along both stream banks that were affected by the concrete road section. Construction of the temporary access road shall be with clean AASHTO rock with minimal Number 1 gradation. Upon completion of the concrete slab removal, the temporary construction access road shall be completely removed with the area graded, scarified, and vegetative cover established to good condition. The concrete slab road section shall be completely removed from the stream channel, floodway and floodplain. Removal of the slab shall be completed in dry work conditions by dam and pumping, fluming or diverting stream flow around the work area. The concrete slab and its encased pipes shall be properly disposed. Since Jack Dents Branch is both a wild trout and stock trout fishery, no in-stream activity shall be conducted in or along the stream channel between October 1 to December 31 and March 1 to June 15 without prior written approval from the Pennsylvania Fish and Boat Commission. As proposed, the project poses no impact to wetlands in restoring 20-feet of the natural channel cross-section. The project is located along the northern right-of-way of Jack Dent Road, approximately 1.8-miles east of Medix Grade Road and Jack Dent Road intersection. (The Knobs, PA Quadrangle Latitude: 41°13'24.34"; Longitude: 78°22'24.40").

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 has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0097764 Sewage	BHW Holdings, LLC 312 Irving Terrace Kenmore, NY 14223	Westmoreland County Mt. Pleasant Township	Shupe Run	Y

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0032778 (Sewage)	PA Department of Transportation Bureau of design Rest Area 22 P. O. Box 3060 Harrisburg, PA 17105-3060	Venango County Irwin Township	Unnamed tributary to the Scrubgrass Creek 16-G	Y
PA0222879 (Sewage)	Hickory Creek Wilderness Ranch P. O. Box 93 Tidioute, PA 16351	Warren County Limestone Township	Unnamed tributary of Camp Run 16-F	Y
PA0032727 (Sewage)	PA Department of Transportation Bureau of design Rest Area 21 P. O. Box 3060 Harrisburg, PA 17105-3060	Venango County Irwin Township	East Branch Wolf Creek 20-C	Y
PA0104132 (Sewage)	Rock Lake North Association Inc. 113 Rock Lake Drive Zelienople, PA 16063	Butler County Jackson Township	Unnamed Tributary to Glade Run 20-C	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

NPDES Permit No. PA0061034, Sewage, SIC Code 4952, **Waverly Township**, Lake Henry Drive, Waverly, PA 18471-0008.

This existing facility is located in Waverly Township, **Lackawanna County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage, including a name change from Abington Township Municipal Authority to Waverly Township.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

NPDES Permit No. PA0254444, Sewage, **Consol PA Coal Co. LLC**, PO Box J, 1525 Pleasant Grove Rd., Claysville, PA 15323-1073

This proposed facility is located in East Finley Twp., **Washington Co.**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

NPDES Permit No. PA0254436, Sewage, **Jeremiah Dillon**, 628 West Walheim Rd., PGH, PA 15215

This proposed facility is located in Indiana Twp., **Allegheny Co.**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

NPDES Permit No. PA0263834, Sewage, **Lake Lucy Sewage Association**, 1439 Lake Lucy Road, Tionesta, PA 16353.

This existing facility is located in Washington Township, **Clarion County**. Description of Proposed Action/Activity: Issuance of a New NPDES permit for an existing discharge of treated sewage from a non-municipal source. This is a minor discharge.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. WQG02361103, Sewage, **West Earl Sewer Authority**, 157 West Metzler Road, PO Box 787, Brownstown, PA 17508.

This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: A proposed project to include 177 grinder pumps and approximately 15,400 linear feet of low pressure sanitary sewer lines serving the areas along Oregon Pike, Rose Hill Road, Hilltop Drive, Main Street, Brian Drive, Dane Drive, Southview Drive and Northview Drive. The proposed low pressure system will convey approximately 47,436 gallons per day to the existing WESA collection, conveyance and treatment system.

WQM Permit No. 3811201, CAFO, **Reid Hoover**, 400 Mount Wilson Road, Lebanon, PA 17042.

This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the construction and operation of manure storage facilities consisting of a 2,742 MG HDPE lined earthen manure storage pond with the top dimensions of 175' x 275' x 12' deep. The project will include a new concrete 12' x 12' x 8' deep reception pit with pump to convey manure to the storage structure with solids separation. A leak detection system will be installed for both structures.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WQM Permit No. WQG026130, Sewerage, **White Township Municipal Authority**, 950 Indian Spring Road, White Township, PA 15701-3506

This proposed facility is located in White Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pump station.

WQM Permit No. WQG016184, Sewerage, **Jeffrey L. Mosholder**, 124 Woodside Drive, Somerset, PA 15501

This proposed facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

WQM Permit No. 2611401, Sewerage, **German Twp. Sewer Authority**, 2 Long St., McClellandtown, PA 15458

This proposed facility is located in German Twp., **Fayette Co.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pump station and force main and a STP.

WQM Permit No. 1110411, Sewerage, **Highland Sewer & Water Authority**, 120 Tank Dr., Johnstown, PA 15904

This proposed facility is located in Geistown Boro/Stonycreek Twp., **Cambria Co.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of relief & replacement sewers & equalization facilities.

WQM Permit No. 0211402, Sewerage, **Jeremiah Dillon**, 628 West Walheim R., PGH, PA 15215

This proposed facility is located in Indiana Twp., **Allegheny Co.**

Description of Proposed Action Activity: Permit issuance for the construction and operation of a single residence STP.

WQM Permit No. 0410404, Sewerage, **Family Guidance, Inc.**, 307 Duff Rd., Sewickley, PA 15143

This proposed facility is located in Hanover Twp., **Beaver Co.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a STP.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG018808, Sewage, **Janet L. Sheakley & Robert J. Sheakley, Jr.**, 22913 Highway 86, Cambridge Springs, PA 16403.

This proposed facility is located in Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151103	PECO Energy Company 2301 Market Street, S9-1 Philadelphia, PA 19103	Chester	Franklin, New London, Penn and Upper Oxford Townships	West Branch White Clay Creek & Tributaries; East Branch Big Elk Creek & Tributaries (TSF-HQ-TSF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026410006	The Hideout Property Owners Association 640 The Hideout Lake Ariel, PA 18436	Wayne Co.	Lake Twp.	UNT to Ariel Creek/ Wallenpaupack Creek (HQ-CWF, MF)

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
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

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Buckingham Township Bucks County	PAR10- D605R	Toll Brothers Land Development 250 Gibraltar Road Horsham, PA 19044	Mill Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG0200 4606006-R	Zaveta Custom Homes, LLC 4030 Skyron Drive, Suite G Doylestown, PA 18902	Zacharias Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4609016-1	Blue Bell Investment Co., LP 6711 Columbia Gateway Dr Columbia, MD 21046	Unnamed Tributary Sawmill Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Limerick Township Montgomery County	PAG0200 4611016	Piazza Family Limited Part 401 South Schuylkill Avenue Norristown, PA 19403	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG0200 4604187-R	Stony Creek Farms, Inc. 1805 Berks Road, PO Box 140 Worcester, PA 19490	Stony Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511025	PA Department of Transportation District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Delaware Estuary-Delaware River Basin (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Mahanoy Twp., Schuylkill Co.	PAG02005411005	DC&M, LLC (c/o John Hauser) 464 Wynonah Drive Auburn, PA 17922	Mahanoy Creek (WWF, MF) Hosensock Creek (CWF, MF)	Schuylkill Co. Conservation District 570-622-3742
Susquehanna Township, Dauphin County	PAG02002211006	Central PA Food Bank, Inc 3908 Corey Rd Harrisburg, PA 17109	Spring Creek West/CWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Earl Twp Lancaster County	PAG02003610068	TKC CXXXVII, LLC 5935 Carnegie Blvd STE 200 Charlotte NC 28209	Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Warwick Twp Lancaster County	PAG02003611034	Jeff Balmer 572 Millway Rd Lititz PA 17543	Hammer Creek/ TSF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Penn Twp Lancaster County	PAG02003611036	Clifford Good 1876 Mountain Rd Manheim PA 17545	Boyers Run/WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Ephrata Twp Lancaster County	PAG02003611041	Lancaster County Bible Church 2392 Mount Joy Rd Manheim PA 17545	UNT Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Earl Twp Lancaster County	PAG02003611042	Norman H Martin 95 N Farmersville Rd Ephrata PA 17522	UNT Mill Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Cocalico Twp Lancaster County	PAG02003611044	Hurst Brothers Development Co 154 Farmersville Rd Ephrata PA 17522	Cocalico Creek/WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
East Cocalico Twp Lancaster County	PAG02003611045	Jeffrey Mitchell 80 Martin Dr Reinholds PA 17569	UNT Little Cocalico Creek/TSF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
East Donegal Twp Lancaster County	PAG02003611048	Robert E Melhorn 555 Farmview Lane Mount Joy PA 17552	Little Chickies Creek/TSF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Ephrata Twp Lancaster County	PAG02003611050	Denver Wholesale Foods LLC 555A Sandy Hill Rd Denver PA 17517	Cocalico Creek/WWF; MF	Lancaster County Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Potter Township Centre County	PAG2001411003	Darren Figart Jaybird Manufacturing, Inc 2959-B Clyde Ave State College, PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Bradford Township Clearfield County	PAG2001711003	Walmart Stores, Inc. 2001 SE 10th St Bentonville, AR 72716	Roaring Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Buffalo Township Union County	PAG2006011004	Neil Cartney Buffalo Valley Produce Auction 22 Violet Rd Mifflinburg, PA 17844	Turtle Creek WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
Fairview Township Erie County	PAG02002510015	Presbyterian Homes in the Presbytery of Lake Erie Inc 1225 School Road Erie PA 16505	Lake Erie CWF; MF	Erie Conservation District 814-825-6403

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Ringtown Boro Schuylkill County	PAR212220	Ringtown Wilbert Vault Works PO Box 215 Ringtown PA 17967	Little Catawissa Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County / Ephrata Township	PAR603546	Laurel Recycling (Ephrata Recycling) 339 E. Fulton Street Ephrata, PA 17522	UNT Cocalico Creek / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Spring Garden Township	PAR233517	Graham Recycling Company, LP 2401 Pleasant Valley Road York, PA 17402	Mill Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Aliquippa Borough Beaver County	PAR606174	Boring Salvage 264 Service Creek Road Aliquippa, PA 15001	UNF to Raccoon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Cranberry Township Butler County	PAR128310	Rolling Frito Lay Sales LP 408 Inverhaddon Trail Bel Air, MD 21014	Unnamed tributary to Brush Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
City of Seneca Venango County	PAR128308	Rolling Frito Lay Sales LP 408 Inverhaddon Trail Bel Air, MD 21014	Unnamed tributary to Lower Two Mile Run 16-G	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County / Douglass Township	PAG043538	Ms. Debra Moyer 186 Hill School Road Douglassville, PA 19518	UNT Schuylkill River / 3D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County / Albany Township	PAG043839	James & Sandra Adams 750 Hawk Mountain Road Kempton, PA 19529-9201	Pine Creek / 3B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Somerset Township Somerset County	PAG046419	Jeffrey L. Mosholder 124 Woodside Drive Somerset, PA 15501	UNT to West Branch Coxes Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambridge Township Crawford County	PAG041042	Janet L Sheakley & Robert J. Sheakley, Jr. 22913 Highway 86 Cambridge Springs, Pa 16403	Unnamed tributary of French Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-12**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Penn Township, Schuylkill County	PAG122211	Embrovac, LLC 1218 Cameron Drive Manheim, PA 17545	Wash Creek, CWF	PA DEP 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Mifflin County Decatur Township	PAG123704	Daniel F. Lukens 7075 Old Stage Road McClure, PA 17841	UNT Jacks Creek / CWF	DEP—SCRO Water Quality 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Fulton County Licking Creek Township	PAG123705	Cory L. Gress 792 Lick Hollow Road Harrisonville, PA 17228	UNT Owl Creek / CWF	DEP—SCRO Water Quality 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Perry Township	PAG123648	Joe Jurgielewicz & Son, Ltd. PO Box 257 Shartlesville, PA 19554	UNT Pigeon Creek / WWF	DEP—SCRO Water Quality 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Tilden Township	PAG123647	Joe Jurgielewicz & Son, Ltd. PO Box 257 Shartlesville, PA 19554	Mill Creek / TSF	DEP—SCRO Water Quality 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Bethel Township	PAG123646	Joe Jurgielewicz & Son, Ltd. PO Box 257 Shartlesville, PA 19554	UNT Little Swatara Creek	DEP—SCRO Water Quality 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Upper Tulpehocken Township	PAG123649	Joe Jurgielewicz & Son, Ltd. PO Box 257 Shartlesville, PA 19554	Little Northkill Creek / CWF	DEP—SCRO Water Quality 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lebanon County East Hanover Township	PAF123706	Gerald and Mike Long 57 McGillstown Road Annville, PA 17003	UNT Aires Run / WWF	DEP—SCRO Water Quality 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 2211501 MA, Minor Amendment, Public Water Supply.

Applicant	The Harrisburg Authority (THA)
Municipality	Susquahanna Township
County	Dauphin
Responsible Official	Shannon G. Williams P.E. Engineering Director 212 Locust Street Suite 302 Harrisburg, PA 17107
Type of Facility	Installation of a waterline extension along Elmerton Avenue.
Consulting Engineer	Matthew D Cichy, P.E. Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111
Permit to Construct Issued:	6/8/2011

Operations Permit issued to: **Biglerville Borough Authority**, 7010020, Butler Township, **Adams County** on 6/16/2011 for the operation of facilities approved under Construction Permit No. 0110514 MA.

Operations Permit issued to: **Carlisle Borough Municipal Authority**, 7210002, Carlisle Borough, **Cumberland County** on 6/15/2011 for the operation of facilities submitted under Application No. 2111501 MA.

Operations Permit issued to: **Pillow Borough Authority**, 7220046, Pillow Borough, **Dauphin County** on 6/13/2011 for the operation of facilities submitted under Application No. 2211506 MA.

Operations Permit issued to: **Green Acres MHP**, 7380018, North Lebanon Township, **Lebanon County** on 6/17/2011 for the operation of facilities approved under Construction Permit No. 3811502 E.

Operations Permit issued to: **Dave & Jane's Crab House**, 7010366, Liberty Township, **Adams County** on 6/10/2011 for the operation of facilities submitted under Application No. 0111505 MA.

Operations Permit issued to: **Fellowship Baptist Church**, 7010939, Hamiltonban Township, **Adams County** on 3/31/2011 for the operation of facilities submitted under Application No. 7010939.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Emergency Operations Permit issued to Zelienople Borough, PWSID #5100093, Zelienople Borough, Butler County on June 16, 2011. This permit is issued for the temporary installation and use of a hypochlorite solution chemical feed system and associated appurtenances. The temporary chemical feed system is proposed within the existing valve vault. This permit will expire in 60 days from date of issuance.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701

Plan Location:

Borough or Township	Borough or Township Address	County
Jersey Shore Borough	232 Smith Street	Lycoming
Porter Township	Jersey Shore, PA 17740	
Nippenose Township		

Plan Description: This plan proposes building a new sewage treatment plant in Nippenose Township to serve the three municipalities and their sewage needs areas. The remaining areas of Porter and Nippenose Townships will be served by a Sewage Management Plan that will ensure the long term operation and maintenance of all remaining on-lot disposal systems. 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.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

GVH Coopersburg, 208-214 North Third Street, Coopersburg Borough, **Lehigh County**. Toby Kessler, Gilmore and Associates, Inc., 65 East Butler Avenue, Suite 100, New Britain, PA 18901 has submitted a Final Report (on behalf of his client, GVH Coopersburg, L.P., 323 Union Street, Suite 300, Nashville, TN 37201), concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of historical operations at this former automobile service center. The applicant was submitted to document attainment of the Residential Statewide Health Standard for groundwater. A public notice regarding the submission of the Final Report is expected to be published in *The Morning Call* on June 13, 2011.

Fisher Property, 194 East Second Street, Franklin Township, **Carbon County**. John C. Lydzinski, Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Final Report (on behalf of his client, Kelly Fisher, 263 Pinoak Road, Lehigh, PA 18235), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release due to a loose fitting running from the aboveground storage tank to the furnace. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Times News* on June 7, 2011.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Lancaster Literary Guild Property, 113 North Lime Street, Lancaster City, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Elizabeth Hurley, 113 North Lime Street, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from a ruptured aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Former Pickelner Fuel Company, Inc. Property, Loysock Township, **Lycoming County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of Pickelner Fuel Company, Inc., 210 Locust St., Williamsport, PA 17701 (site is located at 2500 E. 3rd St., Williamsport), has submitted a Remedial Investigation Report and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Robertshaw Controls Facility (Former), Youngwood Borough, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Blvd, Suite 400, Murrysville PA 15668 on behalf of Robertshaw Controls company c/o Invensys Foxboro, 33 Commercial Street, C41-2#, Foxboro, MA 02035 has submitted a combined Risk Assessment and

Cleanup Plan concerning the remediation of site soil and groundwater contaminated with TCE and its degradation products. The combined Risk Assessment and Cleanup Plan was published in the *Tribune-Review* on June 13, 2011.

Kovalchick Salvage Yard—Wayne Avenue Properties, White Township, **Indiana County**. L. Robert Kimball & Associates Inc., 615 Highland Avenue, Ebensburg, PA 15931 on behalf of Gary Taylor, Commonwealth of Pennsylvania, Department of General Services, Bureau of Engineering and Architecture, Room 201, 18th and Herr Streets, Harrisburg, PA 17120 and Victor Piro, Commonwealth of Pennsylvania, Department of General Services, Bureau of Real Estate, Room 500, North Office Building, Harrisburg, PA 17125 has submitted a Final Report for the Kovalchick Salvage Yard—Wayne Avenue Properties concerning the remediation of site soil contaminated with VOCs, PCBs and SVOCs. The Final Report for soil was approved on June 1, 2011.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.

Utz Quality Foods, 861 Carlisle Street, Borough of Hanover, **York County**. GEI Consultants, Incorporated, 18000 Horizon Way, Mount Laurel, NJ, 08054, on behalf of Utz Quality Foods, 900 High Street, Hanover, PA 17331, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils and groundwater contaminated with gasoline from unregulated underground storage tanks. The Report and Plan were approved by the Department on June 16, 2011.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Milton Former MGP Site-PPL, Milton Borough, **Northumberland County**. The Mahfood Group, 1061 Waterdam Plaza Dr., Suite 201, McMurray, PA 15317 on behalf of PPL Electric Utilities Corp, 2 N 9th St., GENPL6, Allentown PA 18101 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with coal tar. The Remedial Investigation Report was approved by the Department on May 25, 2011.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Number WMGR126. Gemark Service Corporation, 99 Stevens Lane, Exeter PA 18643. General Permit Number WMGR126 authorizes processing silver bearing films and sludges through washing and calcining to recover silver. The permit was issued by Central Office on June 17, 2011.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

GP1-23-0151: Harrah's Chester Casino and Race-track (777 Harrah's Boulevard, Chester, PA 19013) on June 16, 2011, was authorized to construct and operate a small gas and #2 oil fired combustion units City of Chester Township, **Delaware County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP3-14-337A: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on May 20, 2011, to construct and operate a 2008 vintage KPI model 4240 portable crushing plant and a 2007 vintage Extec S5 portable screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at a site in Marion Township, **Centre County**.

GP11-14-337A: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on May 20, 2011, to construct and operate a 2008 vintage 350 brake-horsepower Cummins QSL diesel engine and a 2007 vintage 100 brake-horsepower Deutz model BF4M2012 diesel engine under the General Plan Approval and/or General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at a site in Marion Township, **Centre County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-65-10015: Burnett Oil Co., Inc. (Pointe Plaza Suite 120, Canonsburg, PA 15317) on June 10, 2011, to allow installation and operation of a natural gas-fired compressor engine rated at 384 bhp and a triethylene glycol (TEG) dehydrator, with reboiler, under GP-5 for natural gas production at the proposed Stickle Compressor Station, in Fairfield Township, **Westmorland County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

06-03141: UGI LNG, Inc. (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610-3230) on June 13, 2011, for installation and temporary operation of a liquid natural gas vaporizer with two heaters and a storage tank at the Temple facility in Ontelaunee Township, **Berks County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

59-00005J: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on June 8, 2011, to construct a 12.07 million Btu per hour ETI model THE-1207 natural-gas fired salt bath heater (Source ID 044) and a 3.0 million Btu per hour Ajax model WRFG-3000 natural-gas fired boiler (Source ID 045) at the Sabinsville Compressor Station located in Clymer Township, **Tioga County**.

59-00002C: Dominion Transmission, Inc. (445 West Main St., Clarksburg, WV 26301) on June 8, 2011, for installation of oxidation catalysts (Control Devices C101 and C102) to control the carbon monoxide and non-methane hydrocarbon emissions from the two (2) existing natural gas-fired compressor engines (Source ID P101 and P102) and to modify the volatile organic compounds emission limitations for Source IDs P101 and P102 at the Dominion Transmission, Inc. Tioga Compressor Station located in Farmington Township, **Tioga County**.

59-00025A: EQT Gathering, LLC (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on June 8, 2011, for construction and operation of three (3) natural gas-fired reciprocating internal combustion engines, one (1) emergency generator, one (1) tri-ethylene glycol dehydrator and the ancillary equipment (storage tanks, flanges, valves, etc.) needed for the proposed Tioga Compressor Station to be located in Duncan Township, **Tioga County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

23-0108B: Barry Callebaut U.S.A., LLC. (903 Industrial Highway, Eddystone, PA 19022) on June 14, 2011, to operate a regenerative thermal oxidizer in Eddystone Borough, **Delaware County**.

09-0019C: Miller & Son Paving, Inc. (6100 Easton Road, Pipersville, PA) on June 16, 2011, to operate a rotary dryer in Wrightstown Township, **Bucks County**.

09-0196D: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030) on June 14, 2011, for a minor modification of Plan Approval No. 09-0196D for the Strip Room scrubber fan capacity at Fairless Hills Township, **Bucks County**. This is a new non-Title V (State-only) facility. The original Plan Approval allowed for the installation of one Strip Room scrubber fan with rated capacity of 10,000 ACFM. The modified has proposed to install one Strip Room scrubber fan with rated capacity of 15,000 ACFM without changing the operational procedures and the emission limits.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

49-00060A: Corson Asphalt, Inc. (26 Beaver Street, Cogan Station, PA 17728) on June 6, 2011, to extend authorization to operate a batch mix asphalt plant on a temporary basis until November 28, 2011 and to extend the required nitrogen oxides, carbon monoxide, particulate matter, and volatile organic compound stack testing until November 28, 2011, at their facility in Ralpho Township, **Northumberland County**. The Plan Approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00045: Sealed Air Corp. (450 Riverfront Drive, Reading, PA 19602) on June 16, 2011, for renewal of a Title V Operating Permit in Modena Borough, **Chester County**. There has been no source changes at the facility since the operating permit was last issued. Sources include a Steam Boiler, Recycled Paper Mill, Emergency Generator, Emergency Fire Pump, and a Parts Washer. The primary pollutant of concern is nitrogen oxides (NOX). The permit includes monitoring, record keeping, and reporting requirements designed to address all applicable air quality requirements.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00072: PA Air National Guard (1120 Fairchild St, 201 RHS DET 1, Willow Grove ARS, PA 19090) on June 16, 2011, for a Non-Title V Facility, State-Only, Natural Minor Permit in Horsham Township, **Montgomery County**. This facility supports National Defense and the sources of emissions include: Boilers, Generators, above ground storage tanks and cold cleaning units. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

09-00184: Doylestown Hospital (595 West State Street, Doylestown, PA 18901) on June 17, 2011, to renew a State Only Operating Permit in Doylestown Township, **Bucks County**. The facility operates four boilers, six emergency generators, and two fire pump engines. Doylestown Hospital is categorized as a natural minor facility for NOX emissions. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

53-00018: PA Pellets, LLC (958 State Route 49 West, Ulysses, PA 16948) on June 17, 2011, to issue a state only operating permit for their facility in Ulysses Borough, **Potter County**. The facility's sources include a rotary sawdust and woodchip dryer equipped with a wood suspension burner, a hammermill wood chipper and a pellet cooler. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

25-00983: Rupp Auto Livery—Crematory (303 East 32nd Street, Erie, PA 16501) on June 16, 2011, to re-issue a Natural Minor Operating Permit for the crematory operations at their facility in the City of Erie, **Erie County**.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00041: Eastern Shore Natural Gas Company (604 Street Rd., Cochranville, PA 19330) for the operation of a five (5) natural gas compression engines and one (1) natural gas emergency generator at its Daleville Compressor Station located in Cochranville, Londonderry Twp., in **Chester County**. The Daleville Compressor Station is a natural gas pipeline transmission facility.

On June 16, 2011, the issued State Only Operating Permit was administratively amended to incorporate the applicable provisions of 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

60-00020: Pik-Rite, Inc. (60 Pik Rite Lane, Lewisburg, PA 17837), issued an amendment of state only (natural minor) operating permit on June 8, 2011 for their facility located in Buffalo Township, **Union County**. This operating permit amendment incorporates all terms and conditions specified in Plan Approval 60-00020.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Applications Returned

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

26060109 and NPDES Permit No. PA0251011. Purco Coal, Inc. (22 Van Voorhis Lane, Monongahela, PA 15063). Application returned for commencement, operation and reclamation of a bituminous surface mine, located in Springhill Township, **Fayette County**, affecting 140.3 acres. Receiving streams: unnamed tributary to Hope Hollow and Cheat River. Application received: August 29, 2006. Application returned: June 13, 2011.

Coal Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

54950104R3. City of Philadelphia, Trustee Acting by the Board of Directors of City Trusts for Girard Estate, (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 397.3 acres, receiving stream: none. Application received: August 20, 2010. Renewal issued: June 17, 2011.

Noncoal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

44030302 and NPDES Permit No. PA022494. Glenn O. Hawbaker, Inc., 711 East College Avenue, Bellefonte, PA 16823, renewal of NPDES Permit, Armagh Township, **Mifflin County**. Receiving stream(s): Honey Creek classified for the following uses(s): High Quality—Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 23, 2011. Permit issued June 13, 2011.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

3474SM46 and NPDES Permit PA0589853. Collier Stone Company (80 Noblestown Road, Pittsburgh, PA 15106). NPDES Permit renewal issued for continued operation and reclamation of an existing large noncoal surface mining site located in Collier Township, **Allegheny County**, affecting 10.0 acres. Receiving streams:

Scotts Run and Robinson Run. Application received: February 10, 2011. NPDES Renewal issued: June 13, 2011

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

18060801. Matz Topsoil Quarry II, Benson W. Probst (668 German Road, Lock Haven, PA 17745), noncoal mining operation (topsoil) in Wayne Township, **Clinton County**. Restoration of 1.0 acre completed. Receiving stream: McElhattan Run. Application received: May 12, 2011. Final bond released June 14, 2011.

08090302 and NPDES No. PA0257168. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16804). Transfer of an existing large industrial mineral mine (shale and limestone) from Calvin C. Cole, Inc. located in Burlington Township, **Bradford County** affecting 19.2 acres. Receiving stream: Sugar Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 4, 2011. Permit issued: June 15, 2011.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

6276SM4C7 and NPDES Permit No. PA0613143. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Honey Brook and Caernarvon Townships, **Chester and Lancaster Counties**, receiving stream: West Branch Brandywine Creek. Application received: January 13, 2011. Renewal issued: June 14, 2011.

58110801 and NPDES Permit No. 584110801GP104. Endless Mountains Landscaping, (3223 Ridge Road, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed to East Branch Wyalusing Creek, classified for the following uses: cold water fishes.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65114004. C H & D Enterprises, Inc. (100 Brady Place, New Stanton, PA 15672). Blasting activity permit for the construction of the borrow pit at the T.P. Project, located in South Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to last one year. Blasting permit issued: June 13, 2011.

30114002. Aarcon Enterprises (13641 Route 993, Trafford, PA 15085). Blasting activity permit for the construction of the seismic well site, located in Gray Township, **Greene County**. The duration of blasting is expected to last 90 days. Blasting permit issued: June 13, 2011.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

36114134. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Walter Hoover Manure Pit in East Earl Township, **Lancaster County** with an expiration date of October 30, 2011. Permit issued: June 14, 2011.

36114135. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Big Spring Run Interceptor Line in West Lampeter Township, **Lancaster County** with an expiration date of October 30, 2011. Permit issued: June 14, 2011.

48114107. Austin Powder Northeast, LLC, (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for Eagles Landing in Nazareth Borough, **Northampton County** with an expiration date of June 8, 2012. Permit issued: June 15, 2011.

48114108. Silver Valley Drilling & Blasting, Inc., (RR 4 Box 4196, Saylorsburg, PA 18353), construction blasting for Cottages at Monocacy Creek in the City of Bethlehem, **Northampton County** with an expiration date of June 8, 2012. Permit issued: June 15, 2011.

58114113. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for LRJ Well Site in Rush Township, **Susquehanna County** with an expiration date of October 15, 2011. Permit issued: June 15, 2011.

45114114. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting at Locust Lake Village in Tobyhanna Township, **Monroe County** with an expiration date of June 9, 2012. Permit issued: June 16, 2011.

48114109. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Lehigh Valley Industrial Park Lot 7 in the City of Bethlehem, **Northampton County** with an expiration date of June 8, 2012. Permit issued: June 16, 2011.

66114110. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for DPH well site and access road in Windham Township, **Wyoming County** with an expiration date of August 1, 2011. Permit issued: June 16, 2011.

66114111. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Citrus Johnson well pad in Meshoppen Township, **Wyoming County** with an expiration date of September 30, 2011. Permit issued: June 16, 2011.

15114106. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Dupont Development in West Bradford Township, **Chester County** with an expiration date of June 15, 2012. Permit issued: June 17, 2011.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

E05-357: Pennsylvania Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, Pennsylvania 16648, in Broad Top and Liberty Townships, **Bedford County**, ACOE State College Office

To: 1) remove the existing structure, 2) construct and maintain a two-span steel multi-girder bridge having a clear span of 187.000 feet, a width of 35.375 feet, and a minimum underclearance of 23.250 feet across Raystown Branch Juniata River (TSF, MF), 3) construct and maintain two 1.500-foot diameter stormwater outfalls to Raystown Branch Juniata River, and 4) construct a two-span temporary truss bridge having a total length of 200.000 feet, a width of 30.500 feet, and a minimum underclearance of 24.610 feet approximately 170.0 feet upstream of the existing SR 1036 bridge across Raystown Branch Juniata River (TSF, MF), 5) construct three temporary causeways in two separate phases involving 7,900.0 cubic yards of R-7 and R-3 stone in Raystown Branch Juniata River (TSF, MF), all for the purpose of improving transportation safety and roadway standards. The project is located on Six Mile Run Road (SR 1036) at the intersection of SR 1036 and SR 0026 in Broad Top and Liberty Townships, Bedford County (Hopewell, PA Quadrangle; N: 6.8 inches, W: 0.7 inch; Latitude: 40°9'45", Longitude: -78°15'18").

E21-423: Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Dickinson Township, **Cumberland County**, ACOE State College Field Office

To: 1) remove the existing structure and to construct and maintain a three-span precast reinforced concrete arch bridge skewed 74.58° having a total clear span of 88.0 feet, a width of 36.0 feet, and an underclearance of 5.9 feet across Yellow Breeches Creek (HQ-CWF, MF), 2) construct and maintain two vegetated stormwater outfall channels with riprap aprons along Yellow Breeches Creek (HQ-CWF, MF), and 3) place and maintain 19,337.5 cubic feet of fill in the left floodway approach and 27,625.0 cubic feet of fill in the right floodway approach, all for the purpose of improving transportation safety and roadway standards along SR 3021. The project is located along Burnt House Road (SR 3021) in Dickinson Township, Cumberland County (Carlisle, PA Quadrangle; N: 0.2 inch, W: 13.2 inches; Latitude: 40°7'34", Longitude: -77°13'9").

E67-889: Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Lower Windsor Township, **York County**, ACOE Carlisle Field Office

To: 1) remove four existing structures from three separate unnamed tributaries to Canadochly Creek (WWF, MF), 2) construct and maintain a single crossing of an unnamed tributary to Canadochly Creek (WWF, MF) consisting of a 73.7 feet long by 10.0 feet wide by 6.0 feet high box culvert with upstream and downstream wingwalls and associated rock aprons, all uniformly depressed 12.0 inches with alternating baffles, 3) construct and maintain a 70.0 feet long by 3.0 feet diameter HDPE plastic pipe culvert in an unnamed tributary to Canadochly Creek (WWF, MF), 4) relocate and maintain a combined total of 358.0 linear feet of three separate unnamed tributaries to Canadochly Creek (WWF, MF) as part of this road realignment and structure replacement project, and 5) construct and maintain two stormwater outfalls to two separate unnamed tributaries to Canadochly Creek (WWF, MF), all for the purpose of improving transportation safety and roadway standards along SR 2011 in Lower Windsor Township, York County, at approximately Segment 0010, Offset 2034 (Red Lion, PA Quadrangle; N: 21.0 inches, W: 6.4 inches; Latitude: 39°59'26", Longitude: -76°32'44"), and to remove the existing structure and to construct and maintain a 32.0-foot long by 8.0-foot wide by 5.0-foot high box culvert with upstream and downstream wingwalls and associated rock aprons all uniformly depressed 12 inches with alternating baffles in Canadochly Creek (WWF, MF), for the purpose of improving transportation safety and roadway standards along SR 2011 in Lower Windsor Township, York County, at approximately Segment 0030, Offset 0701 (Red Lion, PA Quadrangle; N: 22.3 inches, W: 5.8 inches; Latitude: 39°59'52", Longitude: 76°32'30").

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E18-462. City of Lock Haven, 20 East Church Street, Lock Haven, PA 17745. in the City of Lock Haven, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 41(07'52"; W: 77(26'03").

To construct and maintain 1) a Biological Treatment Facility Sequencing Batch Reactors that extend into a 100-year "ponding" area by 11,500 square feet, 2) a stormwater infiltration basin, immediately adjacent to the

batch reactors, that will provide 12,000 cubic feet of 100-year "ponding" volume below the 552.50 foot elevation, 3) a 1,960 cubic foot shallow impoundment area excavated between the Sewage Treatment Plant Upgrade Site and the existing Sewage Treatment Plant to allow stormwater to drain into a new stormwater inlet with a grate elevation of 553.60 feet, 4) grading changes that modifies the configuration of the 554 and 555 contours located along the access road to the existing Sewage Treatment Plant, which represents the south side of the Sewage Treatment Plant Upgrade Site located 250 feet east of the North Hanna Street and East Walnut Street intersection. This permit was issued under Section 105.13(e) "Small Projects."

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA

5/4/11

ESCGP-1 No.: ESX11-059-0031
 Applicant Name: CONSOL Energy, Inc
 CONTACT: Daniel Bitz
 Address: 200 Evergreene Drive
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene
 Township(s): Morris
 Receiving Stream(s) And Classifications: Boothe Run & UNT to Enlow Fork/Ohio, Other

5/23/2011

ESCGP-1 No.: ESX10-059-0078 Major Revision
 Applicant Name: Atlas America LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene
 Township(s): Monongahela
 Receiving Stream(s) and Classifications: UNT 41161 to Little Whiteley Creek/Tenmile Creek Watershed, Other

5/2/2011

ESCGP-1 No.: ESX11-059-0029
 Applicant Name: Atlas America LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene
 Township(s): Morgan
 Receiving Stream(s) and Classifications: UNT to Tenmile Creek/Tenmile Creek Watershed, Other

05/19/2011

ESCGP-1 No.: ESX11-129-0016
 Applicant Name: Williams Production Appalachia LLC
 Contact Person: David R Freudenrich
 Address: 1000 Town Center Suite 130
 City: Canonsburg State: PA Zip Code: 15317
 County: Westmoreland
 Township(s): Donegal
 Receiving Stream(s) and Classifications: UNT to Fourmile Run/Loyalhanna Creek, Other TSF

5/24/2011

ESCGP-1 No.: ESX11-125-0006 Major Revision
 Applicant Name: Range Resources—Appalachia LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Blvd
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington
 Township(s): Hopewell
 Receiving Stream(s) and Classifications: UNT to Hanen Run/Wheeling-Buffalo Creek Watershed, HQ

3/18/2011

ESCGP-1 No.: ESX10-129-0028 Major Revision
 Applicant Name: CONSOL Gas Co
 Contact Person: Craig Neal
 Address: 280 Indian Spring Road
 City: Indiana State: PA Zip Code: 15701
 County: Westmoreland
 Township(s): Washington
 Receiving Stream(s) and Classifications: Reaver Run & associated tributaries, Poke Run & associated tributaries in Kiskiminetas River Watershed, HQ, Other

05/13/2011

ESCGP-1 No.: ESX11-125-0039
 Applicant Name: MarkWest Liberty Midstream & Resources, LLC
 Contact Person: Robert McHale
 Address: 601 Technology Drive, Suite 130
 City: Canonsburg State: PA Zip Code: 15137
 County: Washington
 Township(s): Amwell & South Franklin
 Receiving Stream(s) and Classifications: Bane Creek TSF and UNT to Bane Creek TSF, Other

5/12/2011

ESCGP-1 No.: ESX09-125-0064 Major Revision
 Applicant Name: Range Resources—Appalachia LLC
 Contact Person: Carla Suszkowski
 Address: 380 South Pointe Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington
 Township(s): Independence
 Receiving Stream(s) and Classifications: UT and Sugar Camp Run, Watershed: Buffalo Creek WWF, HQ

[Pa.B. Doc. No. 11-1098. Filed for public inspection July 1, 2011, 9:00 a.m.]

Request for Applications for Watershed Protection and Restoration Grants and Surface Mining Conservation and Reclamation Act Grants through the Growing Greener Plus Program

As part of the 2011 Department of Environmental Protection's (Department) Growing Greener Plus Program, applications are now being accepted for watershed protection and restoration grants. Under 27 Pa.C.S. §§ 6101—6113 (relating to Environmental Stewardship and Watershed Protection Act), the Department is authorized to allocate these grants to a variety of eligible applications including: counties, authorities and other municipalities; county conservation districts; watershed organizations recognized by the Department who promote local watershed conservation efforts; council of governments; and other authorized organizations involved in the restoration and protection of the environment in this Commonwealth.

For the upcoming grant round, the Department will invest in projects that will ultimately protect and/or restore this Commonwealth's watersheds from impairment due to nonpoint source pollution. Examples of special priority areas include: projects located in "priority" watersheds that reduce the source of impairment; "priority" type activities that lead to water quality restoration or protection; and projects that support the installation of agricultural Best Management Practices to achieve compliance with existing agricultural water quality requirements.

Examples of eligible projects could include reducing nonpoint source pollution in watersheds where streams are impaired; integrating stormwater management into watershed management and water conservation strategies; and projects that will help reduce Total Maximum Daily Load pollutants.

Through the same application process, applicants can also apply for funding through the Department's Surface Mining Conservation and Reclamation Act (SMCRA) Grant Program and Section 319 Nonpoint Source Grant Program. SMCRA grants are available to municipalities, municipal authorities and nonprofit organizations for projects meeting SMCRA grant requirements. Section 319 grants focus on funding similar projects to Growing Greener but with special emphasis within targeted watersheds.

The deadline for submitting applications to the Department's Growing Greener Grants Center (Center) is August 26, 2011. Applications must be postmarked no later than August 26, 2011. If hand delivered, the package must be received by the Center by 4 p.m. on August 26, 2011, at the address that follows. Late submissions will not be considered.

To request or download an application or obtain more information concerning the Growing Greener Programs, visit the Growing Greener web site at www.depweb.state.pa.us (DEP Keyword: Growing Greener). Persons can send e-mails to GrowingGreener@state.pa.us or contact the Center at (717) 705-5400. Written requests should be addressed to the Department of Environmental Protection Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-1099. Filed for public inspection July 1, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved Prearrest and Evidential Breath Testing Devices

The Department of Health (Department) has statutory authority to approve both prearrest and evidential breath testing devices for use by law enforcement officials to determine the alcohol content of blood by analysis of a person's breath. This notice contains the combined lists of prearrest breath testing devices and evidential breath testing devices.

The Department approves prearrest breath testing devices as required by 28 Pa. Code §§ 5.101—5.104 (relating to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code). Authority to promulgate these regulations is in the Vehicle Code, 75 Pa.C.S. § 1547(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125(k) (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502(j) (relating to chemical test to determine amount of alcohol), and section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Prearrest breath testing devices approved under this authority may be used by police officers, waterways patrolmen and officers enforcing the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code in conducting preliminary determinations of the alcohol content of blood of persons suspected of driving, boating, hunting or furtaking, while under the influence of alcohol. Officers and patrolmen use these devices to assist them in determining whether or not a person should be placed under arrest for violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), for violation of 34 Pa.C.S. § 2501 (relating to hunting or furtaking while under influence of alcohol or controlled substance) or for any other criminal offense under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code which involves operating a vehicle or boat, hunting or furtaking while under the influence of alcohol.

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation published model specifications for Screening Devices to Measure Alcohol in Bodily Fluids at 59 FR 39382 (August 2, 1994). These specifications established performance criteria and methods for testing alcohol screening devices using either breath or bodily fluids such as saliva to measure blood alcohol content. NHTSA established these specifications to support state laws and the United States Department of Transportation's workplace alcohol testing program. The Department has elected to use the NHTSA criteria for approving devices for the prearrest testing of a person's breath to determine the alcohol content of the person's blood.

NHTSA published a conforming products list of alcohol screening devices at 72 FR 4559 (January 31, 2007). The breath testing devices included in this Federal approval list have been incorporated into the list in this notice. Since this notice lists only those devices which test breath, items on the NHTSA list that test saliva or other bodily fluids are not included in this notice.

Additionally, there are a number of breath testing devices on this list of approved equipment that may be used as both prearrest and evidential testing devices. Any device on this list that was evaluated using the 1993 Model Specifications for Evidential Breath Testers (see 58 FR 48705 (September 17, 1993)) also fully meets the requirements of the Model Specifications for prearrest screening devices. Both procedures evaluate the performance of instruments at the 0.020% alcohol level.

The Department approves evidential breath testing devices under the authority of 75 Pa.C.S. § 1547(c)(1), 30 Pa.C.S. § 5125(c)(1) and 34 Pa.C.S. § 2502(c).

Evidential breath testing devices approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 or any other violation of the Vehicle Code arising out of the same action; or 30 Pa.C.S. § 5502 or any other violation of the Fish and Boat Code arising out of the same action; or 34 Pa.C.S. § 2501 or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the previously referenced statutes before purchasing any of the devices contained on this list.

The approval of evidential equipment listed in this notice is based on the evaluation of the equipment by NHTSA. Equipment which met Federal requirements was published at 75 FR 11624 (March 11, 2010) as a Conforming Products List. The list contained in this notice is based on NHTSA's Conforming Products Lists.

Instruments marked with an asterisk (*) meet the Model Specifications detailed at 49 FR 48854 (December 14, 1984) (that is, instruments tested at breath alcohol concentrations of 0.000, 0.050, 0.101 and 0.151 grams of alcohol per 210 liters of air). Instruments not marked with an asterisk meet the Model Specifications detailed at 58 FR 48705, and were tested at breath alcohol concentrations of 0.000, 0.020, 0.040, 0.080 and 0.160 grams of alcohol per 210 liters of air. The amended specifications that were published at 58 FR 48705, added a test for the presence of acetone and other low molecular weight alcohols including methyl and isopropyl. Instruments whose precision and accuracy have been evaluated in the latter concentration range (that is, devices not marked with an asterisk) should be used when reliable results are required at blood alcohol concentrations below 0.050%.

NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (mobile equipment). Most equipment on the list is approved for mobile and nonmobile operation. The listing at the end of this notice specifies nonmobile equipment only.

The instruments not marked with an asterisk meet the specifications for use as prearrest or evidentiary breath testing devices. The instruments marked with an asterisk may be used as evidentiary devices for law enforcement purposes that are concerned with blood alcohol concentrations at or above 0.050%. These instruments may also be used as prearrest breath testing devices if they are approved for mobile operations. However, these instruments may not be used for making arrests under the Vehicle Code, the Fish and Boat Code or the Game and Wildlife Code when blood alcohol concentrations below 0.050% must be determined. Nonmobile devices can only

be used as evidentiary testing instruments since they are not portable. Before purchasing breath testing devices, law enforcement officials should consult with the manufacturer of the equipment they intend to purchase to verify that the devices can be used for their intended purposes.

Law enforcement agencies that plan to utilize a device which does not appear on the following list should contact the manufacturer of the equipment to verify that it has been evaluated by NHTSA and found to meet NHTSA's performance requirements. If a device is approved by NHTSA after the date of this publication, the manufacturer of the device will need to forward documentation of NHTSA acceptability to Dr. M. Jeffery Shoemaker at the following address so that the Department has information sufficient to enable it to include the device in the next revision of this notice in the *Pennsylvania Bulletin*.

Some of the devices included in this notice are listed under the name of more than one manufacturer. This is due to the fact that the name of the manufacturer has changed or the right to produce a device has been transferred to a different company. In these instances, the device is listed under the name of every company that was ever associated with the device to allow law enforcement agencies to continue using devices bearing the name of a previous manufacturer.

To facilitate accessibility to information concerning breath alcohol testing devices which are approved for law enforcement purposes in this Commonwealth, the Department will publish revisions of this list of equipment semiannually as notices in the *Pennsylvania Bulletin*. This practice was implemented in 2009 and will proceed even if an updated conforming products list has not appeared in the *Federal Register* since the Department's last annual publication of approved breath testing devices.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Ph.D., 2Director, 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, Braille) may contact Dr. M. Jeffery Shoemaker at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

AK Solutions, Inc., Palisades Park, NJ¹

Alcoscan AL-2500
 AlcoChecker
 AlcoKey
 AlcoMate
 AlcoMate³ (aka: AlcoHAWK Pro by Q3 Inovations)
 AlcoMate Accu Cell AL-9000
 AlcoMate Core⁴ (formerly known as Alcoscan AL-6000)
 AlcoMate Premium AL-7000, with replaceable Premium Sensor Modules (SM-7000)^{4 5}
 AlcoMate Prestige AL-6000, with replaceable Prestige Sensor Modules (SM-6000)^{4 6}
 AlcoMate Pro
 Alcoscan AL-5000
 Alcoscan AL-6000
 SafeMate² (formerly known as AlcoChecker)
 SafeDrive (formerly known as AlcoKey)

Akers Laboratories, Inc., Thorofare, NJ

Alcohol \checkmark TM

Akers Biosciences, Inc., Thorofare, NJ
Breath Alcohol $\sqrt{.02}$ Detection System⁸

Alco Check International, Hudsonville, MI
Alco Check 3000 D.O.T.⁷
Alco Check 9000⁷
Alco Screen 3000

Alcohol Countermeasures Systems, Inc., Port Huron, MI
Alert J3AD*
PBA 3000C

**Alcohol Countermeasure Systems Corp., Missis-
sauga, Ontario, Canada**
Alert J3AD*
Alert J4X.ec
PBA3000C

**Alcohol Countermeasure Systems, Inc., Cincinnati,
OH**
Alert J4

Approved Technology, Inc., Grand Rapids, MI
Alco-Check I
Alco-Check II
Alco-Check 3000

BAC Solutions, Inc., Birmingham, Michigan
BACmaster*

BAC Systems, Inc., Ontario, Canada
Breath Analysis Computer*

B.E.S.T. Labs., Boardman, Ohio
PB 9000e

BHP Diagnostix, West Chester, PA
Prevent

**CAMEC Ltd., North Shields, Tyne and Ware, Eng-
land**
IR Breath Analyzer*

CMI-MPH, Owensboro, KY
CMI S-D2
CMI S-L2

CMI, Inc., Owensboro, KY
AlcoBlow

Intoxilyzer Model:

200
200D
240 (aka Lion Alcolmeter 400 + outside the US)
300
400
400PA
500 (aka: Alcolmeter 500-Lion Laboratories)
1400
4011*
4011A*
4011AS*
4011AS-A*
4011AS-AQ*
4011AW*
4011A27-10100*
4011A27-10100 with filter*
5000
5000 (w/Cal. Vapor Re-Circ.)
5000 (w/3/8" ID hose option)
5000CD
5000CD/FG5
5000EN
5000 (CAL DOJ)
5000 (VA)
8000

PAC 1200*
S-D2
S-D5

Craig Technologies International Ltd., Aurora, CO
BreathScan

Decator Electronics, Decator, IL
Alco-Tector model 500*

**Draeger Safety Diagnostics Inc., (aka: National
Draeger) Irving, TX**

Alcotest Model:

6510
6810
7010*
7110*
7110 MKIII
7110 MKIII-C
7410
7410 Plus
7510
9510

Breathalyzer Model:

900*
900A*
900BG*
7410
7410-II

EnviteC by Honeywell GmbH, Fond du Lac, WI
AlcoQuant 6020

First Innovative Technology Group, Ltd. Hong Kong
AAT198-Pro

Gall's Inc., Lexington, KY
Alcohol Detection System-A.D.S. 500

Guth Laboratories, Inc., Harrisburg, Pennsylvania
Alco-Tector
Alco-Tector Mark X
Alcotector BAC-100
Alcotector C₂H₅OH
Alcotector WAT89EC-1
Alcotector WAT90
Mark X Alcohol Checker

Han International Co., Ltd., Seoul, Korea
A.B.I. (Alcohol Breath Indicator) (aka: AlcoHAWK
ABI by Q3 Innovations).

KHN Solutions, LLC, San Francisco, California
BACTRACK Select S50⁹
BACTRACK Select S80⁹

Intoximeters, Inc., St. Louis, MO
Indium Encapsulation System
Photo Electric Intoximeter*
GC Intoximeter MK II*
GC Intoximeter MK IV*
Auto Intoximeter*
Intox EC-IR
Intox EC-IR 2
Portable Intox EC-IR

Intoximeter Model:

3000*
3000 (rev B1)*
3000 (rev B2)*
3000 (rev B2A)*
3000 (rev B2A) w/FM option*
3000 (Fuel Cell)*
3000D*
3000DFC*

Alcomonitor
 Alcomonitor CC
 Alco-Sensor
 Alco-Sensor III
 Alco-Sensor III (Enhanced with Serial Numbers
 above 1,200,000)
 Alco-Sensor IV
 Alco-Sensor IV-XL
 Alco-Sensor V
 Alco-Sensor AZ
 Alco-Sensor FST
 Alco-Sensor Light Display
 Intox EC/IR
 Intox EC/IR II
 Intox EC/IR II (enhanced with serial number
 10,000 or higher)
 Portable Intox EC/IR II
 RBT-AZ
 RBT III
 RBT III-A
 RBT-IV
 RBT-IV with CEM (cell enhancement module)

Komyo Kitagawa, Kogyo, K.K.:

Alcolyzer DPA-2*
 Breath Alcohol Meter PAM 101B*

Lifeloc Technologies, Inc. (formerly Lifeloc, Inc.)**Wheat Ridge, CO:**

Life Loc PBA 3000
 PBA 3000-B
 PBA 3000-P*
 PBA 3000-C
 Alcohol Data Sensor
 Phoenix
 Phoenix 6.0
 EV 30
 FC 10
 FC 20

Lion Laboratories, Ltd., Cardiff, Wales, UK*Alcolmeter Model:*

Auto-Alcolmeter*
 300
 400
 400+ (aka: Intoxilyzer 240 in the U.S.)
 500 (aka: Intoxilyzer 500-CMI, Inc.)
 SD-2*
 SD-5 (aka: S-D5 in the U.S.)
 EBA*

Intoxilyzer Model:

200
 200D
 1400
 5000 CD/FG5
 5000 EN

Luckey Laboratories, San Bernardino, CA*Alco-Analyzer Model:*

Mobat Sober-Meter-SM II
 1000*
 2000*

Nanopuls AB, Uppsala, Sweden

Evidenzer

Medi-Scan, Inc., Denver, CO

BreathScan

National Draeger, Inc., Durango, CO*Alcotest Model:*

7010*
 7110*

7110 MKIII
 7110 MKIII-C
 7410
 7410 Plus
 7410 Screener
 9510
 6510
 6810

Breathalyzer Model:

900*
 900A*
 900BG*
 7410
 7410-II

National Draeger, Inc., Pittsburgh, PA

Alcotest

National Patent Analytical Systems, Inc., Mansfield, OH

BAC DataMaster (with or without the Delta-1 accessory)

BAC Verifier DataMaster (with or without the Delta-1 accessory)
 DataMaster cdm (with or without the Delta-1 accessory)
 DataMaster DMT

Omicron Systems, Palo Alto, CA

Intoxilyzer 4011*
 Intoxilyzer 4011AW*

PAS International, Fredericksburg, VA

Mark V. Alcovisor
 PAS IIIa
 PAS Vr

Plus 4 Engineering, Minturn, CO

5000 Plus 4*

Q3 Innovations, Inc., Independence, IA⁴

AlcoHAWK Precision
 AlcoHAWK Slim
 AlcoHAWK Slim 2
 AlcoHAWK Elite
 AlcoHAWK ABI (aka: A.B.I. (Alcohol Breath indicator) by Han Intl.)
 AlcoHAWK Micro
 AlcoHAWK PRO (aka: AlcoMate by AK Solutions)
 AlcoHAWK PT500

RepCo Marketing, Raleigh, NC

Alco Tec III
 AlcoTec Breath-Alcohol Tester
 Breath Alcohol Tester Model BT-2
 Breath Alcohol Tester Model BT-3

Seju Co. of Taejeon, Korea

Safe-Slim

Seres, Paris, France

Alco Master
 Alcopro

Siemens-Allis, Cherry Hill, NJ

Alcomat*
 Alcomat F*

Smith and Wesson Electronics, Springfield, MA*Breathalyzer Model:*

900*
 900A*
 1000*
 2000*
 2000 (Non-Humidity Sensor)*

SoundOff, Inc., Hudsonville, MI

Alco-Check
 Alco-Check II
 AlcoData
 Alco Screen 1000
 Digitox D.O.T.
 Preliminary Breath Test II
 Seres Alco Master
 Seres Alcopro

Stephenson Corp.

Breathalyzer 900*

Takai-Denshi Inc., Tokyo, Japan:

ALC-PRO II (US)

Team Building Systems, Inc., Houston, TX

BreathScan

U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA

Alco-Analyzer 1000
 Alco-Analyzer 2000
 Alco-Analyzer 2100

Verax Systems, Inc., Fairport, NY

BAC Verifier*
 BAC Verifier Datamaster
 BAC Verifier Datamaster II*

¹ The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the United States by AK Solutions.

² Manufactured by Seju Engineering, Korea.

³ Han International does not market or sell devices directly in the United States market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q-3 Innovations, Inc.

⁴ Manufactured by Sentech Korea Corp.

⁵ These devices utilize replaceable semiconductor detectors. Instead of recalibrating the device, a new calibrated detector can be installed. This device comes with four detectors including the one that was already installed.

⁶ These devices utilize replaceable semiconductor detectors. Instead of recalibrating the device, a new calibrated detector can be installed. This device comes with five detectors including the one that was already installed.

⁷ While these devices are still being sold, they are no longer manufactured or supported.

⁸ The Breath Alcohol $\sqrt{.02}$ Detection System consists of a single-use disposable breath tube used in conjunction with an electronic analyzer that determines the test result. The electronic analyzer and the disposable breath tubes are lot specific and manufactured to remain calibrated throughout the shelf-life of the device. This screening device cannot be used after the expiration date.

⁹ Manufactured by DA Tech Co., Ltd., Korea.

Nonmobile only**Decator Electronics**

Alco-Tector model 500*

Draeger Safety, Inc.

Alcotest Model 9510

Intoximeters, Inc.

Photo Electric Intoximeter*
 Intoximeter Model—Alcomonitor
 Intoximeter Model—EC/IR II (enhanced with serial number 10,000 or higher)

Lion Laboratories, Ltd.

Auto-Alcolmeter*

Luckey Laboratories

Alco-Analyzer Model—1000*
 Alco-Analyzer Model—2000*

U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA

Alco-Analyzer 1000
 Alco-Analyzer 2000

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1100. Filed for public inspection July 1, 2011, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, July 22, 2011, from 10 a.m. to 2 p.m. The meeting will be held in Conference Room 327, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

Questions regarding this notice, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn S. Cass, Director, Division of Child and Adult Health, Department of Health, Health and Welfare Building, 625 Forster Street, Seventh Floor East Wing, Harrisburg, PA 17120. For speech and/or hearing impaired persons call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1101. Filed for public inspection July 1, 2011, 9:00 a.m.]

Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Clinical Laboratories Improvement Amendments of 1988 (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 periodic 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 are 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 their laboratory name.

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 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 Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988. A similar provision appears in the Fish and Boat Code in 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory is sometimes changed but the 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 or location 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 or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. 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, Braille) should contact Dr. Shoemaker at the previously referenced 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).

30483
AIT LABORATORIES—SBSe, CBSe
2265 EXECUTIVE DRIVE
INDIANAPOLIS, IN 46241
(317) 243-3894

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SBSe,
CBSe
1520 PENN AVENUE, 2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SBSe,
CBSe
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470

31684
BUCKS COUNTY CRIME LABORATORY—SBSe
850 EAGLE ROAD
WARMINSTER, PA 18974
(215) 431-5187

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SSe, CSe
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423

00977
DRUGSCAN INC—SBSe, CBSe
1119 MEARNS RD PO BOX 2969
WARMINSTER, PA 18974
(215) 674-9310

24655
HEALTH NETWORK LABORATORIES—SBSe, CBSe
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

20512
LABCORP OCCUPATIONAL TESTING SER—SBSe,
CBSe
1904 ALEXANDER DRIVE
PO BOX 12652
RESEARCH TRIANGLE PARK, NC 27709
(919) 361-7700

09003
MAYO CLINIC DEPT LAB MED & PATH—SBSe, CSe
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018

05574
MEDTOX LABORATORIES INC—SBSe, CBSe
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(651) 286-6217

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SBS_e,
CBS_e
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

29741
NORTHERN TIER RESEARCH—SBS_e, CBS_e
1300 OLD PLANK ROAD
MAYFIELD, PA 18433
(570) 351-6153

30984
OFFICE OF THE DISTRICT ATTORNEY—SS_e
37 E HIGH STREET
FORENSIC LAB
CARLISLE, PA 17103
(717) 240-6526

00250
PARKWAY CLINICAL LABORATORIES—SS_e
3494 PROGRESS DRIVE
SUITE D
BENSALEM, PA 19020
(215) 245-5112

00520
PC LAB INC—SBS_e, CBS_e
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118

31399
QUEST DIAGNOSTICS—SB, CB
EMPLOYER SOLUTIONS
1777 MONTREAL CIRCLE
TUCKER, GA 30084
(770) 936-5007

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBS_e,
CBS_e
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

00482
QUEST DIAGNOSTICS OF PA INC—SBS_e, CBS_e
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—SBS_e, CBS_e
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00151
ST JOSEPH QUALITY MEDICAL LAB—SBS_e, CBS_e
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

00018
WVHCS HOSP DBA PENNANT LABORATORY—SS_e
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

00141
YORK HOSPITAL—SS_e
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1102. Filed for public inspection July 1, 2011, 9:00 a.m.]

Laboratories Approved to Determine Blood Alcohol Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and 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 determination of alcohol in serum are approved to analyze both serum and plasma for alcohol content. 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. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) 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 licensed by the Department and approved for that purpose.

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 or location of a laboratory is sometimes changed but the 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 or location 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 or location of the facility changed, the Clinical Laboratory Permit number of the

facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

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 Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C.A. § 263a) and implementing regulations at 42 CFR 493.901 and 493.937 (relating to approval of proficiency testing programs; and toxicology), 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.

The Commonwealth's Vehicle Code at 75 Pa.C.S. § 1547(c)(3)(ii) also permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence in certain legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide forensic blood and/or serum and plasma analysis services. This section states that the test results will be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of the Vehicle Code arising out of the same action if the laboratory that performed the test is licensed to conduct the test by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of 1988. A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced 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

00212
ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 576-2350

27180
ADVANCED TOXICOLOGY NETWORK—B
3560 AIR CENTER COVE, SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

00233
ALBERT EINSTEIN MEDICAL CENTER—S
5501 OLD YORK RD
LABS-TOWER BLDG GROUND FL
PHILADELPHIA, PA 19141—3001
(215) 456-6157

00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SB
1520 PENN AVENUE
2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425

28233
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886

00077
ALLEGHENY GENERAL HOSPITAL—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-3521

00100
ALLEGHENY VALLEY HOSPITAL LAB—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100

00119
ALTOONA REGIONAL HEALTH SYSTEM LAB—SB
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 889-2340

00120
ARHS 7TH AVENUE CAMPUS—SB
2500 SEVENTH AVENUE
ALTOONA, PA 16602-2099
(814) 949-4495

00192
ARIA HEALTH—S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227

00236
ARIA HEALTH—S
FRANKFORD AVE & WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068

00341
ARIA HEALTH—S
10800 KNIGHTS ROAD
PHILADELPHIA, PA 19114
(215) 612-4000

00041
ARMSTRONG COUNTY MEMORIAL HOSP—S
1 NOLTE DRIVE
KITTTANNING, PA 16201
(724) 543-8500

00047
ASSOCIATED CLINICAL LABORATORIES—SB
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SB
3520 PROGRESS DRIVE
UNIT C
BENSALEM, PA 19020
(267) 525-2470

- 00251
AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S
800 SPRUCE STREETS
PHILADELPHIA, PA 19107
(215) 829-3541
- 00320
BARNES KASSON HOSPITAL LAB—S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-5059
- 00001
BERWICK HOSPITAL LABORATORY—S
701 EAST 16TH STREET
BERWICK, PA 18603
(570) 759-5110
- 00301
BHS LABORATORY—S
ONE HOSPITAL WAY
BUTLER, PA 16001
(724) 284-4510
- 00002
BLOOMSBURG HOSPITAL—S
549 E FAIR STREET
BLOOMSBURG, PA 17815
(570) 387-2124
- 00033
BRADFORD REGIONAL MEDICAL CENTER—B
116-156 INTERSTATE PKWY
BRADFORD, PA 16701-0218
(814) 362-8247
- 00296
BRANDYWINE HOSPITAL—S
201 REECEVILLE ROAD
COATESVILLE, PA 19320
(610) 383-8000
- 00053
BROOKVILLE HOSPITAL LAB—S
100 HOSPITAL ROAD
BROOKVILLE, PA 15825
(814) 849-2312
- 31684
BUCKS COUNTY CRIME LABORATORY—B
850 EAGLE ROAD
WARMINSTER, PA 18974
(215) 431-5187
- 00107
CANONSBURG GENERAL HOSPITAL—S
100 MEDICAL BOULEVARD
CANONSBURG, PA 15317
(724) 745-3916
- 00131
CARLISLE REGIONAL MEDICAL CENTER—S
361 ALEXANDER SPRING ROAD
CARLISLE, PA 17015-9129
(717) 249-1212
- 00132
CHAMBERSBURG HOSPITAL DEPT OF
PATHOLOGY—S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7153
- 00310
CHARLES COLE MEMORIAL HOSPITAL—S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 274-5510
- 00198
CHESTER COUNTY HOSPITAL—S
701 E MARSHALL ST
WEST CHESTER, PA 19380
(610) 431-5182
- 00227
CHESTNUT HILL HOSPITAL—S
8835 GERMANTOWN AVENUE
DEPT OF PATHOLOGY
PHILADELPHIA, PA 19118
(215) 248-8113
- 00228
CHILDRENS HOSP OF PHILADELPHIA—S
ONE CHILDRENS CENTER
34TH & CIVIC
PHILADELPHIA, PA 19104
(215) 590-4446
- 00329
CLARION HOSPITAL—S
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 226-9500
- 00026
CLEARFIELD HOSPITAL—S
809 TURNPIKE AVENUE
PO BOX 992
CLEARFIELD, PA 16830
(814) 768-2280
- 00005
COMMUNITY MEDICAL CENTER—S
1800 MULBERRY STREET
SCRANTON, PA 18510
(570) 969-8000
- 00125
CONEMAUGH VALLEY MEMORIAL HOSP—SB
LABORATORY DEPT
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905
(814) 534-9000
- 00326
CORRY MEMORIAL HOSPITAL—S
612 WEST SMITH STREET
CORRY, PA 16407
(814) 664-4641
- 00201
CROZER CHESTER MED CENTER—S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2000
- 00209
CROZER-CHESTER MED CTR-SPRINGFLD—S
190 WEST SPROUL ROAD
SPRINGFIELD, PA 19064
(610) 447-2000
- 00204
DELAWARE COUNTY MEMORIAL HOSP—S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
(610) 284-8100
- 00266
DEPT OF PATHOLOGY & LAB MED-HUP—SB
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423

- 00194
DOYLESTOWN HOSPITAL—S
ATTN: JUDY RYAN
595 W STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250
- 00977
DRUGSCAN INC—B
1119 MEARNES RD
PO BOX 2969
WARMINSTER, PA 18974
(215) 674-9310
- 00027
DUBOIS REG MED CTR-WEST UNIT—S
100 HOSPITAL AVE
DUBOIS, PA 15801
(814) 371-2200
- 00175
EASTON HOSPITAL—S
250 SOUTH 21ST ST
EASTON, PA 18042-3892
(610) 250-4819
- 00332
ELLWOOD CITY HOSPITAL—S
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081
- 00612
ENDLESS MOUNTAINS HEALTH SYSTEMS—S
3 GROW AVENUE
MONTROSE, PA 18801-1103
(570) 278-3801
- 00164
EPHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE
PO BOX 1002
EPHRATA, PA 17522
(717) 733-0311
- 00032
ERHC ST MARYS LABORATORY—B
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525
- 00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510
- 00115
FRICK HOSPITAL—S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500
- 00330
FULTON COUNTY MEDICAL CENTER—S
214 PEACH ORCHARD ROAD
MCCONNELLSBURG, PA 17233
(717) 485-6169
- 00173
GEISINGER MEDICAL LABORATORIES—SB
100 N ACADEMY AVENUE
DANVILLE, PA 17822-0131
(570) 271-6338
- 00019
GEISINGER WYOMING VALLEY MED CTR—S
1000 E MOUNTAIN DRIVE
WILKES-BARRE, PA 18711
(570) 826-7830
- 00122
GETTYSBURG HOSPITAL LABORATORY—SB
147 GETTYS STREET
GETTYSBURG, PA 17325
(717) 337-4120
- 00152
GNADEN HUETTEN MEMORIAL HOSP—SB
211 NORTH 12TH STREET
LEHIGHTON, PA 18235
(610) 377-7083
- 00299
GOOD SAMARITAN HOSPITAL—B
4TH & WALNUT STS
PO BOX 1281
LEBANON, PA 17042-1218
(717) 270-7986
- 00196
GRAND VIEW HOSPITAL—S
700 LAWN AVE
SELLERSVILLE, PA 18960
(215) 453-4528
- 00654
GUTHRIE CLINIC LABORATORIES—S
ONE GUTHRIE SQUARE
SAYRE, PA 18840
(570) 882-4160
- 00239
HAHNEMANN UNIVERSITY HOSPITAL—S
BROAD & VINE STS MS 113
PHILADELPHIA, PA 19102
(215) 762-1783
- 00139
HANOVER HOSPITAL LABORATORY—S
300 HIGHLAND AVE
HANOVER, PA 17331
(717) 637-3711
- 00010
HAZLETON GENERAL HOSPITAL—S
700 EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4152
- 00169
HEALTH NETWORK LABORATORIES—S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-8150
- 00549
HEALTH NETWORK LABORATORIES—S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(610) 402-8150
- 00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(610) 402-8150
- 24655
HEALTH NETWORK LABORATORIES—SB
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

00166
HEART OF LANCASTER REGIONAL MEDICAL
CENTER—S
1500 HIGHLANDS DRIVE
LITITZ, PA 17543
(717) 625-5605

00205
HERITAGE VALLEY BEAVER—S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009
(724) 728-7000

00101
HERITAGE VALLEY SEWICKLEY LAB—S
720 BLACKBURN RD
SEWICKLEY, PA 15143
(412) 741-6600

00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500

00130
HOLY SPIRIT HOSPITAL—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206

00052
INDIANA REGIONAL MEDICAL CENTER—S
HOSPITAL ROAD
PO BOX 788
INDIANA, PA 15701-0788
(724) 357-7167

00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

00054
JAMESON MEMORIAL HOSPITAL—S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4080

00240
JEANES HOSPITAL—S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2347

00038
JEFFERSON REGIONAL MED CTR—S
PO BOX 18119
565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723

00200
JENNERSVILLE REGIONAL HOSPITAL—S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080

00034
KANE COMMUNITY HOSPITAL—S
4372 ROUTE 6
KANE, PA 16735
(814) 837-4570

01088
LANCORP OF AMERICA HOLDINGS—SB
69 FIRST AVENUE
PO BOX 500
RARITAN, NJ 08869
(908) 526-2400

00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET
PO BOX 3555
LANCASTER, PA 17604
(717) 544-4331

00167
LANCASTER REGIONAL MED CENTER—S
250 COLLEGE AVENUE
PO BOX 3434
LANCASTER, PA 17604
(717) 291-8022

00215
LANSDALE HOSPITAL—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 361-4625

00114
LATROBE AREA HOSPITAL—S
ONE MELLON WAY
LATROBE, PA 15650
(724) 537-1550

00138
LEWISTOWN HOSPITAL—B
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 242-7474

00030
LOCK HAVEN HOSPITAL—B
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300

00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

00242
MAIN LINE HEALTH LABORATORIES—S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

00199
MAIN LINE HEALTH LABS-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

00206
MAIN LINE HEALTH LABS-RIDDLE—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339

00004
 MARIAN COMMUNITY HOSPITAL—S
 100 LINCOLN AVENUE
 CARBONDALE, PA 18407
 (570) 281-1042

09003
 MAYO CLINIC DEPT LAB MED & PATH—SB
 200 FIRST STREET SW HILTON 530
 ROCHESTER, MN 55905
 (507) 284-3018

00049
 MEADVILLE MED CTR-LIBERTY ST—S
 751 LIBERTY STREET
 MEADVILLE, PA 16335
 (814) 336-5000

05574
 MEDTOX LABORATORIES INC—SB
 402 WEST COUNTY ROAD D
 ST PAUL, MN 55112
 (651) 286-6217

00140
 MEMORIAL HOSPITAL CLINICAL LAB—S
 325 S BELMONT STREET
 PO BOX 15118
 YORK, PA 17403
 (717) 843-8623

00023
 MEMORIAL HOSPITAL LAB—SB
 91 HOSPITAL DRIVE
 TOWANDA, PA 18848
 (570) 265-2191

00203
 MERCY FITZGERALD HOSPITAL—S
 1500 LANSDOWNE AVENUE
 DARBY, PA 19023
 (610) 237-4262

00247
 MERCY HEALTH LAB/MHOP—S
 501 S 54TH STREET
 PHILADELPHIA, PA 19143
 (215) 748-9181

00219
 MERCY HEALTH LAB/MSH—S
 2701 DEKALB PIKE
 NORRISTOWN, PA 19401
 (610) 278-2078

28436
 METHODIST DIV TJUH CLINICAL LAB—S
 2301 SOUTH BROAD STREET
 PHILADELPHIA, PA 19148
 (215) 952-9057

00231
 MEYERSDALE COMMUNITY HOSPITAL—S
 200 HOSPITAL DR
 MEYERSDALE, PA 15552
 (814) 634-5911

00269
 MIDVALLEY HOSPITAL—S
 1400 MAIN STREET
 PECKVILLE, PA 18452
 (570) 383-5520

00128
 MINERS MEDICAL CENTER—S
 290 HAIDA AVENUE
 PO BOX 689
 HASTINGS, PA 16646
 (814) 247-3100

00108
 MONONGAHELA VALLEY HOSPITAL INC—S
 1163 COUNTRY CLUB ROAD
 MONONGAHELA, PA 15063
 (724) 258-1021

00217
 MONTGOMERY HOSPITAL LAB—S
 POWELL & FORNANCE STS
 NORRISTOWN, PA 19401
 (610) 270-2173

00007
 MOSES TAYLOR HOSPITAL—S
 700 QUINCY AVENUE
 SCRANTON, PA 18510
 (570) 340-2100

00214
 MOSS REHAB EINSTEIN AT ELKINS PARK—S
 60 EAST TOWNSHIP LINE ROAD
 ATTN: LAB
 ELKINS PARK, PA 19027
 (215) 456-6150

00025
 MOUNT NITTANY MEDICAL CENTER—SB
 1800 EAST PARK AVENUE
 STATE COLLEGE, PA 16803
 (814) 234-6117

00035
 MUNCY VALLEY HOSPITAL—S
 215 EAST WATER ST
 MUNCY, PA 17756
 (570) 546-8282

00304
 NASON HOSPITAL—S
 105 NASON DRIVE
 ROARING SPRING, PA 16673
 (814) 224-2141

00504
 NATIONAL MED SVCS INC/DBA NMS LABS—SB
 3701 WELSH ROAD
 WILLOW GROVE, PA 19090
 (215) 657-4900

00248
 NAZARETH HOSPITAL—S
 2601 HOLME AVE
 PHILADELPHIA, PA 19152
 (215) 335-6245

29741
 NORTHERN TIER RESEARCH—SB
 1300 OLD PLANK ROAD
 MAYFIELD, PA 18433
 (570) 351-6153

30984
 OFFICE OF THE DISTRICT ATTORNEY—S
 37 E HIGH STREET
 FORENSIC LAB
 CARLISLE, PA 17103
 (717) 240-6526

00099
 OHIO VALLEY GENERAL HOSPITAL—S
 25 HECKEL RD
 MCKEES ROCKS, PA 15136
 (412) 777-6161

- 00334
PALMERTON HOSPITAL—SB
135 LAFAYETTE AVENUE
PALMERTON, PA 18071
(610) 826-1100
- 00520
PC LAB INC—SB
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118
- 00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST
DEPT OF PATH & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435
- 00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
HERSHEY, PA 17033
(717) 531-8353
- 22533
PENNSYLVANIA DEPT OF HEALTH—SB
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464
- 00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD
DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612
- 00157
PINNACLE HEALTH AT COMMUNITY GENERAL
HOSPITAL—S
4300 LONDONDERRY ROAD
PO BOX 3000
HARRISBURG, PA 17109
(717) 782-3340
- 00155
PINNACLE HEALTH AT HARRISBURG HOSPITAL
LAB—SB
100 SOUTH 2ND STREET
HARRISBURG, PA 17101
(717) 782-3340
- 00022
POCONO MEDICAL CENTER LAB—SB
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544
- 00221
POTTSTOWN HOSPITAL COMPANY, LLC—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7000
- 00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1820
- 22715
QUEST DIAGNOSTICS—SB
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770
- 31399
QUEST DIAGNOSTICS—SB
EMPLOYER SOLUTIONS
1777 MONTREAL CIRCLE
TUCKER, GA 30084
(770) 936-5007
- 27461
QUEST DIAGNOSTICS INC—SB
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4219
- 01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900
- 22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543
- 00482
QUEST DIAGNOSTICS OF PA INC—SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600
- 25461
QUEST DIAGNOSTICS VENTURE LLC—SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631
- 00150
READING HOSPITAL & MED CTR—S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080
- 00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394
- 00171
SACRED HEART HOSPITAL—S
4TH & CHEW STS
ATTN LAB DEPT
ALLENTOWN, PA 18102
(610) 776-4727
- 00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 561-4900
- 00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558
- 00328
SAINT MARY MEDICAL CENTER—S
LANGHORNE-NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162

- 00048
SAINT VINCENT HEALTH CENTER—S
232 WEST 25TH STREET
ERIE, PA 16544
(814) 452-5383
- 00182
SCHUYLKILL MC E NORWEGIAN ST—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032
- 00183
SCHUYLKILL MC S JACKSON ST—SB
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262
- 29214
SED MEDICAL LABORATORIES—SB
LOVELACE HEALTH SYSTEMS INC.
5601 OFFICE BLVD NE
ALBUQUERQUE, NM 87109
(505) 727-6209
- 00064
SHARON REGIONAL HEALTH SYSTEM—S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911
- 00039
SOLDIERS & SAILORS MEM HOSP—S
CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133
- 00297
SOMERSET HOSPITAL CENTER FOR HEALTH—S
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5000
- 00105
SOUTHWEST REGIONAL MEDICAL CENTER—S
350 BONAR AVENUE
WAYNESBURG, PA 15370
(724) 627-2608
- 00361
ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S
101 BROAD STREET
ASHLAND, PA 17921
(570) 875-5988
- 00260
ST CHRISTOPHERS HOSP FOR CHILDREN—S
ERIE AVENUE AT FRONT STREET
PHILADELPHIA, PA 19134
(215) 427-4207
- 00151
ST JOSEPH QUALITY MEDICAL LAB—SB
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200
- 00261
ST JOSEPH'S HOSPITAL-DIV NPHS—S
16TH ST & GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 628-8646
- 00180
ST LUKES MINERS MEMORIAL HOSPITAL—S
360 WEST RUDDLE STREET
PO BOX 67
COALDALE, PA 18218
(570) 645-2131
- 00195
ST LUKES QUAKERTOWN HOSPITAL—S
1021 PARK AVENUE
QUAKERTOWN, PA 18951
(215) 538-4681
- 00094
SUBURBAN CLINICAL LABORATORY—S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
(412) 734-6020
- 00207
TAYLOR HOSPITAL DIV OF CCMC—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-4353
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 N BROAD ST
PHILADELPHIA, PA 19140
(215) 707-4353
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00085
THE WESTERN PA HOSP-FORBES REGIONAL
CAMPUS—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2560
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 S. 11TH ST
204 PAVILLION
PHILADELPHIA, PA 19107
(215) 955-1644
- 00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851
- 00336
TRINITY MEDICAL CENTER—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100
- 00313
TYLER MEMORIAL HOSPITAL—S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
(570) 836-4705

00124
TYRONE HOSPITAL—S
187 HOSPITAL DRIVE
TYRONE, PA 16686
(814) 684-6384

00121
UPMC BEDFORD MEMORIAL—S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506

00046
UPMC HAMOT—S
201 STATE STREET
ERIE, PA 16550
(814) 877-3131

00059
UPMC HORIZON GREENVILLE—S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100

00057
UPMC HORIZON SHENANGO—S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500

00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233

00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7831

00084
UPMC PASSAVANT—S
9100 BABCOCK BLVD
PITTSBURGH, PA 15237
(412) 367-6700

05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S
ROOM 5929
MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

00091
UPMC SAINT MARGARET HOSPITAL—S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000

00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE
GROUND FLOOR WEST WING
PITTSBURGH, PA 15232
(412) 623-5950

00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 726-3860

00111
WASHINGTON HOSPITAL—S
155 WILSON AVE
WASHINGTON, PA 15301
(724) 223-3136

00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

00133
WAYNESBORO HOSPITAL—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

00095
WESTERN PENNSYLVANIA HOSPITAL—S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779

30245
WESTFIELD HOSPITAL LABORATORY—S
4815 W TILGHMAN STREET
ALLENTOWN, PA 18104
(610) 973-8425

00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

00037
WILLIAMSPORT HOSP & MED CENTER—SB
777 RURAL AVENUE
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00106
WINDBER HOSPITAL—S
600 SOMERSET AVE
WINDBER, PA 15963
(814) 467-6611

00018
WVHCS HOSP DBA PENNANT LABORATORY—SB
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

25064
WVU HOSPITAL CLINICAL LABS—S
1 MEDICAL CENTER DR
PO BOX 8009
MORGANTOWN, WV 26506-8009
(304) 598-4241

00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1103. Filed for public inspection July 1, 2011, 9:00 a.m.]

Laboratories Approved to Determine Urine Controlled Substance Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under The Clinical Laboratory Act (35 P.S. §§ 2151—2165) and 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 periodic 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 *Pennsylvania Bulletin*.

The Commonwealth's Vehicle Code contains a provision in 75 Pa.C.S. § 1547(c)(3)(ii) that permits test results on blood or urine for alcohol or controlled substances to be introduced into evidence at legal proceedings in this Commonwealth if the laboratory is located in another state and is not licensed and approved by the Department to provide these services. This section states that the test results may be admissible into evidence at summary or criminal proceedings in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or any other violation of that title arising out of the same action if the laboratory that performed the test is licensed by the state in which the facility is located and licensed under the Clinical Laboratory Improvement Amendments of

1988 (42 U.S.C.A. § 263a). A similar provision appears in the Fish and Boat Code at 30 Pa.C.S. § 5125(c)(3)(ii).

The name or location of a laboratory is sometimes changed but the 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 or location 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 or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

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, Braille) should contact Dr. Shoemaker at the previously referenced 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).

00212
ABINGTON MEMORIAL HOSPITAL—S
1200 OLD YORK ROAD
ABINGTON, PA 19001
(215) 576-2350

27908
ACM MEDICAL LABORATORY—SC
160 ELMGROVE PARK
ROCHESTER, NY 14624
(716) 429-2264

27180
ADVANCED TOXICOLOGY NETWORK—SC
3560 AIR CENTER COVE
SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

31695
AEGIS SCIENCES CORPORATION—SC
515 GREAT CIRCLE ROAD
NASHVILLE, TN 37228
(615) 255-2400

30483
AIT LABORATORIES—SC
2265 EXECUTIVE DRIVE
INDIANAPOLIS, IN 46241
(317) 243-3894

00233
ALBERT EINSTEIN MEDICAL CENTER—S
5501 OLD YORK RD
LABS-TOWER BLDG
GROUND FL
PHILADELPHIA, PA 19141-3001
(215) 456-6157

24496
ALERE TOXICOLOGY SERVICES—SC
450 SOUTHLAKE BOULEVARD
RICHMOND, VA 23236
(804) 378-9130

- 26008
ALERE TOXICOLOGY SERVICES INC—SC
1111 NEWTON STREET
GRETNA, LA 70053
(504) 361-8989
- 00116
ALLE KISKI MED CNTR NEW KENSINGTON—S
651 FOURTH AVENUE
NEW KENSINGTON, PA 15068
(724) 226-7089
- 00671
ALLEGHENY COUNTY MED EX DIV OF LAB—SC
1520 PENN AVENUE, 2ND FLOOR
PITTSBURGH, PA 15222
(412) 350-4425
- 28233
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S
320 E NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-6886
- 00077
ALLEGHENY GENERAL HOSPITAL—S
1307 FEDERAL STREET
PITTSBURGH, PA 15212
(412) 359-3521
- 00100
ALLEGHENY VALLEY HOSPITAL LAB—S
1301 CARLISLE STREET
NATRONA HEIGHTS, PA 15065
(724) 224-5100
- 00119
ALTOONA REGIONAL HEALTH SYSTEM LAB—S
620 HOWARD AVENUE
ALTOONA, PA 16601-4899
(814) 889-2340
- 30223
AMERITOX LTD—SC
9930 WEST HWY 80
MIDLAND, TX 79706
(432) 561-5091
- 31814
AMERITOX, LTD.—SC
486 GALLIMORE DAIRY ROAD
GREENSBORO, NC 27409
(336) 387-7600
- 26620
AMMON ANALYTICAL LABORATORY—SC
1622 SOUTH WOOD AVENUE
LINDEN, NJ 07036
(908) 862-4404
- 31148
ANALYTICAL DIAGNOSTIC LAB—S
2115 AVENUE X
BROOKLYN, NY 11235
(718) 646-6000
- 00120
ARHS 7TH AVENUE CAMPUS—S
2500 SEVENTH AVENUE
ALTOONA, PA 16602-2099
(814) 949-4495
- 00192
ARIA HEALTH—S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227
- 00236
ARIA HEALTH—S
FRANKFORD AVE & WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068
- 00341
ARIA HEALTH—S
10800 KNIGHTS ROAD
PHILADELPHIA, PA 19114
(215) 612-4000
- 00047
ASSOCIATED CLINICAL LABORATORIES—S
1526 PEACH STREET
ERIE, PA 16501
(814) 461-2400
- 24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—SC
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470
- 31171
AVEE LABORATORIES INC—SC
14440 MYERLAKE CIRCLE
CLEARWATER, FL 33760
(757) 530-9990
- 000251
AYER CLINICAL LAB PENNSYLVANIA HOSPITAL—S
800 SPRUCE STREETS
PHILADELPHIA, PA 19107
(215) 829-3541
- 00320
BARNES KASSON HOSPITAL LAB—S
400 TURNPIKE STREET
SUSQUEHANNA, PA 18847
(570) 853-5059
- 21553
BENDINER & SCHLESINGER INC—SC
140 58TH STREET SUITE 8D
BROOKLYN, NY 11220
(212) 254-2300
- 00001
BERWICK HOSPITAL LABORATORY—S
701 EAST 16TH STREET
BERWICK, PA 18603
(570) 759-5110
- 00301
BHS LABORATORY—S
ONE HOSPITAL WAY
BUTLER, PA 16001
(724) 284-4510
- 27615
BIOLOGICAL SPECIALTY CORPORATION—S
2165 NORTH LINE STREET
COLMAR, PA 18915
(215) 997-8771
- 27616
BIOLOGICAL SPECIALTY CORPORATION—S
1236 NEW RODGERS RD #851
BRISTOL, PA 19007
(215) 826-9282
- 27617
BIOLOGICAL SPECIALTY CORPORATION—S
22 SOUTH 4TH STREET
READING, PA 19602
(610) 375-9862

22757
 BIOREFERENCE LABORATORIES INC—SC
 481B EDWARD H ROSS DRIVE
 ELMWOOD PARK, NJ 07407
 (201) 791-3600

00002
 BLOOMSBURG HOSPITAL—S
 549 E FAIR STREET
 BLOOMSBURG, PA 17815
 (570) 387-2124

00033
 BRADFORD REGIONAL MEDICAL CENTER—S
 116-156 INTERSTATE PKWY
 BRADFORD, PA 16701-0218
 (814) 362-8247

00296
 BRANDYWINE HOSPITAL—S
 201 REECEVILLE ROAD
 COATESVILLE, PA 19320
 (610) 383-8000

00472
 BROOKSIDE CLINICAL LAB INC—S
 4000 EDGMONT AVENUE
 BROOKHAVEN, PA 19015
 (610) 872-6466

31684
 BUCKS COUNTY CRIME LABORATORY—S
 850 EAGLE ROAD
 WARMINSTER, PA 18974
 (215) 431-5187

29116
 CALLOWAY LABORATORIES INC—SC
 34 COMMERCE WAY
 WOBURN, MA 01801
 (781) 224-9899

00107
 CANONSBURG GENERAL HOSPITAL—S
 100 MEDICAL BOULEVARD
 CANONSBURG, PA 15317
 (724) 745-3916

00131
 CARLISLE REGIONAL MEDICAL CENTER—S
 361 ALEXANDER SPRING ROAD
 CARLISLE, PA 17015-9129
 (717) 249-1212

00751
 CEDAR CREST EMERGICENTER—S
 1101 SOUTH CEDAR CREST BOULEVARD
 ALLENTOWN, PA 18103
 (610) 435-3111

00132
 CHAMBERSBURG HOSPITAL DEPT OF PATH-
 OLOGY—S
 112 NORTH SEVENTH STREET
 CHAMBERSBURG, PA 17201
 (717) 267-7153

00310
 CHARLES COLE MEMORIAL HOSPITAL—S
 1001 EAST SECOND STREET
 COUDERSPORT, PA 16915
 (814) 274-5510

00198
 CHESTER COUNTY HOSPITAL—S
 701 E MARSHALL ST
 WEST CHESTER, PA 19380
 (610) 431-5182

00227
 CHESTNUT HILL HOSPITAL—S
 8835 GERMANTOWN AVENUE
 DEPT OF PATHOLOGY
 PHILADELPHIA, PA 19118
 (215) 248-8113

00228
 CHILDRENS HOSP OF PHILADELPHIA—S
 ONE CHILDRENS CENTER 34TH & CIVIC
 PHILADELPHIA, PA 19104
 (215) 590-4446

00329
 CLARION HOSPITAL—S
 1 HOSPITAL DRIVE
 CLARION, PA 16214
 (814) 226-9500

00026
 CLEARFIELD HOSPITAL—S
 809 TURNPIKE AVENUE
 P. O. BOX 992
 CLEARFIELD, PA 16830
 (814) 768-2280

27845
 CLINICAL REFERENCE LABORATORY—SC
 8433 QUIVIRA ROAD
 LENEXA, KS 66215
 (913) 492-3652

24916
 CLINICAL SCIENCE LABORATORY INC—SC
 51 FRANCIS AVENUE
 MANSFIELD, MA 02048
 (508) 339-6106

00005
 COMMUNITY MEDICAL CENTER—S
 1800 MULBERRY STREET
 SCRANTON, PA 18510
 (570) 969-8000

00125
 CONEMAUGH VALLEY MEMORIAL HOSP—S
 LABORATORY DEPT
 1086 FRANKLIN STREET
 JOHNSTOWN, PA 15905
 (814) 534-9000

00326
 CORRY MEMORIAL HOSPITAL—S
 612 WEST SMITH STREET
 CORRY, PA 16407
 (814) 664-4641

00201
 CROZER CHESTER MED CENTER—S
 1 MEDICAL CENTER BOULEVARD
 UPLAND, PA 19013
 (610) 447-2000

00209
 CROZER-CHESTER MED CTR-SPRINGFLD—S
 190 WEST SPROUL ROAD
 SPRINGFIELD, PA 19064
 (610) 447-2000

00204
 DELAWARE COUNTY MEMORIAL HOSP—S
 501 NORTH LANSDOWNE AVENUE
 DREXEL HILL, PA 19026-1186
 (610) 284-8100

00266
DEPT OF PATHOLOGY & LAB MED-HUP—SC
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-3423

28893
DOMINION DIAGNOSTICS LLC—SC
211 CIRCUIT DRIVE
NORTH KINGSTOWN, RI 02852
(401) 667-0800

00194
DOYLESTOWN HOSPITAL—S
ATTN: JUDY RYAN
595 W STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250

00977
DRUGSCAN INC—SC
1119 MEARN'S RD
P. O. BOX 2969
WARMINSTER, PA 18974
(215) 674-9310

00175
EASTON HOSPITAL—S
250 SOUTH 21ST ST
EASTON, PA 18042-3892
(610) 250-4819

00332
ELLWOOD CITY HOSPITAL—S
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081

31625
EMPIRE CITY LABORATORIES—S
4306 3RD AVENUE
2ND FLOOR
BROOKLYN, NY 11232
(516) 941-7244

00164
EPHRATA COMMUNITY HOSPITAL—S
169 MARTIN AVE
P. O. BOX 1002
EPHRATA, PA 17522
(717) 733-0311

00032
ERHC ST MARYS LABORATORY—S
763 JOHNSONBURG RD
SAINT MARYS, PA 15857
(814) 788-8525

00181
EVANGELICAL COMMUNITY HOSPITAL—S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

00115
FRICK HOSPITAL—S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500

20644
FRIENDS HOSPITAL—S
4641 ROOSEVELT BOULEVARD
PHILADELPHIA, PA 19124-2399
(215) 831-4600

09163
FRIENDS MEDICAL LAB INC—SC
5820 SOUTHWESTERN BLVD
BALTIMORE, MD 21227
(412) 247-4417

00330
FULTON COUNTY MEDICAL CENTER—S
214 PEACH ORCHARD ROAD
MCCONNELLSBURG, PA 17233
(717) 485-6169

30188
GARCIA CLINICAL LABORATORY INC—S
2195 SPRING ARBOR ROAD
JACKSON, MI 49201
(517) 787-9200

00173
GEISINGER MEDICAL LABORATORIES—SC
100 N ACADEMY AVENUE
DANVILLE, PA 17822-0131
(570) 271-6338

00019
GEISINGER WYOMING VALLEY MED CTR—S
1000 E MOUNTAIN DRIVE
WILKES BARRE, PA 18711
(570) 826-7830

26799
GHHA/HHWC OCC HEALTH LAB—S
50 MOISEY DRIVE
HAZLETON, PA 18202
(570) 459-1028

00152
GNADEN HUETTEN MEMORIAL HOSP—S
211 NORTH 12TH STREET
LEHIGHTON, PA 18235
(610) 377-7083

00299
GOOD SAMARITAN HOSPITAL—S
4TH & WALNUT STS
P. O. BOX 1281
LEBANON, PA 17042-1218
(717) 270-7986

00654
GUTHRIE CLINIC LABORATORIES—S
ONE GUTHRIE SQUARE
SAYRE, PA 18840
(570) 882-4160

00239
HAHNEMANN UNIVERSITY HOSPITAL—S
BROAD & VINE STS MS 113
PHILADELPHIA, PA 19102
(215) 762-1783

00139
HANOVER HOSPITAL LABORATORY—S
300 HIGHLAND AVE
HANOVER, PA 17331
(717) 637-3711

00010
HAZLETON GENERAL HOSPITAL—S
700 EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4152

00169
HEALTH NETWORK LABORATORIES—S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-8150

00549
HEALTH NETWORK LABORATORIES—S
1200 SOUTH CEDAR CREST BLVD
ALLENTOWN, PA 18103
(610) 402-8150

00600
HEALTH NETWORK LABORATORIES—S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(610) 402-8150

24655
HEALTH NETWORK LABORATORIES—SC
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

00166
HEART OF LANCASTER REGIONAL MEDICAL
CENTER—S
1500 HIGHLANDS DRIVE
LITITZ, PA 17543
(717) 625-5605

00205
HERITAGE VALLEY BEAVER—S
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009
(724) 728-7000

00101
HERITAGE VALLEY SEWICKLEY LAB—S
720 BLACKBURN RD
SEWICKLEY, PA 15143
(412) 741-6600

00103
HIGHLANDS HOSPITAL—S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500

00216
HOLY REDEEMER HOSPITAL—S
1648 HUNTINGDON PIKE
MEADOWBROOK, PA 19046
(215) 947-3000

00130
HOLY SPIRIT HOSPITAL—S
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206

00052
INDIANA REGIONAL MEDICAL CENTER—S
HOSPITAL ROAD
P. O. BOX 788
INDIANA, PA 15701-0788
(724) 357-7167

00135
J C BLAIR MEMORIAL HOSPITAL—S
1225 WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

00054
JAMESON MEMORIAL HOSPITAL—S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4080

00240
JEANES HOSPITAL—S
7600 CENTRAL AVE
PHILADELPHIA, PA 19111
(215) 728-2347

00038
JEFFERSON REGIONAL MED CTR—S
P. O. BOX 18119
565 COAL VALLEY ROAD
PITTSBURGH, PA 15236
(412) 469-5723

00200
JENNERSVILLE REGIONAL HOSPITAL—S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080

00312
JERSEY SHORE HOSPITAL—S
1020 THOMPSON STREET
JERSEY SHORE, PA 17740
(570) 398-0100

00532
KENSINGTON HOSPITAL—S
136 WEST DIAMOND STREET
PHILADELPHIA, PA 19122
(215) 426-8100

21306
LAB CORP OCCUPATIONAL TEST SRVCS—SC
1120 STATELINE ROAD WEST
SOUTHAVEN, MS 38671
(886) 827-8042

20512
LABCORP OCCUPATIONAL TESTING SER—SC
1904 ALEXANDER DRIVE
P. O. BOX 12652
RESEARCH TRIANGLE PARK, NC 27709
(919) 361-7700

01088
LABCORP OF AMERICA HOLDINGS—SC
69 FIRST AVENUE
P. O. BOX 500
RARITAN, NJ 08869
(908) 526-2400

00165
LANCASTER GENERAL HOSPITAL—S
555 N DUKE STREET,
P. O. BOX 3555
LANCASTER, PA 17604
(717) 544-4331

00167
LANCASTER REGIONAL MED CENTER—S
250 COLLEGE AVENUE
P. O. BOX 3434
LANCASTER, PA 17604
(717) 291-8022

00215
LANSDALE HOSPITAL—S
100 MEDICAL CAMPUS DRIVE
LANSDALE, PA 19446
(215) 361-4625

00114
LATROBE AREA HOSPITAL—S
ONE MELLON WAY
LATROBE, PA 15650
(724) 537-1550

- 00138
LEWISTOWN HOSPITAL—S
400 HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 242-7474
- 24802
LGH DIAB/HBP/DUKE-LIME ST CAMPUS—S
620 N DUKE STREET DUKE & LIME STREET
CAMPUS LABS
LANCASTER, PA 17604
(717) 544-4331
- 00030
LOCK HAVEN HOSPITAL—S
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000
- 00193
LOWER BUCKS HOSPITAL LABORATORY—S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9300
- 00639
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH
SYSTEM—S
300 HALKET STREET
PITTSBURGH, PA 15213
(412) 647-4651
- 00213
MAIN LINE HEALTH LAB-BRYN MAWR—S
130 S BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554
- 00242
MAIN LINE HEALTH LABORATORIES—S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615
- 00199
MAIN LINE HEALTH LABS-PAOLI—S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000
- 00206
MAIN LINE HEALTH LABS-RIDDLE—S
1068 W BALTIMORE PIKE
MEDIA, PA 19063
(610) 891-3339
- 00004
MARIAN COMMUNITY HOSPITAL—S
100 LINCOLN AVENUE
CARBONDALE, PA 18407
(570) 281-1042
- 27684
MARWORTH—S
BOX 36 LILLY LAKE ROAD
WAVERLY, PA 18471
(570) 563-1112
- 09003
MAYO CLINIC DEPT LAB MED & PATH—SC
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018
- 00049
MEADVILLE MED CTR-LIBERTY ST—S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-5000
- 05574
MEDTOX LABORATORIES INC—SC
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(651) 286-6217
- 00140
MEMORIAL HOSPITAL CLINICAL LAB—S
325 S BELMONT STREET
P. O. BOX 15118
YORK, PA 17403
(717) 843-8623
- 00023
MEMORIAL HOSPITAL LAB—S
91 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191
- 00203
MERCY FITZGERALD HOSPITAL—S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262
- 00247
MERCY HEALTH LAB/MHOP—S
501 S 54TH STREET
PHILADELPHIA, PA 19143
(215) 748-9181
- 00219
MERCY HEALTH LAB/MSH—S
2701 DEKALB PIKE
NORRISTOWN, PA 19401
(610) 278-2078
- 28436
METHODIST DIV TJUH CLINICAL LAB—S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9057
- 31050
MILLENIUM LABORATORIES—SC
16981 VIA TAZON
SUITE F
SAN DIEGO, CA 92127
(858) 451-3535
- 00128
MINERS MEDICAL CENTER—S
290 HAIDA AVENUE
P. O. BOX 689
HASTINGS, PA 16646
(814) 247-3100
- 28907
MIRMONT TREATMENT CENTER—S
100 YEARSLEY MILL ROAD
LIMA, PA 19063
(610) 744-1400
- 00108
MONONGAHELA VALLEY HOSPITAL INC—S
1163 COUNTRY CLUB ROAD
MONONGAHELA, PA 15063
(724) 258-1021

00217
MONTGOMERY HOSPITAL LAB—S
POWELL & FORNANCE STS
NORRISTOWN, PA 19401
(610) 270-2173

00214
MOSS REHAB EINSTEIN AT ELKINS PARK—S
60 EAST TOWNSHIP LINE ROAD
ATTN: LAB
ELKINS PARK, PA 19027
(215) 456-6150

00025
MOUNT NITTANY MEDICAL CENTER—S
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

00035
MUNCY VALLEY HOSPITAL—S
215 EAST WATER ST
MUNCY, PA 17756
(570) 546-8282

00304
NASON HOSPITAL—S
105 NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-2141

00504
NATIONAL MED SVCS INC/DBA NMS LABS—SC
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

00248
NAZARETH HOSPITAL—S
2601 HOLME AVE
PHILADELPHIA, PA 19152
(215) 335-6245

27246
NORCHEM DRUG TESTING LABORATORY—SC
1760 EAST ROUTE 66
SUITE 1
FLAGSTAFF, AZ 86004
(928) 526-1011

29741
NORTHERN TIER RESEARCH—SC
1300 OLD PLANK ROAD
MAYFIELD, PA 18433
(570) 351-6153

30984
OFFICE OF THE DISTRICT ATTORNEY—S
37 E HIGH STREET
FORENSIC LAB
CARLISLE, PA 17103
(717) 240-6526

00099
OHIO VALLEY GENERAL HOSPITAL—S
25 HECKEL RD
MCKEES ROCKS, PA 15136
(412) 777-6161

00250
PARKWAY CLINICAL LABORATORIES—S
3494 PROGRESS DRIVE
SUITE D
BENSALEM, PA 19020
(215) 245-5112

00520
PC LAB INC—SC
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118

00258
PENN PRESBYTERIAN MEDICAL CENTER—S
51 NORTH 39TH ST
DEPT OF PATH & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435

00316
PENN STATE MILTON S HERSHEY MED CTR—S
500 UNIVERSITY DRIVE
HERSHEY, PA 17033
(717) 531-8353

22533
PENNSYLVANIA DEPT OF HEALTH—SC
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

31082
PHAMATECH INC—SC
10151 BARNES CANYON ROAD
SAN DIEGO, CA 92121
(858) 643-5555

00197
PHOENIXVILLE HOSPITAL LABORATORY—S
140 NUTT ROAD DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612

00157
PINNACLE HEALTH AT COMMUNITY GENERAL
HOSPITAL—S
4300 LONDONDERRY ROAD
P. O. BOX 3000
HARRISBURG, PA 17109
(717) 782-3340

00155
PINNACLE HEALTH AT HARRISBURG HOSPITAL
LAB—S
100 SOUTH 2ND STREET
HARRISBURG, PA 17101
(717) 782-3340

00022
POCONO MEDICAL CENTER LAB—S
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00221
POTTSTOWN HOSPITAL COMPANY, LLC—S
1600 EAST HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7000

21648
PSYCHEMEDICS CORPORATION—SC
5832 UPLANDER WAY
CULVER CITY, CA 90230
(800) 522-7424

00300
PUNXSUTAWNEY AREA HOSPITAL—S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-1820

- 22715
QUEST DIAGNOSTICS—SC
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770
- 31399
QUEST DIAGNOSTICS—SC
EMPLOYER SOLUTIONS
1777 MONTREAL CIRCLE
TUCKER, GA 30084
(770) 936-5007
- 09620
QUEST DIAGNOSTICS CLIN LABS INC—SC
8401 FALLBROOK AVENUE
WEST HILLS, CA 91304
(818) 737-6268
- 00315
QUEST DIAGNOSTICS CLINICAL LABS INC—SC
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300
- 27461
QUEST DIAGNOSTICS INC—SC
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4219
- 01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC
14225 NEWBROOK DRIVE
P. O. BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900
- 22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—S
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543
- 00482
QUEST DIAGNOSTICS OF PA INC—SC
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600
- 25461
QUEST DIAGNOSTICS VENTURE LLC—SC
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631
- 24249
QUINTILES LABORATORIES LTD—SC
1600 TERRELL MILL ROAD
SUITE 100
MARIETTA, GA 30067
(770) 373-3500
- 00150
READING HOSPITAL & MED CTR—S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080
- 25348
REDWOOD TOXICOLOGY LABORATORY—SC
3650 WESTWIND BOULEVARD
SANTA ROSA, CA 95403
(707) 577-7958
- 00243
ROXBOROUGH MEMORIAL HOSPITAL—S
5800 RIDGE AVE
PHILADELPHIA, PA 19128
(215) 487-4394
- 30821
RXTOX INC—SC
51 PROF PLAZA, 850 CLAIRTON BLVD
SUITE 1300
PITTSBURGH, PA 15236
(412) 460-1310
- 00171
SACRED HEART HOSPITAL—S
4TH & CHEW STS
ATTN LAB DEPT
ALLENTOWN, PA 18102
(610) 776-4727
- 00087
SAINT CLAIR MEMORIAL HOSPITAL—S
1000 BOWER HILL RD
PITTSBURGH, PA 15243
(412) 561-4900
- 00174
SAINT LUKES HOSPITAL—S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 954-4558
- 00328
SAINT MARY MEDICAL CENTER—S
LANGHORNE-NEWTOWN RD
LANGHORNE, PA 19047
(215) 710-2162
- 29838
SAN DIEGO REFERENCE LABORATORY—SC
6122 NANCY RIDGE DRIVE
SAN DIEGO, CA 92121
(800) 677-7995
- 00182
SCHUYLKILL MC E NORWEGIAN ST—S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032
- 00183
SCHUYLKILL MC S JACKSON ST—S
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262
- 28471
SECON OF LOUISIANA—S
825 KALISTE SALOOM RD
BRANDYWINE 1 SUITE 100
LAFAYETTE, LA 70508
(337) 235-3712
- 29038
SECON OF NEW ENGLAND—SC
415 MAIN STREET
4TH FLOOR
WORCESTER, MA 01608
(508) 831-0703
- 00185
SHAMOKIN AREA COMMUNITY HOSPITAL—S
4200 HOSPITAL ROAD
COAL TOWNSHIP, PA 17866-9697
(570) 644-4200

- 00064
SHARON REGIONAL HEALTH SYSTEM—S
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911
- 27649
SMA MEDICAL LABORATORIES—S
940 PENNSYLVANIA BOULEVARD UNIT E
FEASTERVILLE, PA 19053
(215) 322-6590
- 00039
SOLDIERS & SAILORS MEM HOSP—S
CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 723-0133
- 00297
SOMERSET HOSPITAL CENTER FOR HEALTH—S
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5000
- 00361
ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S
101 BROAD STREET
ASHLAND, PA 17921
(570) 875-5988
- 00260
ST CHRISTOPHERS HOSP FOR CHILDREN—S
ERIE AVENUE AT FRONT STREET
PHILADELPHIA, PA 19134
(215) 427-4207
- 00151
ST JOSEPH QUALITY MEDICAL LAB—SC
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200
- 00261
ST JOSEPH'S HOSPITAL-DIV NPHS—S
16TH ST & GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000
- 00318
ST LUKES HOSP ALLENTOWN CAMPUS—S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 628-8646
- 00180
ST LUKES MINERS MEMORIAL HOSPITAL—S
360 WEST RUDDLE STREET
P. O. BOX 67
COALDALE, PA 18218
(570) 645-2131
- 29015
STERLING REFERENCE LABORATORIES—SC
2617 EAST L STREET #A
TACOMA, WA 98421-2205
(253) 552-1551
- 00094
SUBURBAN CLINICAL LABORATORY—S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
(412) 734-6020
- 00187
SUNBURY COMMUNITY HOSPITAL—S
350 NORTH 11TH STREET
SUNBURY, PA 17801
(570) 286-3491
- 31474
TASC INC—SC
2234 N 7TH STREET
PHOENIX, AZ 85006
(602) 257-7588
- 00207
TAYLOR HOSPITAL DIV OF CCMC—S
175 EAST CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450
- 00235
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 707-4353
- 00265
TEMPLE UNIVERSITY HOSPITAL—S
3401 N BROAD ST
PHILADELPHIA, PA 19140
(215) 707-4353
- 00104
THE UNIONTOWN HOSPITAL LABORATORY—S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143
- 00085
THE WESTERN PA HOSP-FORBES REGIONAL
CAMPUS—S
2570 HAYMAKER ROAD
MONROEVILLE, PA 15146
(412) 858-2560
- 00241
THOMAS JEFFERSON UNIVERSITY HOSP—S
125 S. 11TH ST
204 PAVILLION
PHILADELPHIA, PA 19107
(215) 955-1644
- 00051
TITUSVILLE AREA HOSPITAL—S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851
- 00336
TRINITY MEDICAL CENTER—S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100
- 00313
TYLER MEMORIAL HOSPITAL—S
880 SR 6 W
TUNKHANNOCK, PA 18657-6149
(570) 836-4705
- 00124
TYRONE HOSPITAL—S
187 HOSPITAL DRIVE
TYRONE, PA 16686
(814) 684-6384
- 00121
UPMC BEDFORD MEMORIAL—S
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506

00059
UPMC HORIZON GREENVILLE—S
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100

00057
UPMC HORIZON SHENANGO—S
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500

00098
UPMC MCKEESPORT LABORATORY—S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233

00082
UPMC MERCY DEPT OF LAB MEDICINE—S
1400 LOCUST STREET
PITTSBURGH, PA 15219
(412) 232-7831

00058
UPMC NORTHWEST—S
100 FAIRFIELD DRIVE
SENECA, PA 16346
(814) 676-7120

05784
UPMC PASSAVANT LABORATORY CRANBERRY—S
ONE ST FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5370

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

00091
UPMC SAINT MARGARET HOSPITAL—S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000

00092
UPMC SHADYSIDE—S
5230 CENTRE AVENUE
GROUND FLOOR
WEST WING
PITTSBURGH, PA 15232
(412) 623-5950

27225
US DRUG TESTING LABORATORIES INC—SC
1700 SOUTH MOUNT PROSPECT ROAD
DES PLAINES, IL 60018
(847) 375-0770

00335
VALLEY FORGE MED CTR & HOSP—S
1033 W GERMANTOWN PIKE
NORRISTOWN, PA 19403
(610) 539-8500

00066
WARREN GENERAL HOSPITAL—S
2 CRESCENT PARK
WARREN, PA 16365
(814) 726-3860

00298
WAYNE MEMORIAL HOSPITAL—S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

00133
WAYNESBORO HOSPITAL—S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

00095
WESTERN PENNSYLVANIA HOSPITAL—S
4800 FRIENDSHIP AVE
PITTSBURGH, PA 15224
(412) 578-5779

30245
WESTFIELD HOSPITAL LABORATORY—S
4815 W TILGHMAN STREET
ALLENTOWN, PA 18104
(610) 973-8425

00112
WESTMORELAND REGIONAL HOSPITAL—S
532 W PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

00037
WILLIAMSPORT HOSP & MED CENTER—S
777 RURAL AVENUE
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

00018
WVHCS HOSP DBA PENNANT LABORATORY—SC
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

00141
YORK HOSPITAL—S
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1104. Filed for public inspection July 1, 2011, 9:00 a.m.]

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under the Clinical Laboratory Act

The following laboratories are licensed in accordance with The Clinical Laboratory Act (35 P. S. §§ 2151—2165), 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, 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 of 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 of 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 micrograms per deciliter 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 micrograms per deciliter.

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 des-

ignated 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 or location of a laboratory is sometimes changed but the 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 or location 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 or location of the facility changed, the Clinical Laboratory Permit number of the facility at the time the list was prepared is included in the list of approved laboratories above the name of the laboratory.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services in accordance with 42 CFR 493.901 and 493.937 (relating to approval of proficiency testing programs; and toxicology), 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, 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, Braille) should contact Dr. Shoemaker at the previously referenced 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).

22912
ACL LABORATORIES—LP
8901 WEST LINCOLN AVE
WEST ALLIS, WI 53227
(414) 328-7945

29169
ADVANCED TOXICOLOGY NETWORK—LP
3560 AIR CENTER COVE
SUITE 101
MEMPHIS, TN 38118
(901) 794-5770

00016
ANGELINE KIRBY MEM HEALTH CENTER—L
71 NORTH FRANKLIN STREET
WILKES BARRE, PA 18701
(570) 822-4278

24997
ATLANTIC DIAGNOSTIC LABORATORIES LLC—LP
3520 PROGRESS DRIVE UNIT C
BENSALEM, PA 19020
(267) 525-2470

26302
BDHG FAMILY MEDICINE AND PEDIATRICS—P
935 HIGHLAND BLVD
SUITE 2200
BOZEMAN, MT 59715
(406) 587-5123

- 20506
CENTRAL PA ALLIANCE LABORATORY—L
1803 MT ROSE AVENUE
SUITE C3-C4
YORK, PA 17403
(717) 851-1426
- 00228
CHILDRENS HOSP OF PHILADELPHIA—L
ONE CHILDRENS CENTER 34TH & CIVIC
PHILADELPHIA, PA 19104
(215) 590-4446
- 31847
DOCTOR'S DATA, INC.—L
3755 ILLINOIS AVENUE
ST. CHARLES, IL 60174-2420
(630) 377-8139
- 00561
EAST PENN MFG CO INC—LP
DEKA RD KELLER TECH CENTER
PO BOX 147
LYONS STATION, PA 19536
(610) 682-6361
- 00332
ELLWOOD CITY HOSPITAL—LP
724 PERSHING ST
ELLWOOD CITY, PA 16117
(724) 752-0081
- 31378
ENZO CLINICAL LABS—L
60 EXECUTIVE BLVD
FARMINGDALE, NY 11735
(631) 755-5500
- 00173
GEISINGER MEDICAL LABORATORIES—L
100 N ACADEMY AVENUE
DANVILLE, PA 17822—0131
(570) 271-6338
- 25914
GENOVA DIAGNOSTICS—L
63 ZILLICOA STREET
ASHEVILLE, NC 28801
(828) 253-0621
- 20802
HAGERSTOWN MEDICAL LABORATORY—L
11110 MEDICAL CAMPUS RD
STE 230
HAGERSTOWN, MD 21742
(301) 790-8670
- 24655
HEALTH NETWORK LABORATORIES—L
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150
- 05618
LAB CORP OF AMERICA HOLDINGS—LP
6370 WILCOX ROAD
DUBLIN, OH 43016-1296
(800) 282-7300
- 21885
LAB CORP OF AMERICA HOLDINGS—LP
1447 YORK COURT
BURLINGTON, NC 27215
(800) 334-5161
- 01088
LABCORP OF AMERICA HOLDINGS—LP
69 FIRST AVENUE
PO BOX 500
RARITAN, NJ 08869
(908) 526-2400
- 00242
MAIN LINE HEALTH LABORATORIES—L
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615
- 29685
MAYO CLINIC DEPARTMENT OF LAB MEDICINE &
PATHOLOGY—L
3050 SUPERIOR DRIVE NW
ROCHESTER, MN 55901
(507) 538-3458
- 09003
MAYO CLINIC DEPT LAB MED & PATH—P
200 FIRST STREET SW HILTON 530
ROCHESTER, MN 55905
(507) 284-3018
- 29251
MAYO MEDICAL LABORATORIES NEW
ENGLAND—LP
160 DASCUMB ROAD
ANDOVER, MA 01810
(978) 658-3600
- 24668
MCMURRAY PEDIATRIC & ADOLESCENT
MEDICINE—L
6000 WATERDAM PLAZA DRIVE #280
MCMURRAY, PA 15317
(724) 941-8199
- 05574
MEDTOX LABORATORIES INC—LP
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(651) 286-6217
- 00504
NATIONAL MED SVCS INC/DBA NMS LABS—LP
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900
- 30553
NATIONWIDE CHILDRENS HOSPITAL—LP
CORE LAB AND LAB INFORMATION SYSTEMS
700 CHILDRENS DRIVE
COLUMBUS, OH 43205
(614) 722-5376
- 23801
PACIFIC TOXICOLOGY LABORATORIES—LP
9348 DE SOTO AVENUE
CHATSWORTH, CA 91311
(818) 598-3110
- 02125
PED ALLIANCE ST CLAIR PED DIV—L
1580 MCLAUGHLIN RUN ROAD
PINERIDGE COMMONS
SUITE 208
UPPER ST CLAIR, PA 15241
(412) 221-2121
- 25170
PEDIATRIC CARE SPECIALISTS—L
1322 EISENHOWER BOULEVARD
JOHNSTOWN, PA 15904
(814) 266-8840

22533
PENNSYLVANIA DEPT OF HEALTH—LP
110 PICKERING WAY
EXTON, PA 19341
(610) 280-3464

00022
POCONO MEDICAL CENTER LAB—L
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

00324
PRIMARY CARE HLTH SERV INC LAB—L
7227 HAMILTON AVE
PITTSBURGH, PA 15208
(412) 244-4728

00255
PUBLIC HEALTH LAB CITY OF PHILA—L
500 SOUTH BROAD STREET
ROOM 359
PHILADELPHIA, PA 19146
(215) 685-6812

22715
QUEST DIAGNOSTICS—LP
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

00669
QUEST DIAGNOSTICS INCORPORATED—L
ONE MALCOLM AVENUE
TETERBORO, NJ 07608
(201) 393-5895

21422
QUEST DIAGNOSTICS INCORPORATED—LP
1901 SULPHUR SPRING ROAD
BALTIMORE, MD 21227
(301) 247-9100

01136
QUEST DIAGNOSTICS NICHOLS INSTITUTE—LP
14225 NEWBROOK DRIVE
PO BOX 10841
CHANTILLY, VA 20153-0841
(703) 802-6900

22376
QUEST DIAGNOSTICS NICHOLS INSTITUTE OF
VALENCIA—L
27027 TOURNEY ROAD
VALENCIA, CA 91355
(661) 799-6543

00482
QUEST DIAGNOSTICS OF PA INC—LP
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

25461
QUEST DIAGNOSTICS VENTURE LLC—LP
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

00150
READING HOSPITAL & MED CTR—L
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080

31527
SHIEL MEDICAL LABORATORY—L
63 FLUSHING AVENUE
BROOKLYN NAVY YARD UNIT 336
BROOKLYN, NY 11205
(718) 552-1000

00151
ST JOSEPH QUALITY MEDICAL LAB—L
2500 BERNVILLE ROAD
READING, PA 19605-9453
(610) 378-2200

00104
THE UNIONTOWN HOSPITAL LABORATORY—L
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143

00083
UPMC PRESBYTERIAN SHADYSIDE CP PUH—L
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

00018
WVHCS HOSP DBA PENNANT LABORATORY—L
575 NORTH RIVER STREET
WILKES BARRE, PA 18764
(570) 829-8111

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1105. Filed for public inspection July 1, 2011, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Reformed Presbyterian Home
2344 Perrysville Avenue
Pittsburgh, PA 15214

Villa St. Joseph of Baden, Inc.
1030 State Street
Baden, PA 15005

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station).

Souderton Mennonite Homes
207 West Summit Street
Souderton, PA 18964
FAC ID 050202

These requests are on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1106. Filed for public inspection July 1, 2011, 9:00 a.m.]

Personal Responsibility Education Program; Request for Applications

The Department of Health (Department) has been awarded funding for the Personal Responsibility Education Program (PREP). PREP funding is mandatory formula funding for states and territories from the Administration for Children and Families. PREP funds are to be used for programs that educate adolescents on abstinence, contraception and adulthood preparation subjects including healthy relationships, adolescent development, healthy life skills, financial literacy, parent-child communication and educational and career success.

The Department plans to issue a Request for Application (RFA) for institutions and organizations in this Commonwealth to support personal responsibility education programs that replicate evidence-based effective program models (Rikers Health Advocacy Program or Street Smart) to change behavior, which means delaying sexual activity, increasing condom or contraceptive use for sexually active youth or reducing pregnancy among youth. The RFA, along with any supporting documentation, will be posted at <http://www.emarketplace.state.pa.us> on June 24, 2011. No questions regarding this RFA will be answered outside the normal RFA process.

Persons with a disability who require an alternative format of this document (for example, large print, audio tape or Braille) should contact Abigail Coleman, Public Health Program Administrator, Division of Child and Adult Health at (717) 772-2762, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-1107. Filed for public inspection July 1, 2011, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Thursday, July 28, 2011, from 10 a.m. to 5 p.m. at the Department of Labor and Industry, 651 Boas Street, Room E-100, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.state.pa.us. Scroll down and click on the link for UCC Review and Advisory Council.

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 11-1108. Filed for public inspection July 1, 2011, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Designated Exceptional Durable Medical Equipment

In accordance with the Department of Public Welfare's (Department) currently approved State Plan, the Department is required to publish an annual list of exceptional durable medical equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2010, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as Exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of Exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semi-electric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

(3) *Augmentative communication devices.* Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies).*

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

Effective Date

This notice is effective upon publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit petitions for the Department to consider additions to the Exceptional DME list or written comments regarding this notice to Marilyn Yocum, Department of Public Welfare/Department of Aging, Office of Long-Term Living, 555 Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania

AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Acting Secretary

Fiscal Note: 14-NOT-698. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1109. Filed for public inspection July 1, 2011, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Green Hill MHC, LLC v. DEP; EHB Doc. No. 2011-093-L

Green Hill MHC, LLC has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Green Hill MHP for a facility in Marlborough Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 11-1110. Filed for public inspection July 1, 2011, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the 31st publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this time.			
AGING			
PA Code Title VI Chapter 15 Protective Services for Older Adults	December 2011, as proposed.	The Older Adults Protective Services Act is under review in light of the decision of the PA Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law to be unconstitutional. Regulations are routinely being reviewed as numerous pieces of pending legislation are being considered.	Denise Getgen 717-772-0184
PA Code Title VI Chapter 23 Long-Term Care Ombudsman Program	December 2011, as proposed.	The Department wishes to promulgate regulations for the Long-Term Care Ombudsman program in order to bring it into conformity with national standards.	Bob McNamara 717-772-3688
AGRICULTURE			
Domestic Animal 7 Pa. Code Chapter 2, 3, and 16	July 2011, as proposed.	The long-term project is intended to update the Department's Regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Craig E. Shultz, DVM, Director (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	March 2012, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate Cervidae livestock operations. Act 51 of 2006 further amended the requirements for Cervidae livestock operations. (3 Pa.C.S. §§ 2303—2380.9).	Craig E. Shultz, DVM, Director (717) 772-2852
Animal Exhibition Sanitation 7 Pa. Code Chapter 20a	March 2012, as proposed.	Act 211 of 2002 requires the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement. (3 Pa C.S. §§ 2501—2504).	Craig E. Shultz, DVM, Director (717) 772-2852
Biofuels 70 Pa. Code Chapter 11	December 2011, as proposed.	This regulation will satisfy the requirements of Act 78 of 2008 (the Biofuel Development and In-State Production Incentive Act).	John Dillabaugh (717) 787-6772
Weights and Measures Regulations 70 Pa. Code Chapters 1—101	December 2011, as proposed	This long-term project is intended to update the Department's regulations authorized by the Consolidated Weights and Measures Act.	John Dillabaugh (717) 787-6772
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	October 2011, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health, and medication, wagering, due process and disciplinary action.	Jorge Augusto (717) 787-8744
Horse Racing Commission 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173	October 2011, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in thoroughbred horse racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173 including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Jorge Augusto (717) 787-8744

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Commercial Feed Rules and Regulations 7 Pa. Code Chapter 71	September 2011, as proposed	This regulation will replace 7 Pa. Code Chapter 71 and implement provisions of 3 Pa.C.S. §§ 5101—5115 (Commercial Feed Act)	John Breitsman (717) 772-5215
Pet Food Rules and Regulations 7 Pa. Code Chapter 72	September 2011, as proposed.	This regulation will replace 7 Pa. Code Chapter 72 and implement provisions of 3 Pa.C.S. §§ 5101—5115 (Commercial Feed Act)	John Breitsman (717) 772-5215
Fertilizer Regulations 7 Pa. Code Chapter 73	September 2012, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	September 2012, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S. §§ 6901—6921 (Soil and Plant Amendment Act).	John Breitsman (717) 772-5215
Clean and Green Regulations 7 Pa. Code Chapter 137b	June 2011, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, Act 88 of 2010 and Act 109 of 2010 and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Agriculture Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	December 2011, as proposed	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
PA Food Code 7 Pa. Code Chapter 46	April 2011, as proposed.	This regulation will amend 7 Pa. Code Chapter 46 and implement legislative changes that may occur during the promulgation process.	Lydia Johnson (717) 787-4315
BANKING			
Annual Assessment Regulation pursuant to the Credit Union Code and the Department of Banking Code	Early 2012	17 Pa.C.S. § 503(a); 71 P. S. § 733-204.A.	Carter D. Frantz Chief Counsel 717-787-1471
Regulation governing the conduct of debt settlement services pursuant to the Debt Management Services Act.	Late 2012	63 P. S. §§ 2403(b) and 2417(4).	Carter D. Frantz Chief Counsel 717-787-1471
Regulation governing filing and pleading procedures for Department administrative proceedings.	Late 2012	71 P. S. § 733-202.C; 7 Pa.C.S. § 6138(a)(4); 63 P. S. § 2417(4); 41 P. S. § 601; 7 P. S. § 6212; 7 P. S. § 6114; 69 P. S. § 637.1; 63 P. S. § 2304(1); 63 P. S. § 281-8(d); 63 P. S. § 456.524.	Carter D. Frantz Chief Counsel 717-787-1471
Regulation governing continuing education under the Debt Management Services Act.	Late 2012	63 P. S. § 2409(c).	Carter D. Frantz Chief Counsel 717-787-1471

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
BOARD OF PARDONS			
COMMUNITY & ECONOMIC DEVELOPMENT			
Local Earned Income Tax (Proposed Regulation)	Summer of 2011	The proposed regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P. S. § 6924.501 et seq.). The proposed regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth.	Steve Fishman (717) 783-8452
COMMISSION ON CRIME AND DELINQUENCY			
37 Pa. Code Chapter 431 Constables' Education and Training Board	July 2011 Proposed	The purpose of this regulation is to eliminate any waivers of the firearms portion of the basic training course, preclude any constable under the age of 21 from participating in the firearms portion of the basic training course and to require a constable who fails a first and second examination in the basic training course bear the financial responsibility for a second or third basic training. Recent statutory changes have necessitated additional updates to the regulations.	John Pfau 265-8546
CONSERVATION & NATURAL RESOURCES			
State Forests (Chapter 21)	Publish proposed rulemaking September 2011	A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502)	Matt Beaver, 717-783-0379 Susan Wood, Esq. 717-772-4171
State Forest Picnic Areas (Chapter 23)	Publish proposed rulemaking September 2011	The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502)	Matt Beaver, 717-783-0379 Susan Wood, Esq. 717-772-4171
Conservation of Pennsylvania Native Wild Plants (Chapter 45)	Publish proposed rulemaking October 2011	Major purpose of rulemaking is to update the lists of native wild plants within the classifications and change the beginning date of the ginseng harvest season from August 1 to September 1. Legal basis: Section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and Section 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.313).	Ellen Shulzabarger 717-214-3813 Susan Wood, Esq. 717-772-4171
CORRECTIONS			
Revisions to 37 Pa. Code Chapter 93	July 2011, as proposed	The Motivational Boot Camp regulations are being revised to eliminate unnecessary staffing provisions.	Timothy Holmes (717) 731-0444
Amendments to 37 Pa. Code § 94.2	August 2011, as proposed	The Inmate Correspondence regulations will be revised to clarify definitions and procedures for incoming inmate mail.	Randall N. Sears (717) 728-7763
Amendments to 37 Pa. Code § 94.4	July, 2011, as proposed	The amendment will restrict the ability of individuals to purchase items from outside the institution for inmates.	Randall Sears (717) 728-7763

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
EDUCATION			
Standards for Approved Private Schools 22 Pa. Code Chapter 171 Subchapter C	Spring 2012, as final.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1-101, et. Seq.	John Tommasini (717) 783-6134
Chapter number to be determined by the Legislative Reference Bureau.	February 2012, as final.	As directed by Act 104 of 2010, the State Board of Education will promulgate new regulations that set forth a model memorandum of understanding between school entities and local police departments; establish protocol for notifying police when certain offenses occur on school property; establish protocol for emergency and non-emergency response by the police; and establish procedures and protocols for the response and handling of students with disabilities.	Karen Molchanow (717) 787-3787
State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Fall 2011, as proposed.	These regulations define the requirements for obtaining licensure or registration and for operating as a Private Licensed School. The regulations also define the investigatory and hearing process for enforcement of statutory and regulatory requirements. The Board plans to update the regulations which were promulgated in 1988 to reflect inflation and to address certain issues that have arisen during that time. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P. S. § 6501, et. Seq.)	Patricia Landis (717) 783-8228
EMERGENCY MANAGEMENT AGENCY			
No regulations being developed or considered at this time.			
ENVIRONMENTAL HEARING BOARD			
PA Code Title 25 Chapter 1021 Practice and Procedure	The Environmental Hearing Board intends to propose corrections to existing rules in early 2011.	The Environmental Hearing Board intends to correct an omission in the language of 25 Pa. Code § 1021.51 which was amended in 2009, and eliminate its rules pertaining to the Costs Act which has expired.	Maryanne Wesdock (412) 565-5245
ENVIRONMENTAL PROTECTION			
Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapter 77	FY 11-12	Revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines for minerals other than coal. Specific areas for revision include clarification of permit application requirements including hydrologic data requirements.	Bill Allen 717-783-9580 wallen@state.pa.us
Water Supply Replacement Surface Mining Conservation & Reclamation Act 25 Pa. Code Chapters 87 and 88	FY 11-12	Revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies.	Greg Shuler 717-783-1199 gshuler@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Remining Requirements (Subchapters F and G Revisions) Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapters 86 and 88	FY 11-12	Amendments to remining requirements in Chapters 86 and 88 (Subchapters F and G) in order to reflect changes enacted in EPA regulations.	Keith Brady 717-787-4814 kbrady@state.pa.us
Federal Office of Surface Mining (OSM) Program Consistency Updates Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapters 86, 89, and 90	FY 11-12	Regulatory package will include amendments to clarify the definition of "mining activities" in Chapter 86 in order to comply with Federal regulatory requirements; revisions to Chapter 89 effluent limits for passive treatment systems to comply with federal regulations; and updates to Chapter 90 coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act.	Bill Allen 717-783-9580 wallen@state.pa.us
Noncoal Mining Fees Noncoal Surface Mining Conservations & Reclamation Act 25 Pa. Code Chapter 77	FY 11-12	Amendments to 25 Pa. Code Chapter 77 in order to implement fees to support the Noncoal Mining Program.	Bill Allen 717-783-9580 wallen@state.pa.us
<i>Coal Mining Permit Fees</i> Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapter 86	FY 11-12	Increase permit application fees to support program activities	Bill Allen 717-783-9580 wallen@state.pa.us
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code Chapter 78 Subchapter C	FY 11-12	Revisions to Chapter 78 (Oil and Gas) Subchapter C, regulating all surface activities associated with Oil and Gas exploration and development, including; changes to PPC planning, production fluid control, storage, disposal and containment in pits/tanks, liner standards for centralized impoundments, disposal of drill cuttings and residual wastes, secondary containment, site restoration, pipelines, water management plans, reporting releases and road spreading of brine.	Scott Perry 717-772-2199 scperry@state.pa.us
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code Chapter 78 Subchapter D	FY 11-12	Revisions to Chapter 78 (Oil and Gas) Subchapter D, regulating the drilling, casing, cementing, completion, operation, production, plugging and other subsurface activities associated with Oil and Gas exploration and development, including revisions to well plugging procedures, venting, alternative methods, and to address the plugging of unconventional wellbore laterals and coal bed methane wells.	Scott Perry 717-772-2199 scperry@state.pa.us
Underground Coal Mine Safety Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	FY 11-12	The rulemaking adopts by reference the MSHA regulations with a few minor edits. The regulation addresses belt flammability standards and maintenance requirements, seal design, construction and maintenance requirements, emergency response requirements, self-contained rescue devices and refuge chambers communication.	Joseph Sbaffoni 724-439-7469 jsbaffoni@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Underground Coal Mine Safety Automated External Defibrillators Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	FY 11-12	This regulation establishes safety standards relating to Automated External Defibrillators in underground bituminous coal mines.	Joseph Sbaffoni 724-439-7469 jsbaffoni@state.pa.us
Underground Coal Mine Safety Reportable Accidents Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	FY 11-12	This rulemaking expands the list of accidents in underground bituminous coal mines that must be reported to the Department within 15 minutes of discovery.	Joseph Sbaffoni 724-439-7469 jsbaffoni@state.pa.us
Safe Drinking Water Fees Safe Drinking Water Act 25 Pa. Code Chapter 109	FY 11-12	Amendments to update drinking water program fees. The fees have not been changed since 1984.	Kevin McLeary 717-783-1820 kmcleary@state.pa.us
Water Quality Standards Review Clean Streams Law 25 Pa. Code Chapters 16 and 93	FY 11-12	This proposed rulemaking will include revisions to the Commonwealth's water quality criteria and standards in Chapters 16 and 93 to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act.	Tom Barron 717-787-9637 tbarron@state.pa.us
Dam Safety and Waterways Management Fees Dam Safety and Encroachments Act and Clean Streams Law 25 Pa. Code Chapter 105	FY 11-12	The purpose of the rulemaking package is to amend existing regulations at 25 Pa. Code Chapter 105 to update existing fees and include additional fees for activities performed by the Department. The fees have not been increased since 1991.	Sidney Freyermuth 717-772-5977 sfreyermuth@state.pa.us
Air Quality Plan Approval and Operating Permit Fees Air Pollution Control Act 25 Pa. Code Chapters 127 and 139	FY 11-12	The final rulemaking amends existing requirements and fees codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees), and adds new categories of fees to Chapter 127, Subchapter I, to address modifications of existing plan approvals and requests for determination of whether a plan approval is required. The rulemaking also adds a new section to address fees for risk assessment applications. The rulemaking amends the existing emission fee paid by the owner or operator of a Title V facility. The rulemaking also adds Subchapter D (relating to testing, auditing and monitoring fees) to Chapter 139 (relating to sampling and testing) to add new categories of fees and to establish a fee schedule to address Department-performed source testing and auditing and monitoring activities for continuous emission monitoring systems (CEMS).	Dean Van Orden (717) 783-9264 dvanorden@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
HEDD—High Electric Demand Days Air Pollution Control Act 25 Pa. Code Chapters 121 and 129	FY 11-12	The proposed rulemaking would amend 25 Pa. Code Chapter 129 to limit emissions of nitrogen oxides (NOx) from electric generating units (EGUs) and emergency generator sets used during non-emergency periods that operate less than 1200 hours per Ozone Season and generate electricity during periods of peak electric demand, including high electric demand days (HEDD), which frequently coincide with periods of high ground-level ozone concentrations. Amendments to § 121.1 (relating to definitions) would also be made to support the proposed amendments to Chapter 129.	Susan Hoyle 717-772-2329 shoyle@state.pa.us
Sulfur Limits in Commercial Fuel Oil Air Pollution Control Act 25 Pa. Code Chapters 121 and 123	FY 11-12	The final rulemaking amends 25 Pa. Code § 123.22 (relating to combustion units) to lower the maximum allowed percent sulfur content in commercial fuel oil sold for and used in combustion units in this Commonwealth, to further limit the emissions of sulfur dioxide (SO ₂) from these sources. Amendments to § 121.1 (relating to definitions) will also be made to support the final amendments to § 123.22. The final rulemaking will ensure consistency with the State Implementation Plan revision submitted by Pennsylvania to meet reasonable progress goals for reducing regional haze.	Susan Hoyle 717-772-2329 shoyle@state.pa.us
Flexible Packaging Printing Presses and Offset Lithographic and Letterpress Printing Presses Air Pollution Control Act 25 Pa. Code Chapter 121 and 129	FY 11-12	The proposed rulemaking would amend 25 Pa. Code Chapter 129 (relating to standards for sources) to add requirements to reduce the emissions of volatile organic compounds (VOCs) from flexible packaging printing presses and offset lithographic printing and letterpress printing presses to meet the Clean Air Act's "reasonably available control measures" requirement for ozone nonattainment areas. The proposal would amend §§ 129.51 and 129.67 (relating to general; and graphic arts systems) and add §§ 129.67a and 129.67b (relating to control of VOC emissions from flexible packaging printing presses; and control of VOC emissions from offset lithographic and letterpress printing presses) to adopt emission limits and work practice standards for flexible packaging printing presses and offset lithographic printing and letterpress printing presses. Amendments to § 121.1 (relating to definitions) would also be made to support the proposed amendments to Chapter 129.	Susan Hoyle 717-772-2329 shoyle@state.pa.us
Repeal of Employer Trip Reduction Air Pollution Control Act 25 Pa. Code Chapter 126, Subchapter B	FY 11-12	This final-omitted rulemaking would repeal the employer trip reduction (ETR) regulations in Chapter 126, Subchapter B (relating to employer trip reduction). The ETR program was originally mandated by the 1990 Amendments of the Clean Air Act. In 1994, the PA General Assembly enacted Act 95 of 1994 suspending the implementation and enforcement of the program because of disproportionate economic costs. Congress has since enacted legislation authorizing states to implement alternative programs.	Susan Hoyle 717-772-2329 shoyle@state.pa.us
Repeal of Portable Fuel Containers Air Pollution Control Act 25 Pa. Code Chapter 130, Subchapter A	FY 11-12	This final-omitted rulemaking would repeal the portable fuel container (PFC) regulations in Chapter 130, Subchapter A (relating to portable fuel containers). This regulation was promulgated at 32 Pa.B. 4819 (October 5, 2002). The United States Environmental Protection Agency subsequently adopted more stringent measures in February 2007 rendering this regulation unnecessary.	Susan Hoyle 717-772-2329 shoyle@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Repeal of St. Joe Resources Company Air Pollution Control Act 25 Pa. Code Chapter 128, § 128.21	FY 11-12	This final-omitted rulemaking would repeal the alternative compliance standard found at § 128.21 (relating to St. Joe Resources Company; Potter Township, Beaver County, PA). Section 128.21 was promulgated at 16 Pa.B. 521 (February 22, 1986). The alternative compliance standard has been superseded by Federally enforceable permit conditions. The standard in § 128.21 is no longer applicable.	Susan Hoyle 717-772-2329 shoyle@state.pa.us
Emissions of Particulate Matter Air Pollution Control Act 25 Pa. Code Chapter 139 § 139.12	FY 11-12	The Environmental Quality Board amended 25 Pa. Code § 139.12 (relating to emissions of particulate matter) at 27 Pa.B. 6804 (December 27, 1997) to require source testing only for filterable particulate matter. The United States Environmental Protection Agency has revised the source test method (Method 202) to require the testing of both filterable and condensable particulate matter in source testing. The proposed rulemaking would amend § 139.12 to reflect the change in Federal test method requirements. Other clarifying amendments to Chapter 139 would also be proposed for timeliness of reporting requirements.	Susan Hoyle 717-772-2329 shoyle@state.pa.us
Amendments for the Control of Major Sources of NOx and VOCs Air Pollution Control Act 25 Pa. Code Chapter 129	FY 11-12	The proposed rulemaking would amend the Reasonably Available Control Technology Requirements for major NOx- and VOC-emitting stationary sources; the proposal would not apply to major VOC-emitting facilities subject to Federal Control Technique Guidelines adopted by the Board as final rulemakings.	Susan Hoyle 717-772-2329 shoyle@state.pa.us
Municipal and Residual Waste Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code Chapters 271—285 and 287—299	FY 11-12	These proposed revisions are comprehensive modifications to the Municipal and Residual Waste Regulations, including: consolidating similar chapters and standardizing provisions, where applicable, between the two volumes; revising and clarifying definitions, including the definition of “waste”; developing additional permits-by-rule; incorporating commodity disposal bans; revising the local and municipal involvement process for waste disposal and processing facility applications; and revising the environmental assessment and harms/benefits test and fee revisions. The package will also include regulations to implement the Waste Transportation Safety Program as authorized by Act 90 of 2002.	Steve Socash (717) 787-7381 ssocash@state.pa.us
Municipal Waste Regulated Medical Amendments Solid Waste Management Act 25 Pa. Code Chapter 284	FY 11-12	This rulemaking will amend the existing Chapter 284. This will include some definitions in Chapter 271 that will be added or amended. The term infectious waste will be replaced with the term “regulated medical waste.” This terminology change will be a global change. In addition to definitional changes, this proposal also includes changes to storage, transporter licensing, and manifesting requirements for regulated medical waste.	Steve Socash (717) 787-7381 ssocash@state.pa.us
Residual Waste Generator Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code Chapter 287	FY 11-12	These proposed revisions streamline and update biennial reporting requirements, reduce the number of generators subject to biennial reporting and annual chemical analyses requirements, and eliminate submission of annual chemical analyses. The requirement for source reduction strategies is proposed for elimination.	Steve Socash (717) 787-7381 ssocash@state.pa.us

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Radiological Health 25 Pa. Code Chapters 215—240	FY 11-12	This rulemaking will amend 25 Pa. Code Chapters 215—240 in order to incorporate by reference federal regulations pertaining to the security of certain radioactive material; to address new x-ray technology that is not addressed in current regulations; and to include radon revisions that are not addressed in current regulations.	Joe Melnic (717) 783-9730 jmelnic@state.pa.us
GENERAL SERVICES			
HEALTH			
28 Pa. Code Chs. 1021—1033 Emergency Medical Service Systems	August 18, 2011	This new Act (37) repeals the EMS Act of July 3, 1985. Act 37 provides comprehensive Statewide emergency medical services response. The system is designed to achieve higher quality, more flexibility and a better coordinated EMS system. The regulations will establish and clarify standards for all individuals and entities regulated by the PADOH under the EMS System Act. There are several provisions in the Act that expressly confer upon the Department the duty or discretion to adopt regulations.	Joseph W. Schmider, Director Bureau of Emergency and Medical services 717-787-8740 606 Health and Welfare Building jschmider@state.pa.us
28 Pa. Code Chapter 53 This is a new regulation 28 Pa. Code Chapter 53. Photo Identification Badges	Interim regulation to facilitate implementation of 35 P. S. Second part of the regulation June 1, 2015	Interim regulation to facilitate implementation of 35 P. S. § 448.809b, enacted by Act 110 of November 23, 2010. This regulation will require health care workers providing direct care to a patient or a consumer outside of a health care facility or in a doctor's office to wear an identification badge containing the individual's photograph, full name, title and name of the employing health care facility or employment agency. This will be a new regulation under 28 Pa. Code Chapter 53.	Melia Belonus, Director, Bureau of Community Program Licensure and Certification mbelonus@state.pa.us
28 Pa. Code § 27 Communicable and Non-Communicable Diseases	Preparing for promulgation, no date available	These regulations provide "Disease Control Measures" creating a better system for the prevention of communicable and non-communicable diseases. Certain communicable and non-communicable diseases represent substantial public health threats because of their potential to spread or because they represent preventable health risks. The current revision reflects the fact that new diseases are always emerging. All Pennsylvanians will benefit from the disease prevention and control activities addressed in these regulations. The Department's authority to promulgate these regulations is found in the Disease Prevention Control law of 1955, 35 P. S. § 521.1 et seq. (the Act). Section 16(a) of the Act (35 P. S. § 521.16(a)) gives the Board authority to issue rules and regulations on a variety of matters related to communicable and non-communicable diseases. Section 16(b) of the Act (35 P. S. § 521.16 (b)) gives the Secretary of Health the authority to review existing regulations and make recommendations to the Board for changes that the Secretary considers to be desirable. There is also a legislative authority for specific provisions of the regulations. Administrative Code of 1929 (71 P. S. § 51 et seq.) (Code) Section 20102(g) of the code (71 P. S. § 532(g)) provides general authority for the Department to promulgate regulations.	Stephen M. Ostroff, M.D. Director of Bureau of Epidemiology Department of Health sostroff@state.pa.us 717-787-3350
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
INFRASTRUCTURE INVESTMENT AUTHORITY			
25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.13(c), 963.14(a), 963.15(a), 963(15) (c), 25 Pa. Code § 965.4(9) and 25 Pa. Code § 965.7.	Summer/fall 2011	<p>PENNVEST recommends the following revisions:</p> <p>(1) Delete 25 Pa. Code § 963.12(a)(6) in its entirety and the second sentence of 25 Pa. Code § 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq.</p> <p>(2) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.</p> <p>(3) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(4) Amend 25 Pa. Code § 963.14(a) by revising the section to clarify when the use of an affordability analysis for the award of grants is necessary.</p> <p>(5) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(6) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(7) Amend 25 Pa. Code § 965.4 (9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(8) Amend 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project review if the applicant is able to prove to the satisfaction of PENNVEST that no alternative methodologies are available to reduce project costs for projects with construction costs plus contingency in excess of \$10 million.</p>	Shawn W. Weis (717)-783-6776
INSURANCE			
Fraternal Beneficial Societies (31 Pa. Code Chapter 43)	Spring 2011, as final omitted	Delete an obsolete, unnecessary regulation relating to the establishment and valuation of reserves by fraternal beneficial societies.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Written Rebuttals to Examiner's Report and Appeals of Orders Adopting Reports of Examination, 31 Pa. Code Chapter 58a	Spring 2011, as proposed.	The Department repealed outdated regulations relating to appeals from examinations because they were inconsistent with the current exam law. This new chapter will set forth procedures and standards consistent with the current statute.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Life Insurance Illustrations (New Chapter 87a)	Summer 2011, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
LABOR AND INDUSTRY			
Uniform Construction Code, Title 34, Part XIV, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Fall 2011	Update and improve existing regulations for administration and enforcement of the UCC and adopt appropriate provisions of Chapter 30 of the International Building Code (related to elevators and conveying systems)	Edward Leister 717-783-6304
Flammable and Combustible Liquids, Title 37, Part I, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Winter 2012	Update the requirements for unattended self-service stations and adopt requirements for storage and dispensing of compress natural gas as vehicular fuel	Edward Leister 717-783-6304
Boilers and Unfired Pressure Vessels, Title 34, Chapter 3a, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Winter 2012	Update the codes adopted to the current editions	Edward Leister 717-783-6304
Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services	Submit proposed rulemaking in Winter 2012	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	David DeNotaris 717-783-3784
Unemployment Compensation Title 34, Chapter 101 Board of Review	Submit proposed rulemaking in Fall 2011	Update appeal and hearing procedures to reflect evolving procedures and statutory changes	Gerald Mackarevich 717-783-1232
Bureau of Labor Law Compliance, Title 34, Chapter 231, Minimum Wage	Submit proposed rulemaking in Fall 2011	Update provisions and rescind expired Food-Service Employee Incentive Program	James A. Holzman 717-787-4186
Bureau of Labor Law Compliance, Title 34, Part XII, Chapter 225 Prohibition of Excessive Overtime in Health Care Act	Submit proposed rulemaking in Fall 2011	Regulations to implement this law	James A. Holzman 717-787-4186
Bureau of Labor Law Compliance, Title 34, Chapter 83, Welfare of Apprentices	Submit proposed rulemaking in Fall 2011	Amend provisions to reflect Federal requirements.	James A. Holzman 717-787-4186
Bureau of PENN-SAFE Title 34, Chapters 301—323, Worker and Community Right to Know	Submit proposed rulemaking by Dec. 2011	Amend the PA Hazardous Substance List	Thomas J. Ward, Jr. 717-783-1826
Bureau of Labor Law Compliance, Title 34, Chapter 31 Seasonal Farm Labor	Submit proposed rulemaking in Fall 2011	Update regulations and clarify jurisdiction	James A. Holzman 717-787-4186

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of Deaf and Hard of Hearing, Title 34, Chapter 501 Registration of Sign Language Interpreters and Translitterators	Submit proposed rulemaking in Summer 2011	Amend regulations to be consistent with amendments in Sign Language Interpreter and Translitterator State Registration Act, 63 P. S. §§ 1725.1—1725.11, that were enacted in November 2010.	Sharon Behun 717-783-4912
MILITARY AND VETERANS AFFAIRS			
No regulations being developed or considered at this time.			
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION			
Municipal Police Officers' Education and Training Commission. 37 Pa. Code Chapter 203	Proposed regulations, September 2011	The Commission intends to update regulations promulgated pursuant to 53 Pa.C.S. § 2164(1), (8) and (14) (relating to Part III, Subpart C, of the Local Government Code).	Syndi L. Guido 717-772-0905
Municipal Police Officers' Education and Training Commission. 37 Pa. Code Chapter 204	Final-omitted regulations, January 2012	The Commission to promulgate regulations to amend the Retired Law Enforcement Identification Act to conform to the statutory requirements of the federal Law Enforcement Officers Safety Act.	Syndi L. Guido 717-772-0905
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			
PROBATION AND PAROLE			
Revision to 37 Pa. Code §§ 63, 65, 67, 69, 71, 73, 75, 77 "Board of Probation and Parole"	December 2011, as proposed.	Updates to incorporate recent changes to Title 61 and emphasis on evidence based practices.	Linda Laub, Acting Chief Counsel 717-787-8126
Addition of a section to 37 Pa. Code Part II. "Board of Probation and Parole"	December 2011, as proposed.	Addition to address urinalysis collection as mandated by 61 Pa.C.S. § 6137(e).	Colleen Fickel, Director, Central Services, PBPP 717-787-5699 x 292
37 Pa. Code, Chapter 79 The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5 (13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."	December 2011, as proposed.	Add new sections relating to "Accidental Discharge," "Break in Service," and "Weapons Change."	Todd Burns, Executive Director, FETC 717-787-5699 x 389
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PUBLIC WELFARE			
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	December 2012, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800
Participation Review Process for Medical Assistance Nursing Facilities 55 Pa. Code Chapter 1187	September 2011, as final-form	Act 16 of 2007 requires the Department to promulgate regulations that establish the process and criteria to be used to review and respond to requests for increases in Medical Assistance certified nursing facility beds.	Ruth O'Brien (717) 783-2800
Transition to RUG-111 v.5.12 and Latest Assessment 55 Pa. Code Chapter 1187	October 2011, as final-form	This regulation will use 5.12 44 Grouper as a result of CMS's final rule (CMS 1410-F) directing states to transition from MDS 2.0 to MDS 3.0 on October 1, 2010.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) 55 Pa. Code Chapters 31, 1157, 1165	March 2012, as final-form	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee (MAAC) on 3/28/02 and again to the MAAC as well as other interested stakeholders on 4/20/06. The comments are under review by the Department.	Ruth O'Brien (717) 783-2800
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5230	February 2012, as final-form	The Office of Mental Health and Substance Abuse Services is in the process of amending the Commonwealth's Title XIX Medicaid State Plan to add Psychiatric Rehabilitation Services to the Rehabilitation option. This service is being added under the provision of 42 CFR 44.130(d) "Rehabilitation Services." Psychiatric rehabilitation is a therapeutic rehabilitation service for individuals with mental illness designed to increase competence in normal life activities and allows individuals to pursue life goals with the greatest amount of independence. The regulation will promulgate the minimum standards for the delivery of Psychiatric Rehabilitation Services (PRS).	Ruth O'Brien (717) 783-2800
REVENUE			
Amendments to Chapter 117. Return and Payment of Tax	Proposed regulation published at 40 Pa.B. 3122 (June 12, 2010); August, 2011 as final	The proposed regulation will amend § 117.9 and add § 117.9b to reflect the Department's policy regarding the form of Pennsylvania Personal Income Tax returns. In addition, the regulation will provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson 717-346-4633
Amendments to Estates & Trusts—Personal Income Tax Regulations 61 Pa. Code, Chapters 101, 103, 105 and 117	November, 2011, as proposed.	The Department is promulgating this regulation to codify the Department's policy for the taxation of estates and trusts in the Commonwealth and to provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson 717-346-4633

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amended Returns— Personal Income Tax Regulations	61 Pa. Code, Chapters 117, 119 and 121 November, 2011, as proposed	The Department is promulgating this regulation to clarify the Department's policy on Amended Returns for Pa. PIT and replace outdated language. In addition, the regulation will provide clear instructions for taxpayers regarding petitions for refunds.	Douglas Berguson 717-346-4633
Consolidation of Administrative Appeals under the Board of Appeals 61 Pa. Code, Chapters 7 § 901	August, 2011, as proposed	The Department is proposing regulations to consolidate the administrative appeals under the Board of Appeals and streamline the administrative appeals process.	Douglas Berguson 717-346-4633
Amendments to Pa. Gaming Cash Flow Management Regulations, 61 Pa. Code, Chapter 1001	Final regulations published at 41 Pa.B. 41 (January 1, 2011) and codified in the March 2011 Supplement to the <i>Pennsylvania Code</i> .	The Department is promulgating a final-omitted rulemaking to amend the Pa. Gaming Cash Flow Regulations to include table game revenue as enacted under Act 1 of 2010.	Douglas Berguson 717-346-4633
Amendments to Realty Transfer Tax Regulations 61 Pa. Code, Chapter 91	September, 2011, as proposed	Amendments to the Realty Transfer Tax regulations are being proposed to improve the clarity and effectiveness of the regulations.	Douglas Berguson 717-346-4633
Amendments to Local Option Small Games of Chance 61 Pa. Code, Chapter 901	September, 2011, as proposed	The Department is proposing revisions to improve the clarity and effectiveness of the regulations relating to games of chance.	Douglas Berguson 717-346-4633
General Provisions Application of Payments 61 Pa. Code, Chapter 5a	December, 2011, as proposed	The Department is promulgating this regulation to clarify the provisions of the Taxpayers' Bill of Rights and provide a procedure for the application of a payment received from a taxpayer to tax liability owed the Department.	Douglas Berguson 717-346-4633
SECURITIES COMMISSION			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE			
Bureau of Professional and Occupational Affairs			
—Schedule of Civil Penalties for violations of the Clean Indoor Air Act 49 Pa. Code, Chapter 43b. (16-46)	Fall 2011, as Final	This regulation would create a schedule of civil penalties for violations of the Act of June 13, 2008 (P. L. 182, No. 27), known as the Clean Indoor Air Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties. Section 5(b)(1)(ii) of the Clean Indoor Air Act, 35 P. S. § 637.5(b)(1)(ii), authorizes the Bureau to enforce the act.	Cynthia K. Montgomery (717) 783-7200
—Telephonic Testimony— 49 Pa. Code, Chapter 43b. (number not yet assigned)	Fall 2011, as Proposed.	This regulation would provide rules for the admission of testimony received by telephone at hearings conducted by boards/commissions or hearing examiners. Statutory Authority: Section 3 of the act of July 2, 1993 (P. L. 345, No. 48), authorizes the Commissioner of Professional and Occupational Affairs to promulgate regulations setting forth the procedural rules to be followed in the conduct of hearings in disciplinary matters before a licensing board or commission, after consultation with the licensing boards and commissions.	
—Recording Devices— 49 Pa. Code, §§ 43b.101 and 43b.102 (16A-45)	Fall 2011, as Proposed.	The regulation would provide rules for the use of electronic (audio and visual) recording devices during meetings of the boards and commissions within the Department of State for which the Bureau of Professional and Occupational Affairs provides administrative support. Statutory Authority: Sections 710 and 711 of the Sunshine Act, Act of October 15, 1998 (P. L. 179, No. 93) authorizes the adoption of rules and regulations governing the use of recording devices in public meetings.	
State Board of Accountancy			
—Continuing Education— 49 Pa. Code §§ 11.61—11.69a (16A-5511)	Summer 2011, as Proposed.	The regulation would amend continuing professional education requirements for licensed certified public accountants and public accountants. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.	Sara Fox (717) 783-1404
—General Revisions— 49 Pa. Code Chapter 11 (number not yet assigned)	Fall 2011, as Proposed.	This proposed rulemaking would implement the amendments to the CPA Law made by the Act of July 9, 2008 (P. L. 954, No. 73). Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.	
—Civil Penalty Schedule— Accountants— 49 Pa. Code § 43b.10a. (16-48)	Summer 2011, as proposed.	This proposed regulation would adopt a schedule of civil penalties for violation of the continuing education regulations of the Board. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Athletic Commission —Mixed martial arts update— 58 Pa. Code § 28.30 (16-53)	Summer 2011, as Proposed.	The proposed regulation would alter the Commission's current MMA regulations to permit amateur contestants to petition to strike at an opponent's head when on the ground after at least four amateur bouts. Statutory Authority: Sections 103 (b) and 501 of the State Athletic Code, 5 Pa. C.S. §§ 103 (b)(1), authorizes the Commission to promulgate regulations regarding professional and amateur boxing contests and exhibitions.	Penny Walker (717) 783-3397
State Board of Barber Examiners —Fees— 49 Pa. Code § 3.103 (16A-428)	Summer 2011, as Proposed.	The proposed rulemaking would increase biennial renewal fees and fees for other board services. Statutory Authority: Section 14 of the Barbers License Law, 63 P. S. § 564.	Kelly Diller (717) 783-3402
State Board of Chiropractic —Chiropractic specialties— 49 Pa. Code Ch. 5 (16A-4312)	Fall 2011, as Proposed	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. This regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Deborah Smith (717) 783-7155
Review of Chiropractic Treatment— 49 Pa. Code Chapter 5 (16A-4315)	Fall 2011, as Final.	This rulemaking would establish standards for chiropractors that engage in chiropractic peer review. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	
Assistance of Unlicensed Supportive Personnel— 49 Pa. Code Chapter 5 (16A-4316)	Fall 2011, as Final.	This rulemaking would establish standards for the delegation of tasks to unlicensed supportive personnel. Statutory Authority: Sections 302(3) and 601 of the Chiropractic Practice Act, 63 P. S. §§ 624.302(3) and 625.601.	
Licensure by Reciprocity— 49 Pa. Code § 5.13 (16A-4320)	Fall 2011, as Proposed.	This proposed rulemaking would provide a revised method of licensing out-of-state chiropractors by reciprocity. Statutory Authority: Sections 302(3) and 504 of the Chiropractic Practice Act, 63 P. S. §§ 625.302(3) and 625.504.	
Volunteer license— 49 Pa. Code § 5.20 (number not yet assigned)	Fall 2011, as Final (Proposed-omitted).	This regulation would conform the volunteer license regulations to the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302; and section 5 of the Volunteer Health Services Act, 35 P. S. § 449.45.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Corporation Bureau —UCC Revised Article 9— (16-35)	Fall 2011, as Proposed.	This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Martha Brown (717) 787-6802
State Board of Cosmetology —Fees— 49 Pa. Code § 7.2 (16A-4515)	Fall 2011, as Proposed.	The proposed regulation would increase biennial renewal fees for all licensee classifications and would increase certain application fees where the current fees have been determined to be inadequate. Statutory Authority: Section 16(d) of the Beauty Culture Law, 63 P. S. § 522(d), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures over a 2-year period.	Kelly Diller (717) 783-7130
Sanitation— 49 Pa. Code Chapter 7 (16A-4516)	Fall 2011, as Proposed.	This regulation would update the Board's regulations on sanitation to conform to modern standards within the profession. Statutory Authority: Sections 11 and 14 of the Act of May 3, 1933 (P. L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P. S. §§ 517 and 520.	
Schedule of Civil Penalties— 49 Pa. Code Chapter 43b, § 43b.5. (number not yet assigned)	Fall 2011, as Proposed.	This regulation would amend the schedule of civil penalties for the State Board of Cosmetology to implement Act 48 civil penalties for failure of a school to submit quarterly reports. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
State Board of Dentistry —EFDA Program Approval— 49 Pa. Code Chapter 33 (16A-4616)	Fall 2011, as Final.	This regulation would establish criteria for Board approval of education programs for expanded function dental assistants. Statutory Authority: Section 3(a) of the Dental Law, 63 P. S. § 122(a).	Lisa Burns (717) 783-7162
Anesthesia Update— 49 Pa. Code, Subchapter E, §§ 33.331—33.342 (16A-4621)	Fall 2011, as Proposed.	This regulation would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices. Statutory Authority: Sections 3(o) and 11.2 of the Dental Law, 63 P. S. §§ 122(o) and 130c.	
EFDA Scope of Practice— 49 Pa. Code § 33.205a. (16A-4624)	Fall 2011, as Proposed.	This proposed rulemaking implements the act of April 29, 2010 (P. L. 176, No. 19), which amended the Dental Law to expand the scope of practice for expanded function dental assistants. Statutory Authority: The proposed rulemaking is authorized by section 4 of the act of April 29, 2010 (P. L. 176, No. 19), which requires the Board to promulgate regulations within 18 months of its effective date (June 28, 2010); and by section 3 (d.1) and (o) of the Dental Law (act), 63 P. S. § 122 (d.1) and (o).	
Volunteer License— 49 Pa. Code § 33.110 (Number not yet assigned)	Fall 2011, as Final (proposed-omitted).	This regulation would amend the current volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Registration Board for Professional Engineers, Land Surveyors and Geologists</p> <p>—General Revisions— 49 Pa. Code Chapter 37 (16A-479)</p>	Fall 2011, as Proposed.	The regulation would clarify education and experience requirements for regular and “grandfathered” candidates for examination and licensure; revise categories of acceptable professional references for candidates; update the branches of engineering for which license examinations are offered; prescribe standards relating to the use of an electronic seal and signature; clarify criteria for approval of fictitious and corporate names that use variations of professional titles; eliminate unnecessary administrative requirements; and make editorial changes. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151.	DeAndra Burger (717) 783-7049
<p>Qualifications for Licensure— 49 Pa. Code Chapter 37 (16A-4711)</p>	Fall 2011, as Proposed.	The proposed rulemaking is needed to implement Act 25 of 2010, to provide for the certification of geologists-in-training, and to update the board’s regulations concerning the licensure process for engineers and land surveyors. Statutory Authority: Section 4(l) of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(l).	
<p>Schedule of Civil Penalties—Engineers, Land Surveyors and Geologists— 49 Pa. Code Chapter 43b. (16A-54)</p>	Fall 2011, as Proposed	The proposed rulemaking would make necessary corrections to the schedule of civil penalties relating to unlicensed practice and practice on a lapsed license required by the Commonwealth Court’s decisions in <i>Evans v. State Registration Board for Professional Engineers, Land Surveyors and Geologists</i> , 15 A.3d 99 (Pa. Cmwlth. 2011). Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205 (a).	
<p>State Board of Funeral Directors</p> <p>—Supervision at Funeral Services— 49 Pa. Code § 13.215 (number not yet assigned)</p> <p>General Revisions— 49 Pa. Code Chapter 13 (Number not yet assigned)</p>	<p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Proposed.</p>	<p>The proposed rulemaking would update the Board’s regulations to address current practice. Statutory Authority: Sections 11(a)(5) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.11(a)(5) and 479.16(a).</p> <p>The amendments would update the Board’s regulations related to advertising, application procedures, facility requirements, qualifications, and supervisor responsibilities. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p>	Heidy Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Landscape Architects</p> <p>—Licensure Requirements and Continuing Education—49 Pa. Code Chapter 15 (16A-6110)</p> <p>—Schedule of Civil Penalties—Landscape Architects 49 Pa. Code Chapter 43b. (number not yet assigned)</p>	<p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Proposed.</p>	<p>This proposed regulation would implement the act of July 17, 2009 (P. L. 94, No. 24). Statutory Authority: Section 4(9) of the Landscape Architects' Registration law, 63 P. S. § 904(9).</p> <p>This proposed regulation would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.</p>	<p>Terrie Kocher (717) 772-8528</p>
<p>State Board of Medicine</p> <p>—General Revisions—49 Pa. Code Chapters 16, 17 and 18 (16A-4925)</p> <p>Prescribing—49 Pa. Code Chapter 16 (16A-4927)</p> <p>Behavior Specialists—49 Pa. Code Chapter 18 (16A-4929)</p>	<p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Final.</p>	<p>This proposed rulemaking would implement Acts 29, 46 and 48 of 2007, and would generally update the regulations of the Board relating to physicians, physician assistants, certified registered nurse practitioners, respiratory care practitioners, and volunteer licensees. Statutory Authority: Acts 29, 46 and 49 of 2007 direct the Board to adopt, promulgate and enforce regulations to effectuate the amendments adopted in the respective Acts. In addition, Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, authorizes the Board to promulgate regulations that are reasonably necessary to carry out the purposes of the Act.</p> <p>This rulemaking would establish minimum standards of practice relating to internet prescribing and telemedicine. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.</p> <p>The rulemaking implements the licensure or certification of behavior specialists as required by the Act of July 9, 2008 (P. L. 885, No. 62). Statutory Authority: Section 3(g) of the Act of July 9, 2008 (P. L. 885, No. 62) requires the Board, in consultation with the Department of Public Welfare, to promulgate regulations providing for the licensure or certification of behavior specialists.</p>	<p>Tammy Dougherty (717) 783-1400</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine (cont'd)			
Licensure of Respiratory Therapists and Physician Assistants— 49 Pa. Code Chapter 18 (16A-4930)	Fall 2011, as Proposed.	The proposed rulemaking would implement the amendments made to the Medical Practice Act by the Act of July 4, 2008 (P. L. 580, No. 45) relating to licensure of respiratory therapists and physician assistants. Statutory authority: Section 8 of the Act of July 4, 2008 (P. L. 580, No. 45) requires the Board and the State Board of Osteopathic Medicine to jointly promulgate regulations to implement the amendments.	
—Perfusionists— 49 Pa. Code Chapter 18, Subchapter J. (16A-4931)	Fall 2011, as Final.	The rulemaking would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P. L. 154 No. 19) requires the Board to promulgate regulations to implement licensure of perfusionists within 18 months of the effective date. The act was effective on August 10, 2008.	
Certified Midwives— 49 Pa. Code Chapter 18 (16A-4932)	Fall 2011, as Proposed.	The proposed rulemaking would provide for the licensure of “certified” midwives as suggested by the Commonwealth Court’s decision in <i>Goslin v. State Board of Medicine</i> , 949 A.2d 372. Statutory Authority: Sections 1and 2 of the Midwife Registration Law of 1929, 63 P. S. §§ 171 and 172, and section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, make it unlawful to practice as a midwife without a certificate from the Medical Board and authorize the Board to issue rules and regulations as may be necessary for the examination, licensing, and proper conduct of the practice of midwifery by midwives.	
Schedule of Civil Penalties— 49 Pa. Code Chapter 43b, § 43b.20. (number not yet assigned)	Fall 2011, as Proposed.	This regulation would amend the schedule of civil penalties for the State Board of Medicine to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
Navigation Commission for the Delaware River and its Navigable Tributaries— General Revisions— 4 Pa. Code §§ 405.7, 405.8 and 405.12 (16A-663)	Fall 2011, as Proposed	The proposed rulemaking would require all currently licensed pilots to hold and maintain an active Federal first class pilot’s license and endorsement for the routes to be traversed. Statutory Authority: Section 4 of the Act of March 29, 1803 (P. L. 542), 55 P. S. § 31, and section 2504-B(4) of the Administrative Code of 1929, 71 P. S. § 670.2(4).	Barbara Dupler 717-783-1618

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing —LPN / IV Therapy— 49 Pa. Code § 21.145 (16A-5122)	Fall 2011, as Final.	This regulation addresses the LPN's role in working with peripherally inserted central catheters (PICC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	Ann Steffanic (717) 783-7142
—Application Procedures 49 Pa. Code § 21.151 (16A-5134)	Fall 2011, as Proposed.	The proposed rulemaking would provide for admission to the practical nurse exam for applicants who have graduated from a foreign practical nursing program that is equivalent to an LPN education program of study required in this Commonwealth at the time the program was completed as determined by the Commission on Graduate of Foreign Nursing Schools (CGFNS). Statutory Authority: Sections 5 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 655 and 667.6.	
Reactivation/ Re-licensure after Lapse— 49 Pa. Code Chapter 21 (16A-5135)	Fall 2011, as Proposed	This regulation would set standards for the reactivation/re-licensure of nurses whose licenses have lapsed for a significant period of time. Statutory Authority: Sections 2.1 and 11 of the Professional Nursing Law, 63 P. S. §§ 212.1 and 221; and sections 13.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 663.1 and 667.6, authorize the Board to regulate the renewal of expired or inactive licenses and to promulgate regulations generally.	
Out of State Nursing Education Programs using Pennsylvania Clinical Sites— 49 Pa. Code Chapter 21 (16A-5137)	Fall 2011, as Proposed.	This regulation will require out of state educational programs that intend to place nursing students in Pennsylvania facilities for clinical education with a Pennsylvania licensed nurse preceptor to apply to the Board for permission to utilize the clinical site. This same requirement is placed on Pennsylvania nursing education programs. Statutory Authority: Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1 and Section 9 of the Practical Nurse Law, 63 P. S. § 659.	
—Fees for Nursing Education Programs— 49 Pa. Code Chapter 21 (number not yet assigned)	Fall 2011, as Proposed.	This regulation is necessary to set fees for the approval of nursing education programs. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2, and Section 17.5 of the Practical Nursing Law, 63 P. S. § 667.5, set forth the authority to the setting of fees by regulation. Section 6.2 of the Professional Nursing Law, 63 P. S. § 216.2, provides the Board's authority to approve nursing education programs. Sections 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) and 17.6 of the Practical Nursing Law, 63 P. S. § 667.6, provide the general rulemaking authority of the Board.	
Volunteer License— 49 Pa. Code Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)	Fall 2011, as Final (Proposed-omitted).	This regulation would amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Examiners of Nursing Home Administrators</p> <p>—Sexual Misconduct— 49 Pa. Code §§ 39.1 and 39.9 (16A-6211)</p> <p>—Continued Competence— 49 Pa. Code Chapter 39 (16A-6213)</p> <p>Schedule of Civil Penalties— 49 Pa. Code Chapter 43b, § 43b.17 (number not yet assigned)</p>	<p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Proposed</p> <p>Fall 2011, as Proposed.</p>	<p>This regulation would add sexual abuse, sexual misconduct and sexual harassment as offenses for which a nursing home administrator's license may be disciplined. Statutory Authority: Sections 4(c) and 6(g) of the Nursing Home Administrators Licensure Act, 63 P. S. §§ 1104(c) and 1106(g).</p> <p>This regulation would provide the requirements for demonstrating continued competence when reactivating a license that has been inactive for more than 5 years. Statutory Authority: Section 4(a)(4), (9) and (c) of the Nursing Home Administrators Licensure Act, 63 P. S. § 1104(a)(4), (9) and (c).</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Board of Occupational Therapy Education and Licensure</p> <p>—Continued Competency— 49 Pa. Code §§ 42.50-42.58 (16A-677)</p> <p>Referrals by Certified Registered Nurse Practitioners and Physician Assistants— 49 Pa. Code Chapter 42 (16A-678)</p> <p>Child Abuse Reporting Requirements— 49 Pa. Code Chapter 42 (16A-679)</p>	<p>Fall 2011, as Final.</p> <p>Fall 2011, as Final (Proposed omitted)</p> <p>Fall 2011, as Final (Proposed Omitted)</p>	<p>The proposed rulemaking would implement section 15(a) of the Occupational Therapy Practice Act, 63 P. S. § 1515(a), which authorizes the board to establish additional requirements for the license renewal designed to assure continued competency. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p> <p>The rulemaking would conform the board's regulations with changes made by Act 48 of 2007 and Act 45 of 2008, which permit CRNPs and Physician Assistants to make referrals to Occupational Therapists. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p> <p>The rulemaking would conform the board's regulations with changes made to the Child Protective Services Act. Statutory Authority: Section 6383(b)(2) of the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2) and section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p>	<p>Judy Harner (717) 705-6456</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Optometry —Continuing Education— 49 Pa. Code §§ 23.81 and 23.82. (16A-5212)	Fall 2011, as Final (Proposed-omitted).	This regulation would amend the continuing education requirements to clarify the need for a licensee to complete the licensee's continuing education as a prerequisite to renew a lapsed or inactive license within the two years immediately preceding renewal or reactivation. Statutory Authority: Sections 3(b)(14) and 5 of the Optometric Practice and Licensure Act (63 P. S. §§ 244.3(b)(14) and 244.5).	Deborah Smith (717) 783-7155
Schedule of Civil Penalties— Optometrists 49 Pa. Code Chapter 43b (number not yet assigned)	Fall 2011, as Proposed.	This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.	
Volunteer License— 49 Pa. Code § 23.26 (number not yet assigned)	Fall 2011, as Final (Proposed-omitted).	This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Osteopathic Medicine			
—Miscellaneous Provisions— 49 Pa. Code Chapter 25 (16A-5319)	Fall 2011, as Proposed.	This regulation would implement Acts 29 and 46 of 2007 pertaining to supervision of physician assistants and continuing medical education for volunteer license holders. Statutory Authority: Section 10(h) of the Osteopathic Medical Practice Act (Act), 63 P. S. § 271.10(h), authorizes the Board to establish rules and regulations relating to physician assistants; and section 16 of the Act, 63 P. S. § 271.16, authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the Act.	Gina Bittner (717) 783-4858
Perfusionists— 49 Pa. Code Chapter 25 (16A-5320)	Fall 2011, as Final.	The proposed rulemaking would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P. L. 161, No. 20) requires the Board to promulgate regulations to implement licensure of perfusionists within 18 months of the effective date. The act was effective on August 10, 2008.	
Licensure of Respiratory Therapists and Physician Assistants— 49 Pa. Code Chapter 25 (16A-5321)	Fall 2011, as Proposed.	The proposed rulemaking implements the amendments made to the Osteopathic Medical Practice Act by the Act of July 4, 2008 (P. L. 589, No. 46) relating to licensure of respiratory therapists and physician assistants. Statutory authority: Section 8 of the Act of July 4, 2008 (P. L. 589, No. 46) requires the Board and the State Board of Medicine to jointly promulgate regulations to implement the amendments within 18 months.	
Volunteer License— 49 Pa. Code Chapter 25, Subchapter L, §§ 25.601—25.607. (number not yet assigned)	Fall 2011, as Final (Proposed-omitted).	This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	
—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (number not yet assigned)	Fall 2010, as Proposed.	This regulation would establish a schedule of civil penalties for the State Board of Osteopathic Medicine to implement Act 48 civil penalties for failure to report complaints filed against an osteopathic physician in a medical professional liability action. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Pharmacy —Compounding Practices— 49 Pa. Code Chapter 27 (16A-5419)	Fall 2011, as Proposed.	This rulemaking would establish standards for the compounding of drugs by pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9) grants the authority to promulgate rules and regulations to effectuate the purposes of the act. Section 2 of the Pharmacy Act, 63 P. S. § 390-2(11) defines the practice of pharmacy to include the compounding of drugs.	Melanie Zimmerman (717) 783-7156
Cancer Drug Repository Program— 49 Pa. Code Chapter 27 (16A-5423)	Fall 2011, as Final.	The proposed rulemaking would establish the eligibility criteria, standards and procedures for the administration of a cancer drug repository program. Statutory authority: Section 7 of the Act of May 13, 2008 (P. L. 139, No. 14), known as the Cancer Drug Repository Program Act, requires the Board to promulgate regulations to carry out the purposes of the act.	
Pharmacy Internship— 49 Pa. Code Chapter 27 (16A-5424)	Fall 2011, as Proposed.	This rulemaking would update the Board's regulations relating to the pharmacy internship required under section 3 of the Pharmacy Act. Statutory Authority: Section 3 of the Pharmacy Act, 63 P. S. § 390-3(c) requires the Board to establish by regulation the internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license.	
—Collaborative Management of Drug Therapy— 49 Pa. Code Chapter 27 (16A-5425)	Fall 2011, as Proposed.	This proposed rulemaking would implement Act 29 of 2010, which provides for collaborative drug therapy management between a pharmacist and a licensed physician. Statutory Authority: Section 5 of the act of June 1, 2010 (P. L. 201, No. 29) requires the Board to promulgate regulations to implement Act 29 within 18 months of its effective date.	
Emergency Preparedness— 49 Pa. Code Chapter 27 (16A-5426)	Fall 2011, as Proposed	The proposed rulemaking would establish procedures and standards for the operation of remote emergency pharmacies in the event of an emergency caused by a natural or manmade disaster or any other exceptional situation that causes an extraordinary demand for pharmacy services. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
—General Revisions to Standards of Practice— 49 Pa. Code Chapter 27, § 27.18 (16A-5427)	Fall 2011, as Proposed.	This proposed rulemaking would update the Board's regulations relating to standards of practice for pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
—Correctional Facility Drug Redistribution— 49 Pa. Code Chapter 27 (number not yet assigned)	Fall 2011, as Proposed.	This proposed rulemaking is required to conform the Board's regulations to the act of July 9, 2010 (P. L. 457, No. 59), which permits a vendor pharmacy to redistribute drugs returned by a correctional facility to other correctional facilities. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Pharmacy (cont'd)</p> <p>—Electronic Prescribing of Controlled Substances— 49 Pa. Code Chapter 27, (16A-5428)</p> <p>Schedule of Civil Penalties— 49 Pa. Code Chapter 43b, § 43b.7 (number not yet assigned)</p>	<p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Proposed.</p>	<p>This proposed rulemaking is intended to establish standards for pharmacies and pharmacists to receive, dispense and archive electronic prescriptions for controlled substances to comport with recent regulations promulgated by the Federal Drug Enforcement Agency. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).</p> <p>This regulation would amend the schedule of civil penalties for the State Board of Pharmacy to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	
<p>State Board of Physical Therapy</p> <p>—Act 38 Revisions— 49 Pa. Code Chapter 40 (16A-6514)</p> <p>Schedule of Civil Penalties— 9 Pa. Code Chapter 43b. (number not yet assigned)</p>	<p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Proposed.</p>	<p>The proposed rulemaking would implement the amendments to the Physical Therapy Practice Act made by the Act of July 4, 2008 (P. L. 293, No. 38). Statutory authority: Section 16 of the Act of July 4, 2008 (P. L. 293, No. 38) requires the Board to promulgate regulations to implement the amendments and additions of that act within 18 months of the effective date. The act is effective on October 2, 2008.</p> <p>This regulation would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Michelle Roberts (717) 783-7134</p>
<p>State Board of Podiatry</p> <p>—Certificate of Authority to Perform Acupuncture— 49 Pa. Code Chapter 29 (16A-449)</p> <p>Schedule of Civil Penalties—Podiatrists 49 Pa. Code Chapter 43b (Number not yet assigned)</p> <p>—Volunteer License— 49 Pa. Code § 29.55 (number not yet assigned)</p>	<p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Final (Proposed-omitted).</p>	<p>This regulation would establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.</p> <p>This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.</p> <p>This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p>	<p>Gina Bittner (717) 783-4858</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Psychology —Continuing Education— 49 Pa. Code § 41.59 (16A-6317)	Fall 2011, as Proposed.	This regulation would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215.	Chris Stuckey (717) 783-7155
Code of Ethics— 49 Pa. Code § 41.61 (16A-6318)	Fall 2011, as Proposed.	This regulation would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
Education— 49 Pa. Code § 41.31 (16A-6320)	Fall 2011, as Proposed.	This regulation would clarify the education and examination requirements. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
Part-time Experience— 49 Pa. Code § 41.31 (16A-6321)	Fall 2011, as Proposed.	This proposed regulation rulemaking would clarify the requirements for part-time experience. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2)	
Child Abuse Reporting Requirements— 49 Pa. Code Chapter 41 (16A-6322)	Fall 2011, as Final (Proposed omitted)	The regulation would conform the board's regulations with changes made to the Child Protective Services Act. Statutory Authority: Section 6383(b)(2) of the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2) and section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (number not yet assigned)	Fall 2011, as Proposed	The regulation would establish a schedule of civil penalties for the State Board of Psychology to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Certified Real Estate Appraisers Continuing Education Enforcement— 49 Pa. Code §§ 36.41 and 36.241. (16A-7016)	Fall 2011, as Proposed.	The proposed rulemaking establishes procedures for the enforcement of noncompliance with continuing education requirements. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).	Heidy Weirich (717) 783-3397
Schedule of Civil Penalties—Real Estate Appraisers— 49 Pa. Code § 43b.15a (16-49)	Fall 2011, as Proposed.	The proposed rulemaking will codify and amend the Board's current schedule of civil penalties statement of policy. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties, with the approval of the Board.	
State Real Estate Commission —Education— 49 Pa. Code § 35.384, 35.385. (16A-5613)	Fall 2011, as Final.	This proposed regulation would require new licensees to complete a mandatory 14-hour post-licensure course in lieu of their continuing education. Statutory Authority: Sections 404 and 404.1 of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404 and 455.404a.	Patricia Ridley (717) 783-3658
—Advertising and Solicitation— 49 Pa. Code § 35.305 (16A-5620)	Fall 2011, as Proposed.	The proposed regulation would require licensees to advertise or otherwise hold themselves out to the public only under the name listed on their licenses. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.	
Escrow requirements— 49 Pa. Code Chapter 35 (16A-5621)	Winter 2011-2012, as Proposed	The proposed regulation would establish additional escrow requirements consistent with the changes made by Act 14 of 2009. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404	
—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b, § 43b.8 (number not yet assigned)	Fall 2011, as Proposed.	This regulation would amend the schedule of civil penalties for the State Real Estate Commission to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</p> <p>—Implementation of Act 68 of 2008; Hours of Supervised Clinical Experience and Licensure by Endorsement— 49 Pa. Code Chapters 47, 48 and 49 (16A-6916)</p>	Fall 2011, as Final.	This proposed rulemaking would implement the reduction in the number of required hours of supervised clinical experience from 3,600 to 3,000 and provide for licensure by endorsement as required by the Act of July 9, 2008 (P. L. 929, No. 68). Statutory Authority: Section 4 of the Act of July 9, 2008 (P. L. 929, No. 68) provides that the Board shall promulgate regulations to implement the amendments within three years of the effective date of the act. Act 68 is effective on September 7, 2008.	Sandra Matter (717) 783-1389
<p>General Revisions— 49 Pa. Code Chapters 47, 48 and 49 (number not yet assigned)</p>	Fall 2011, as Proposed.	This proposed rulemaking will eliminate outdated regulations, and update existing regulations to comport with current standards of the profession and current practices of the Board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	
<p>—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (number not yet assigned)</p>	Fall 2011, as Proposed.	This regulation would establish a schedule of civil penalties for the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to implement Act 48 civil penalties for practicing without a license or practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
<p>Continuing Education Audit and Enforcement— 49 Pa. Code Chapters 47, 48 and 49 (16A-6918)</p>	Fall 2011, as Proposed	This proposed rulemaking would establish provisions for the enforcement of the continuing education requirements for licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family therapists and Professional Counselors Act, 63 P. S. § 1906(2).	
<p>State Board of Examiners in Speech-Language and Hearing</p> <p>—General Revisions— 49 Pa. Code Chapter 45. (number not yet assigned)</p>	Fall 2011, as Proposed.	This regulation would update of the regulations of the Board to delete or amend outdated regulations. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Vehicle Manufacturers, Dealers and Salespersons</p> <p>—Salesperson License— 49 Pa. Code Chapter 19 (16A-609)</p> <p>—Fee for Out-of-state RV Dealer Participating in a Show— 49 Pa. Code § 19.4 (16A-6011)</p>	<p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Proposed.</p>	<p>This regulation would clarify and update the requirements for salespersons in order to permit salespersons to sell at other locations of the same dealer. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p> <p>This regulation would establish a fee for processing applications under section 32.1(c) of the act, 63 P. S. § 818.32a(c), for out-of-state RV dealers to register with the Board in order to participate in an RV show in this Commonwealth. Statutory Authority: Sections 4(9) and 32.1(c) of the Board of Vehicles Act, 63 P. S. §§ 818.4(9) and 818.32.1(c).</p>	<p>Janice Cline (717) 783-1697</p>
<p>State Board of Veterinary Medicine</p> <p>—Dental Procedures— 49 Pa. Code Chapter 31 (16A-5718)</p> <p>Facilities— 49 Pa. Code Chapter 31 (16A-5720)</p> <p>Licensure, Continuing Education— 49 Pa. Code Chapter 31 (16A-5724)</p> <p>Notice of Animal Supervision— 49 Pa. Code § 31.21 (16A-5725)</p>	<p>Fall 2011, as Final.</p> <p>Fall 2011, as Proposed.</p> <p>Fall 2011, as Final.</p> <p>Fall 2011, as Proposed</p>	<p>This regulation would address issues relating to veterinary dentistry. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.</p> <p>This regulation would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.27.</p> <p>The proposed regulation would update the Board's regulations with regard to original licensure, temporary permits, license renewal and continuing education. Statutory Authority: Sections 5(2), 8, 11 and 18 of the Veterinary Medicine Practice Act (act) (63 P. S. §§ 485.5(2), 485.8, 485.11 and 485.18).</p> <p>The proposed rulemaking would amend the Rules of Professional Conduct of veterinarians to require notice regarding the hours and level of supervision whenever an animal is under the care and custody of the veterinarian's facility. Statutory Authority: Section (5)(1) and (2) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.5 (1) and (2))</p>	<p>Michelle Roberts (717) 783-7134</p>
STATE EMPLOYEES' RETIREMENT SYSTEM			
<p>4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This would delete State Employees' Credit Union payment language.)</p>	<p>This is proceeding consistent with the CDL and the requirements of 4 Pa. Code § 247.11.</p>	<p>This is obsolete. No credit union currently meets the statutory requirements and it is unlikely that any new ones will. A corresponding statutory amendment is also being considered.</p>	<p>Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 David Durbin (717) 783-7210</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code § 247.51. Time for Recomputation of Annuity. (This would impose a time limit for annuitants to change the optional payment plan authorized by the second to the last sentence of 71 Pa.C.S. § 5907(j)).	2012	This would provide guidance on when an annuitant is permitted to change their optional payment plan. There is no time frame in the statute for this election to occur causing administrative difficulties including possibly permitting anti-selection of death benefits, requiring members to make a declaration under discontinued disability benefits and negating an option change absent another qualifying event.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 David Durbin (717) 783-7210
4 Pa. Code § 243.8. Membership rules for educational employees.	2012	This would clarify the requirements for membership and final average salary calculations for educational employees.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 David Durbin (717) 783-7210
4 Pa. Code § 245.4. Member contributions for the purchase of credit for previous State service or to become a full coverage member. (This would be amended to specify the effects of a service purchase or reinstatement.)	2012	This would clarify the effects of the reinstatement or purchase of previous State service. An administrative decision has offered partial guidance in this area. This would enable consistent application of the statute and would reduce litigation of purchase of service issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 David Durbin (717) 783-7210
STATE POLICE			
No regulations being developed or considered at this date.			
STATE SYSTEM OF HIGHER EDUCATION			
22 Pa. Code Chapter 121 Student Financial Aid	December 2011 as Proposed	These regulations have not been updated in some time. The revisions seek to increase the transparency in regard to the processes used for financial assistance determinations.	Christine Zuzack 717-720-2368
TRANSPORTATION			
43—Temporary Registration Cards and Plates 67 Pa. Code Chapter 43	December 2011	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation, as these items are now addressed in the required contracts.	Andy Cleaver 717-787-2171
175—Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	December 2011	Many changes are needed to bring the regulations in line with changes in the Vehicle Code. Other changes are being proposed to add convenience for customers, to update forms and processes, to accommodate changes in vehicle technology and to implement an initiative to update recertification requirements for safety inspectors and electronic recordkeeping of vehicle safety inspection findings. The regulation revisions also propose to eliminate the issuance of refunds for unused inspection stickers, which would be a savings to the Commonwealth.	Kristen Singer 717-787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
21—Odometer Read Disclosure Statements 67 Pa. Code Chapter 21	September 2011	Changes are needed to bring the regulation current with the Vehicle Code to specify the age at which a vehicle becomes exempt from odometer disclosure.	Andy Cleaver 717-787-2171
23—Delivery of Certificates of Title 67 Pa. Code Chapter 23	September 2011	The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S. Section 1151). This Chapter needs to be updated to reflect the ability to transmit titles with liens electronically, rather than by mail.	Andy Cleaver 717-787-2171
17—Authorization to Verify ID Numbers 67 Pa. Code Chapter 17	September 2011	Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.	Andy Cleaver 717-787-2171
71—School Bus Drivers 67 Pa. Code Chapter 71	December 2011	The regulations will be updated to clarify the standards for license holders who have had more than one episode of loss of consciousness of unknown etiology within a 12-month period. The regulations will also be updated to require periodic monitoring for drivers who have been diagnosed as having stage 3 dementia	Chris Miller 717-783-5958
83—Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers 67 Pa. Code Chapter 83	December 2011	The regulations will be updated to clarify the standards for license holders who have had more than one episode of loss of consciousness of unknown etiology within a 12-month period. The regulations will also be updated to require periodic monitoring for drivers who have been diagnosed with cognitive impairments.	Chris Miller 717-783-5958
84—Dual Control Learner's Permit 67 Pa. Code Chapter 84	December 2011	The regulation is being updated to clarify the requirements for issuing a dual control learner's permit.	Chris Miller 717-783-5958
105—Mechanical Electrical and Electronic Speed Timing Devices 67 Pa. Code Chapter 105	December 2011	The regulations are being updated to reflect changes in equipment technology relating to calibration and maintenance of speed timing devices used for law enforcement purposes and to delete references to obsolete equipment and calibration procedures.	Kristen Singer 717-787-2171
255—Messenger Services 67 Pa. Code Chapter 255	December 2011	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation as these items are now addressed in the required contracts.	Andy Cleaver 717-787-2171
Chapter 427—Public Transportation (Act 44 of 2008)	October 2011	Act 44 of 2008, Chapter 15, Sustainable Mobility Options, authorizes almost all public transportation funding programs for the Commonwealth. The legislation requires the Department to develop regulations for several sections of the legislation. The temporary regulations were published in the <i>Pennsylvania Bulletin</i> on July 18, 2009. Permanent regulations must be published by July 18, 2011. No additional sections will be added to the temporary regulations but some sections in the temporary regulations will be revised/updated.	LaVerne Collins 717-787-1214

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 441 Driveway/Local Road Regulation Fees	December 2011	The Driveway/Local Road Regulation Fees are charged to: <ul style="list-style-type: none"> • Defray costs incurred in reviewing and processing the application and plans, including the preliminary review of the site location. • Defray costs incurred in spot inspections of permitted work or subsequent inspections after the permitted work has been completed and to monitor compliance with the permit. The Driveway/Local Road Regulations have not been updated since January 1980 (over 30 years ago) and do not offset program costs (reviewing/processing/inspection).	Mike Dzurko 717-787-7350
Chapter 459 Utility Regulation Fees	December 2011	<ul style="list-style-type: none"> • The Utility Regulation Fees are charged to: <ul style="list-style-type: none"> o Defray costs incurred in reviewing and processing the application and plans, including the preliminary review of the site location. o Defray costs incurred in spot inspections of permitted work or subsequent inspections after the permitted work has been completed and to monitor compliance with the permit. • The Utility Regulation fees have not been updated since January 1989 (over 21 years ago) and do not offset program costs (reviewing/processing/inspection). 	Glenn Rowe 717-787-3620
Pa Code, Title 67, Chapter 189 Posting and Bonding of Roads - Permit Fees	July 2011	Permit fees <ul style="list-style-type: none"> • Permits are currently free, except for a \$15 fee associated with Type 3 permits. Types 1 and 2 have no fee associated with them. The only cost incurred by the permittee is the cost to perform inspections of the roadway, where the permittee can be directly billed. • Regulation changes would allow the Department to set up permit fees for any of the permit types to help recoup some of the administrative costs of the permitting process. Fees could be tiered based on the size of the operations. • Any fee increases will be contentious. Minimizing the fees to smaller operations could alleviate some of the concern. Larger operations with a larger fee would also not appreciate additional fees. 	Steve Koser 717-787-7908
HB 2032 Outdoor Advertising and Junkyard Permits	December 2011	It is recommended to increase the fees to cover the current actual cost of enforcement of the OAD Act and the Junkyard Act. (Current annual fee revenue is approximately \$375,980. Estimated annual cost of enforcing the Highway Beautification Program is \$859,000.) Costs have increased over the years for onsite inspections, ongoing surveillance of controlled highways with photographs, and other necessary control measures (such as billing, collecting and record keeping). These control measures are necessary to enforce the OAD Act and the Junkyard Act, which is required or we could lose 10% of our Federal funding.	Mark Chappell 717-787-8298

[Pa.B. Doc. No. 11-1111. Filed for public inspection July 1, 2011, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, July 6, 2011, Data Systems Committee at 10 a.m., Education Committee at 1 p.m., Audit Committee at 2:30 p.m. and Executive Committee at 3:30 p.m.; and Thursday, July 7, 2011, Council meeting at 10 a.m.

The meetings will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability who wish to attend the meetings should contact René Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 11-1112. Filed for public inspection July 1, 2011, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, June 16, 2011, and announced the following:

Action Taken—Regulations Approved:

Pennsylvania Public Utility Commission #57-267: Streamlining the Rate Increase Procedures for Small Motor Carriers (amends 52 Pa. Code Chapter 23)

Approval Order

Public Meeting held
June 16, 2011

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

Pennsylvania Public Utility Commission— Streamlining the Rate Increase Procedures for Small Motor Carriers; Regulation No. 57-267 (#2825)

On March 4, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 23. The proposed regulation was published in the March 20, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 20, 2011.

This regulation implements an alternative operating ratio rate change mechanism for small passenger carriers with gross operating revenues of less than \$500,000.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. § 501(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 Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-1113. Filed for public inspection July 1, 2011, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site, www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-520	Department of Public Welfare Transition to RUG-III Version 5.12 and Latest Assessment	6/16/11	7/21/11
7-461	Environmental Quality Board Stream Redesignations (Fishing Creek, et al.)	6/16/11	7/21/11
7-450	Environmental Quality Board New Source Review	6/16/11	7/21/11
7-438	Environmental Quality Board Clarks Creek, et al.; Stream Redesignations	6/16/11	7/21/11

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-456	Environmental Quality Board Unsuitable for Surface Mining; (Muddy Run)	6/16/11	7/21/11
16A-4929	State Board of Medicine Behavior Specialist	6/20/11	7/21/11

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-1114. Filed for public inspection July 1, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. 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 July 18, 2011. 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 approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-2011-2246004. Henderson Limousine Service, Inc. (306 Stuart Place, Harrisburg, Dauphin County, PA 17109)—a corporation of the Commonwealth of Pennsylvania—in Group and Party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. E & M Express, Inc.;*
Doc. No. C-2011-2228375; A-00108362

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That E & M Express, Inc., Respondent, maintains its principal place of business at P. O. Box 3, Thomasville, PA 17364-0003.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 12, 1989 at Application Docket No. A-00108362.

3. That on August 25, 2010, Respondent received an initial assessment of \$44.00, Respondent failed to pay these assessments; therefore, a balance was due in the amount of \$44.00.

4. That Respondent has an outstanding assessment of \$44.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. Carrier Express, Inc.;
 Doc. No. C-2011-2228373; A-00108273*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Carrier Express, Inc., Respondent, maintains its principal place of business at 250 W. US Hwy 12, Burns Harbor, IN 46304.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on October 20, 1989 at Application Docket No. A-00108273.

3. That on January 4, 2010, Respondent received an initial assessment of \$973.00 and on August 25, 2010 Respondent received an initial assessment of \$184.00, Respondent failed to pay these assessments; therefore, a balance was due in the amount of \$1,157.00.

4. That Respondent has an outstanding assessment of \$1,157.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to

issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Frames Motor Freight, Inc.;*
Doc. No. C-2011-2234460; A-00086272

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Frame's Motor Freight, Inc., Respondent, maintains its principal place of business at 1233 Wrights Lane, West Chester, PA 19380.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on June 2, 1959 at A-00086272.

3. That on August 25, 2010, Respondent received an initial assessment of \$140.00. Respondent failed to pay this assessment; therefore, a balance is due in the amount of \$140.00.

4. That Respondent has an outstanding assessment of \$140.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my

knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Areeg Cab Co.;*
Doc. No. C-2011-2234390

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsi-

bilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Areeg Cab Co., (respondent) is under suspension effective March 01, 2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1258 Elbridge Street, Philadelphia, PA 19111.

3. That respondent was issued a Certificate of Public Convenience by this Commission at A-00121347.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00121347 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and

must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the \$500 fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord certificates of insurance and faxed form ES and HS are unacceptable as evidence of insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Cindy Richards;
Doc. No. C-2011-2234982; A-00122887*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Cindy Richards, Respondent, maintains her principal place of business at 192 Texaco Road, Mechanicsburg, PA 17050.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on August 29, 2006 at A-00122887.

3. That on January 3, 2008, Respondent received an initial assessment of \$11.00 and on August 29, 2008, Respondent received an initial assessment of \$11.00. Respondent failed to pay these assessments; therefore, a balance is due in the amount of \$22.00.

4. That Respondent has an outstanding assessment of \$22.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Mand Cab Co.;
Doc. No. C-2010-2131233; A-00120511*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Mand Cab Co., Respondent, maintains a principal place of business at 162 Marlboro Road, Upper Darby, PA 19082.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on March 29, 2004, at A-00120511.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 4, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The Bureau of Transportation and Safety's Motor Carrier Services and Enforcement Prosecutory Staff's proposed civil penalty for this violation is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Mand Cab Co., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA. 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1115. Filed for public inspection July 1, 2011, 9:00 a.m.]

Sewage Service

A-2011-2247920. CMV Sewage Company, Inc. Application of CMV Sewage Company, Inc. for approval to: 1) transfer to the North Codorus Township Sewer Authority all assets used and useful in the provision of sewage collection service in North Codorus Township, York County; and 2) for CMV Sewage Company, Inc. to abandon its provision of sewage service to the public in North Codorus Township, York 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 of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 11, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us and at the applicant's business address.

Applicant: CMV Sewage Company, Inc.

Through and By Counsel: Janet L. Miller, Esquire,
Hawke McKeon & Sniscak, LLP, 100 North Tenth Street,
P. O. Box 1778, Harrisburg, PA 17105-1778

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-1116. Filed for public inspection July 1, 2011, 9:00 a.m.]

Tentative Order

Public Meeting held
June 9, 2011

Commissioners Present: Robert F. Powelson, Chairperson;
John F. Coleman, Jr., Vice Chairperson; Tyrone J.
Christy; Wayne E. Gardner; James H. Cawley

Hopkins & Reedy Water Company;
A-211425

Tentative Order

By the Commission:

Hopkins & Reedy Water Company (Hopkins & Reedy or the company) is a water utility certificated at A-211425. Upon our own motion and based on the facts described below, this Commission will cancel the operating authority issued to Hopkins & Reedy.

Background

Hopkins & Reedy, a private water utility, is located in Summit Station, Wayne Township, Schuylkill County, Pennsylvania and serves exclusively residents living in the Blue Mountain Heights trailer park. The trailer park itself sits on a mountainside and the water provided to the customers by Hopkins & Reedy comes from untreated well water. While the company currently goes by the name of Blue Mountain Heights Water Company that name change was never approved by the Commission and so for purposes of this Order we will refer to the company by the name on its certificate of public convenience, Hopkins & Reedy Water Company.

In September 2009, Law Bureau Prosecutory Staff (Prosecutory Staff or Staff) attempted to file a Formal Complaint at C-2009-2130647 against Hopkins & Reedy for failure to file its 2007 Annual Report, but the complaint came back as refused, return to sender. This failure to serve the complaint triggered an investigation by Staff to determine the reason for the refusal that eventually led into a more extensive review into the current operations of the company, including changes in ownership of the company that the Commission was previously unaware of and the possible transfer to yet another owner.

Prosecutory Staff learned the following additional facts from its investigation. On August 19, 1996, Messrs. William Hopkins and Melvin Reedy transferred the property (approximately 1.8 acres) upon which the wells used by the company rest to Ms. Ella Purcell, for \$1.¹ Ms. Purcell is a cousin to Mr. Hopkins' wife. This transfer was never submitted to the Commission for approval. Ms. Purcell later became Mrs. Ella Stamm through marriage.

¹ The facts provided in this Background Section of the Order are supported by the Joint Affidavit of Adam Spotts and Ella Stamm, dated April 18, 2011, follows as Exhibit A to this Order.

Following the transfer, Mr. Reedy moved to New Jersey while Mr. Hopkins still lives in the trailer park. Since the transfer, neither gentleman has anything to do with the operations of the water system or the company. For her part, Mrs. Stamm advised Staff that she had little interest in running the day-to-day operations of the company either, so she turned over its daily operations to Mrs. Shirley Hopkins, Mr. Hopkins' wife. In June 2010, a young man by the name of Adam Spotts came forward and was interested in acquiring the company. At that point, Mrs. Stamm allowed Mr. Spotts to become the acting manager for the company managing its day-to-day operations, and he is currently listed in the Commission records as the person responsible at Hopkins & Reedy for assessment issues. Since becoming the active supervisor, Mr. Spotts has been very cooperative with Staff in responding to data requests and in seeking out the correct steps to submit an application of transfer.

Currently, Hopkins & Reedy has a total of seventeen connections served by two wells with two pumps and a third well as a back up without a pump. The number of connections has slowly decreased over the years as past customers installed their own well on their property or moved away. Moreover, most of the company's customers refuse to pay their water bill yet the company has not cut anyone off from service for failure to pay their water bill. Additionally, according to Mrs. Stamm and Mr. Spotts, Hopkins & Reedy has not had a new customer for many years and does not advertise for or otherwise solicit new customers. They further attested that the water system used by Hopkins & Reedy (two wells providing untreated water to the residents of the trailer park) is very primitive in nature with virtually no capacity for growth or expansion.

Since initially expressing interest in acquiring Hopkins & Reedy, Mr. Spotts has decided against taking ownership because of concerns that the Pennsylvania Department of Environmental Protection could require the company to invest in expensive purifying equipment to treat the well water, and the fact that most of the customers refuse to pay for their water. With the potential sale falling through, effective April 1, 2011, Hopkins & Reedy instead began to supply water to its existing customers at no charge with the understanding that any repairs or maintenance necessary to the system will be the responsibility of the individual homeowners affected. Similarly, according to Mrs. Stamm and Mr. Spotts, the monthly electric bills to run the wells must still be paid and will be divided equally among the customers using the water and any customer refusing to pay their share of the electric bill will be cut off from service. They also advise that if there is a future requirement to install new or upgraded equipment, the costs will be shared equally by all users of the system. Finally, Mr. Spotts has advised that he is actively seeking another water utility to take over the system from Hopkins & Reedy and has approached several water utilities to determine their interest in acquiring Hopkins & Reedy's customers.

Discussion

The Public Utility Code ("Code"), 66 Pa.C.S. § 102 (relating to definitions), provides in relevant part:

"Public Utility"

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

* * * * *

(ii) Diverting, developing, pumping, impounding, distributing, or

Furnishing water to or for the public for compensation. 66 Pa.C.S. § 102. Given that Hopkins & Reedy, effective April 1, 2011, is no longer charging for its water services, the company does not meet the definition of a public utility because it is not “furnishing water to or for the public for compensation.” Id. (emphasis added).

Even if the company was charging customers for its water, however, we believe that there are other grounds to support the conclusion that Hopkins & Reedy is not a public utility. First, the water system currently in operation was constructed to serve exclusively the residents living within the trailer park’s limits. The facts reveal that the company draws all its water supply from two ground wells, a primitive water system with limited flow capacity and virtually no ability for growth or expansion. Any such growth or expansion would require significant capital expenditures to make the infrastructure improvements necessary to serve members of the public living outside of the trailer park. See *Pilot Travel Centers LLC v. Pa. Pub. Util. Comm’n*, 933 A.2d 123 (Pa. Cmwlth. 2007) (court found that a sewage treatment facility was not a “public utility” as it never solicited the public to connect to the sewage facility and because of its “limited flow capacity,” it was not really available to all members of the public but rather its services were provided to a defined, privileged and limited group); *Re Hazelton Assoc. Fluidized Energy, Inc.*, 62 Pa.P.U.C. 619 (1986) (holding that company was not a “public utility” because it would not be physically able to serve any significant, additional load of users without a major overhaul and upgrading of its system’s capacity).

This conclusion is further supported by the fact that during its entire existence, Hopkins & Reedy has only served park residents and has never served any persons living outside of the trailer park. The untreated water that Hopkins & Reedy provides from its two wells is not available to the public at large but rather is confined to a defined, privileged, limited group of Blue Mountain Heights trailer park residents. See *Drexelbrook Assoc. v. Pa. Pub. Util. Comm’n*, 212 A.2d 237, 240 (Pa. 1965) (Court held that proposed utility service to only the tenants of a large apartment complex did not qualify as a “public utility” because “those to be serviced consist[ed] only of a special class of persons—those to be selected as tenants—and not a class open to the indefinite public” so that the tenants “constitute[d] a defined, privileged and limited group and the proposed service to them would be private in nature”); *Pilot Travel*, 933 A.2d at 128-29. Finally, even within the trailer park itself, Hopkins & Reedy has not acquired nor has it solicited new customers in many years. See *Pilot Travel*, 933 A.2d 128 (in finding that sewage treatment facility was not a public utility, court relied in part on fact that the plant had never solicited the public to connect to it).

These findings are also consistent with our recently promulgated guidelines for determining public utility status at 52 Pa. Code § 69.1401(c)(2) & (3). These guidelines provide that an entity is not a public utility if the facility is designed and constructed only to serve a specific group of persons or entities and others cannot be feasibly served without a significant upgrade in the facilities or when the service is provided to a defined, privileged and limited group.

Finally, Hopkins & Reedy is no longer holding itself out as offering to provide water service “to or for the public.” 66 Pa.C.S. § 102 (relating to definitions). A critical factor

as to whether an entity is providing public utility service is whether or not a supplier “holds himself out, expressly or impliedly, as engaged in the business of supplying his product or service to the public, as a class, or to any limited portion of it, as contradistinguished from holding himself out as serving or ready to serve only particular individuals.” *Waltman v. Pa. Pub. Util. Comm’n*, 596 A.2d 1221, 1223 (Pa. Cmwlth. 1991) (emphasis in original), citing *Drexelbrook v. Pa. Pub. Util. Comm’n*, 212 A.2d 237, 239 (Pa. 1965). At this point, the facts indicate that Hopkins & Reedy is in a state of business decline, is no longer offering to serve additional customers and, more specifically, has limited water service to existing customers on a cost sharing basis. Accordingly, the lack of holding itself out as offering to provide water “to or for the public” also indicates that Hopkins & Reedy no longer qualifies as a public utility under Pennsylvania law. Based on these facts, we find that Hopkins & Reedy, in its present operations, is not acting as a public utility; *Therefore*,

It Is Ordered That:

1. The provision of water service by Hopkins & Reedy Water Company to the seventeen households in the Blue Mountain Heights’ trailer park is deemed to be non-jurisdictional because it is not service “to or for the public for compensation” within the meaning of section 102 of the Public Utility Code, 66 Pa.C.S. § 102.

2. A copy of this Order shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, Hopkins & Reedy Water Company and upon each of Hopkins & Reedy Water Company’s seventeen household customers.

3. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* with a 30-day comment period.

4. Absent the filing of adverse public comment relating to the Commission’s intent to cancel the Hopkins & Reedy Water Company certificate of public convenience within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

5. Upon this order becoming final, the Commission’s Secretary’s Bureau shall cancel the operating authority of Hopkins & Reedy Water Company at A-211425 and mark this file as closed and shall remove Hopkins & Reedy Water Company from all active utility lists maintained by the Commission’s Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission

ROSEMARY CHIAVETTA,
Secretary

EXHIBIT A

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Hopkins & Reedy Water Co. : A-211425
:

JOINT AFFIDAVIT OF
ADAM SPOTTS AND ELLA STAMM

I, Adam Spots, and I, Ella Stamm, being duly sworn, depose and say:

1. Ella Stamm is the current owner of Hopkins & Reedy Water Company (Hopkins & Reedy), also known as

Blue Mountain Heights Water Company, and Adam Spotts is the current acting manager of Hopkins & Reedy.

2. Hopkins & Reedy, a private water utility, is located in Summit Station, Wayne Township, Schuylkill County, Pennsylvania and serves exclusively residents living in the Blue Mountain Heights trailer park. The trailer park itself sits on a mountainside and the water provided to the customers by Hopkins & Reedy comes from untreated well water.

3. On August 19, 1996, the then current owners of Hopkins & Reedy, transferred the property (approximately 1.8 acres) upon which the wells used by the company to Ms. Ella Purcell, for \$1. Ms. Purcell is a cousin to Mr. Hopkins' wife, Shirley Hopkins. Ms. Purcell later became Ms. Ella Stamm through marriage.

4. Following the transfer, Mr. Reedy moved to New Jersey while Mr. Hopkins still lives in the trailer park. Since the transfer, neither gentleman has anything to do with the operations of the water system or the company.

5. Ms. Stamm had little interest in running the day-to-day operations of the company so she turned over its daily operations to Shirley Hopkins. In June 2010, Adams Spotts inquired about acquiring Hopkins & Reedy and shortly thereafter Ms. Stamm allowed Mr. Spotts to become the acting manager for Hopkins and Reedy managing its day-to-day operations while Mr. Spotts worked with Commission Staff on the steps necessary to acquire the company. Since taking over as acting manager, Mr. Spotts is listed in the Commission records as the person responsible at Hopkins and Reedy for assessment issues.

6. Currently, Hopkins and Reedy has a total of 17 connections served by two wells with two pumps and a third well as a back up without a pump. The number of connections has slowly decreased over the years as past customers installed their own well on their property or moved away. Moreover, most of the company's customers refuse to pay their water bill yet the company has not cut anyone off from service for failure to pay their water bill.

7. Hopkins & Reedy has not had a new customer for many years and does not advertise for or otherwise solicit new customers. In addition, the Hopkins & Reedy water system consisting of two wells providing untreated water to the residents of the trailer park is very primitive in nature with virtually no capacity for growth or expansion.

8. Since initially expressing interest in acquiring Hopkins & Reedy, Mr. Spotts has had second thoughts about taking ownership because of concerns that the Pennsylvania Department of Environmental Protection could require the company to invest in expensive purifying equipment to treat the well water, and the fact that most of the customers refuse to pay for their water.

9. Effective April 1, 2011, Hopkins & Reedy began to supply water to its existing customers at no charge with the understanding that any repairs or maintenance necessary to the system will be the responsibility of the individual homeowners affected.

10. Going forward from April 1, 2011, the monthly electric bills to run the wells will be divided equally among the customers using the water and any customer refusing to pay their share of the electric bill will be cut off from service. If there is a future requirement to install new or upgraded equipment, the costs will be shared equally by all users of the system.

11. Mr. Spotts is actively seeking another water utility to take over the system from Hopkins & Reedy and has

approached several water utilities to determine their interest in acquiring Hopkins & Reedy's customers. These efforts are ongoing.

We swear the foregoing is true and correct to the best of our knowledge, information and belief.

[Pa.B. Doc. No. 11-1117. Filed for public inspection July 1, 2011, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

August 24, 2011	Stanley L. Draper (Emergency Return to Service)	1 p.m.
December 7, 2011	D. June Hairston-Brown (Account Adjustment)	1 p.m.

Persons with a disability, who wish to attend the previously-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Flurie, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 11-1118. Filed for public inspection July 1, 2011, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.
Mark R. Cook; Doc. No. 0772-42-2011**

On May 6, 2011, the State Board of Barber Examiners (Board) suspended the license of Mark R. Cook, license no. BL052564 of Washington, Washington County. The Board took this action under the Order of the Court of

Common Pleas of Washington County dated May 6, 2011, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

L. ANTHONY SPOSSEY,
Chairperson

[Pa.B. Doc. No. 11-1119. Filed for public inspection July 1, 2011, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Delaney P. Palmer; Doc. No. 0749-42-2011

On May 5, 2011, the State Board of Barber Examiners (Board) suspended the license of Delaney P. Palmer, license no. BL052051 last known of Huntingdon, Huntingdon County. The Board took this action under the order of the Court of Common Pleas of Montgomery County dated April 13, 2011, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

L. ANTHONY SPOSSEY,
Chairperson

[Pa.B. Doc. No. 11-1120. Filed for public inspection July 1, 2011, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Meghan Alison Gardecki; Doc. No. 0696-51-2011 and 0697-51-2011

On April 29, 2011, the State Board of Nursing (Board) suspended the license of Meghan Alison Gardecki, license no. RN576274 of Middletown, Dauphin County. The Board took this action under the order of the Court of Common Pleas of Dauphin County dated April 12, 2011, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 11-1121. Filed for public inspection July 1, 2011, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Steven John Gardecki; Doc. No. 0698-51-2011

On April 29, 2011, the State Board of Nursing (Board) suspended the license of Steven John Gardecki, license no. RN592979 of Middletown, Dauphin County. The Board took this action under the order of the Court of Common Pleas of Dauphin County dated April 12, 2011, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 11-1122. Filed for public inspection July 1, 2011, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Virginia M. Stine; Doc. No. 2062-51-2010

On April 27, 2011, the State Board of Nursing (Board) suspended the license of Virginia M. Stine, license no. RN169937L of Philadelphia, Philadelphia County for at least 3 years retroactive to October 29, 2010, based on findings that she violated the terms of her Voluntary Recovery Program Consent Agreement.

Individuals may obtain a copy of the adjudication by writing to Roberta L. Silver, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 11-1123. Filed for public inspection July 1, 2011, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERES, DEALERS AND SALESPERSONS

Bureau of Professional and Occupational Affairs v. Jermaine Maurice Lewis; Doc. No. 0777-60-2011; File No. 11-60-03692

On April 15, 2011, the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) suspended the licence of Jermaine Maurice Lewis, license no. MV218163

of Philadelphia, Philadelphia County under the Order of the Court of Common Pleas of Philadelphia County dated April 15, 2011, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

KENNETH I. GLOTFELTY,
Chairperson

[Pa.B. Doc. No. 11-1124. Filed for public inspection July 1, 2011, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Jeff Rohrer 1655 Phillips Lane Mohrsville, PA 19541	Berks County/ Upper Burn Township	1313.6	Swine	New	Approved
Malcolm Rudolph Granite Ridge Farms 200 Ginzle Road New Oxford, PA 17350	Adams County/ Tyrone Township	352.4	Swine	New	Approved
Jeffrey Balmer 572 Millway Road Lititz, PA 17543	Lancaster County/ Warwick Township	107	Cattle	New	Approved
Stoner's Hijos Hill, Inc. 7678 Oellig Road Mercersburg, PA 17236	Franklin County/ Peters Township	0	Cattle	New	Approved
Churchview Downs, LLC 1777 Ben Salem Road Andreas, PA 18211	Carbon County/ East Penn Township	219	Horse	New	Approved

GEORGE D. GREIG,
Chairperson

[Pa.B. Doc. No. 11-1125. Filed for public inspection July 1, 2011, 9:00 a.m.]

STATE TAX EQUALIZATION BOARD

Certification of Total Market Value of Taxable Real Property and Common Level Ratios for 2010

The State Tax Equalization Board (Board) is responsible under the act of June 27, 1947 (P.L. 1046, No. 447), known as the State Tax Equalization Board Law (law), (72 P. S. §§ 4656.1—4656.17) to do the following:

(1) Annually, to determine the aggregate market value of taxable real property in each political subdivision and school district throughout this Commonwealth and, by July 1 of each year, to certify and deliver the same to the Department of Education and the school districts of this Commonwealth.

(2) Annually, to establish a Common Level Ratio (CLR) for each county in this Commonwealth and, by July 1 of each year, to certify and deliver the CLR to the chief assessor of each county of this Commonwealth.

Due to the Board's efforts to comply with recommendations made by the Department of the Auditor General in a Special Performance Audit issued on February 10, 2011, see <http://www.auditorgen.state.pa.us/Reports/Performance/Special/speSTEB021011.pdf>, the Board will not be able to complete its calculations and make the certifications required by the law until after the statutory deadline of July 1, 2011. The Board does plan, however, to complete all required calculations and make all required certifications by the end of July.

RENEE L. REYNOLDS,
Executive Director

[Pa.B. Doc. No. 11-1126. Filed for public inspection July 1, 2011, 9:00 a.m.]