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PENNSYLVANIA BULLETIN

Volume 31 Number 10
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Pages 1311—1446

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Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Labor and Industry
Department of Public Welfare
Department of Transportation
Environmental Hearing Board
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Commission for Women
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Nursing Home Administrators
State Board of Vocational Rehabilitation
Turnpike Commission

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

No. 316, March 2001

PENNSYLVANIA



BULLETIN

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

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

Adoption, Amendment or Repeal of Regulations

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

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

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2001.

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1142, 1143, 1223, 1326, 1360

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 1]

Amendment of Pennsylvania Rule of Judicial Administration 103—Procedure for Adoption, Filing and Publishing Rules; No. 227 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of February, 2001, Pennsylvania Rule of Judicial Administration 103 is amended to read as set forth in Annex A.

Whereas this amendment is perfunctory in nature, publication and comment prior to promulgation are not required pursuant to Pa.R.J.A. 103(a)(3).

This order shall be processed in accordance with Pa.R.J.A. 103(b). The amendment shall be effective April 1, 2001.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 1. GENERAL PROVISIONS

Rule 103. Procedure for adoption, filing and publishing rules.

* * * * *

Official Note: The procedure for adopting, filing and publishing local rules of civil and criminal procedure is governed by Rule of Civil Procedure 239 and Rule of Criminal Procedure [6] 105. Whenever local rules are forwarded to the Administrative Office the adopting court should indicate whether the rules have been distributed to the Legislative Reference Bureau and filed with the Civil or Criminal Procedural Rules Committee under Civil Procedural Rule 239 or Criminal Procedural Rule [6] 105.

[Pa.B. Doc. No. 01-391. Filed for public inspection March 9, 2001, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 82]

Amendment of Rule 108 of the Pennsylvania Rules for Continuing Legal Education and Section 5 of the Pennsylvania Continuing Legal Education Board Regulations; No. 266 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of February, 2001, Rule 108 of the Pennsylvania Rules for Continuing Legal Education

and Section 5 of the Pennsylvania Continuing Legal Education Board Regulations are amended as set forth in Annex A.

To the extent that notice of proposed rulemaking would be required by Pa.R.J.A. No. 103, the amendment of the rule is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103 (b) and shall be effective March 1, 2001.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter A. PROFESSIONAL RESPONSIBILITY

Rule 108. Credit for Continuing Legal Education Courses and Activity

* * * * *

(e) *Bridge-the-Gap Program.* CLE credit shall be given to faculty for teaching in the Supreme Court sponsored Bridge-the-Gap program. No credit shall be given for preparation for teaching in said program. CLE credits earned through teaching in the Bridge-the-Gap program may be carried forward for up to four (4) years.

Subchapter B. CONTINUING LEGAL EDUCATION BOARD REGULATIONS

Section 5. Credit for CLE Activities.

* * * * *

(i) *Bridge-the-Gap Program.* Faculty for the Supreme Court sponsored Bridge-the-Gap program shall receive CLE credit for teaching in said program. No credit shall be given to such faculty for preparation for teaching in said program or for attending any required training sessions to be eligible to teach in said program. Faculty for the program shall receive six (6) hours of CLE credit for each Bridge-the-Gap day-long program in which they participate. CLE credit earned through teaching in the Bridge-the-Gap program shall be deemed to be ethics credits, and such credits may be carried forward for up to four (4) years.

[Pa.B. Doc. No. 01-392. Filed for public inspection March 9, 2001, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200—500 and 1000]

Satisfaction of Money Judgments Rendered by District Justices

Introduction

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania

renumber Pa. R.C.P.D.J. 325, adopt entirely new Pa. Rs.C.P.D.J. 211, 341, and 342, and amend or revise the Notes to Pa. Rs.C.P.D.J. 306, 324, 402, 514, 518, 1001, and 1007 to provide a procedural mechanism for the entry of satisfaction of money judgments rendered by district justices, and to make other technical or "house-keeping" amendments to these rules. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed changes precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

or e-mail to: mike.krimmel@supreme.court.state.pa.us no later than Thursday, March 29, 2001.

By the Minor Court Rules Committee

FRED A. PIERANTONI, III,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

**CHAPTER 200. RULES OF CONSTRUCTION;
GENERAL PROVISIONS**

**Rule 211. Abolished, Consolidated, or Changed
Magisterial Districts; Subsequent Filings.**

When these rules specify that a party is to file or serve an ancillary or supplementary action in the office of the district justice who rendered the judgment or issued other process, but that office no longer exists, the party may file or serve the ancillary or supplementary action only in the district justice office in which the original record of the proceedings containing the judgment is filed.

Official Note:

This rule provides a procedure for filing or serving an ancillary or supplementary action, when the action should be filed or served in the office of the district justice who rendered the judgment or issued other process, but that office has been abolished, consolidated or otherwise changed. Such actions may include a request for order of execution or a request for a certified copy of a judgment (see Rule 402), an objection to levy or other property claim (see Rule 413), a request for order of possession (see Rule 515), or a request for entry of satisfaction (see Rule 341), among others. The rule provides that, under these circumstances, the action may be filed or served only with the district justice who has become the official custodian of the original record, even if that district justice did not render the judgment.

Adopted _____, effective _____.

CHAPTER 300. CIVIL ACTION

Rule 306. Numbering and Filing of Complaints

* * * * *

Official Note:

It was felt that this rule contained all the provisions concerning office procedures that should be required by rule. [It is hoped, however, that close supervision by the State Court Administrator will bring about] The state court administrator publishes the District Justice Automated Office Clerical Procedures Manual that prescribes uniform filing, record keeping and other office procedures.

"Complaints filed in the case by a defendant" include cross-complaints filed pursuant to Rule 315 and supplementary actions filed pursuant to Rule 342.

Amended June 30, 1982, effective 30 days after July 17, 1982; Note revised _____, effective _____.

Rule 324. Notice of Judgment, Dismissal or Continuance, and the Right to Appeal.

A. The district justice shall promptly give or mail to the parties written notice of judgment, dismissal or continuance. The written notice shall be given or mailed to all parties, but if any party has an attorney of record [named in the complaint form], the written notice shall be given or mailed to the attorney of record instead of to the party.

B. [Notice] The written notice of judgment shall contain:

(1) advice as to the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas,

(2) a statement advising that if the judgment holder elects to enter the judgment in the court of common pleas all further process must come from the court of common pleas and no further process may be issued by the district justice, and

(3) a statement advising that the judgment debtor may file a request for entry of satisfaction if the judgment debtor pays in full, settles, or otherwise complies with the judgment.

Official Note:

As to subdivision B(2), see Rule 402(D) and Note. As to subdivision B(3), see Rule 341.

Amended effective Feb. 1, 1973; amended Oct. 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended March 27, 1992, effective June 25, 1992 [The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line."]; amended and Note added _____, effective _____.

Rule [325] 210. Practices Prohibited.

* * * * *

Official Note:

* * * * *

[Amended] Rule 325 amended June 30, 1982, effective 30 days after July 17, 1982; renumbered Rule 210 _____, effective _____.

SATISFACTION OF MONEY JUDGMENTS

Rule 341. Request for Entry of Satisfaction; Service; Entry of Satisfaction

A. A judgment debtor who has paid in full, settled, or otherwise complied with a judgment rendered in a district justice court, or anyone interested in the judgment, may request the entry of satisfaction of the judgment by filing a written request, on a form which shall be prescribed by the state court administrator, in the office of the district justice who rendered the judgment.

B. The request for entry of satisfaction must be served upon the judgment creditor in accordance with the rules in the 300 Series regarding service of the complaint.

C. The judgment creditor shall, within 90 days from the date of service of the request for entry of satisfaction, enter satisfaction, on a form which shall be prescribed by the state court administrator, in the office of the district justice in which the request for entry of satisfaction was filed.

Official Note:

Subdivision A provides a mechanism for a judgment debtor, or anyone interested in the judgment, to file a written request for entry of satisfaction in the office of the district justice who rendered the judgment. See Section 8104(a) of the Judicial Code, 42 Pa.C.S. § 8104(a).

The party requesting the entry of satisfaction should pay any fee for the entry of satisfaction. See Section 8104(a) of the Judicial Code, 42 Pa.C.S. § 8104(a).

Subdivision B provides that the request for entry of satisfaction be served upon the judgment creditor in accordance with the rules in the 300 Series regarding service of the complaint. See Rules 307, 308, 309, 310, 311, 312 and 313. This is intended to provide a number of alternative methods of service. When permitted, service by mail should be at the option of the person filing the request for entry of satisfaction.

Upon the entry of satisfaction, the judgment debtor may file a true copy of the entry of satisfaction in any other district justice court in which the judgment may have been entered pursuant to Rule 402. Nothing in this rule is intended to suggest that it is the obligation of the judgment creditor to enter satisfaction in any court other than the court specified in subdivision C.

These procedures also apply to satisfaction of money judgments rendered in actions for the recovery of possession of real property (landlord/tenant actions). See Rules 514 and 518.

If the judgment creditor does not comply with the provisions of this rule, the judgment debtor may proceed under Rule 342.

A party may contend that satisfaction should not have been entered in a matter by filing a petition to strike entry of satisfaction with the court of common pleas.

Adopted _____, effective _____.

Rule 342. Failure of Judgment Creditor to Enter Satisfaction; Supplementary Action.

A. If the judgment creditor does not enter satisfaction within the 90 day period after proper service of the request as specified in Rule 341(C), the judgment debtor may commence a supplementary action for damages by filing a civil complaint in the office of the district justice in which the request for entry of satisfaction was filed.

B. Upon the filing of a complaint as provided in subdivision A, the action should proceed as a civil action in accordance with the rules of the 300 Series.

Official Note:

The judgment creditor may seek damages pursuant to Section 8104(b) of the Judicial Code, 42 Pa.C.S. § 8104(b). The action commenced under subdivision A of this Rule is intended to be a supplementary proceeding in the matter in which the judgment was entered. As such, it must be filed in the office of the district justice in which the request for entry of satisfaction was filed. Also, it should be indexed to the same docket number as, and made a part of the record of, the underlying action. See Rule 306 and Note. There is no filing fee for a supplementary action filed pursuant to this rule, however there will be fees for service of the action.

Subdivision B provides that, once a supplementary action is filed under subdivision A, all proceedings in the action, including the form of the complaint, setting the hearing date, service, hearing, and all other aspects of the case, should proceed as if a regular civil action. See Rules 304 through 381.

When rendering judgment in an action filed pursuant to this rule, the district justice may determine if the judgment debtor is entitled to damages under Section 8104(b) of the Judicial Code, 42 Pa.C.S. § 8104(b), and whether satisfaction should be entered on the underlying judgment.

A party may appeal from a judgment rendered in an action filed pursuant to this rule, but the issues on appeal are limited to those raised in the action filed under this rule. See Rule 1007.

Adopted _____, effective _____.

CHAPTER 400. EXECUTION OF JUDGMENT FOR THE PAYMENT OF MONEY

Rule 402. Request for Order of Execution; Entry of Judgment in Court of Common Pleas.

* * * * *

C. The plaintiff may enter the judgment, for the purpose of requesting an order of execution thereon, in an office of a district justice other than that in which it was rendered only if []:

(1) the office of the district justice in which the judgment is entered for execution is that of the district justice of the magisterial district within the boundaries of which the district justice who rendered the judgment conducted his magisterial business, or

(2) [] levy is to be made outside the county in which the judgment was rendered and the office in which the judgment is entered for execution is that of a district justice whose magisterial district is situated in the county

in which levy is to be made. The plaintiff may enter the judgment in such other office by filing therein a copy of the record of the proceedings containing the judgment, certified to be a true copy by the district justice in whose existing office the judgment was rendered or by any other official custodian of the record.

* * * * *

Official Note:

Under subdivision A of this rule, the execution proceedings are commenced by requesting an "order of execution" on a [new] form [or form to be] prescribed by the [State Court Administrator] state court administrator. This is in accordance with the purpose of simplifying district justice procedures sought to be achieved throughout these rules. [See the note to Rule 304.] See Rule 304, Note. The request may not be filed before the expiration of thirty (30) days after the date [of] the judgment is entered by the district justice. This will give the defendant an opportunity to obtain a supersedeas within the appeal period. The request must be filed within five (5) years of the date [of] the judgment is entered by the district justice. No provision has been made for the revival of the judgment in district justice proceedings.

Subdivision C provides for entering the judgment, for the purpose of requesting an order of execution, in an office of a district justice other than that in which the judgment was rendered [, but imposes certain limitations upon the use of this procedure. The first instance in which this can be done, set forth in C(1), will provide a procedure for use in the case of abolished, consolidated or changed magisterial districts. The second instance, set forth in C(2), provides for a transfer of the judgment] when levy is to be made outside the county in which the judgment was rendered. Compare Pa.R.C.P. No. 3002.

As to Subdivision D, [see the Judicial Code, § 1516, 42 Pa.C.S. § 1516.] see Section 1516 of the Judicial Code, 42 Pa.C.S. § 1516. The thirty day limitation in the rule appears to be required by this Section.

Certification by the district justice should not be done before the expiration of thirty (30) days after the date of entry of the judgment. The only method available to renew a judgment would be to record the judgment in the Prothonotary's office prior to the expiration of the five-year period and then follow the applicable Rules of Civil Procedure for the [Revival of a Judgment, Rule 1521 and 3025 et seq.] revival of judgments. See Pa.R.C.P. No. 3025 et seq. Also, [Subdivision] subdivision D makes clear that when the judgment is entered in the court of common pleas, all further process shall come from the court of common pleas and that no further process shall be issued by the district justice.

Amended Jan. 29, 1976, effective in 30 days; amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; amended December 15, 2000, effective January 1, 2001; amended _____, effective _____.

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 514. Judgment.

* * * * *

Official Note:

* * * * *

For procedure for entry of satisfaction of money judgments, see Rule 341.

Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended March 27, 1992, effective June 25, 1992 [The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line."]; March 28, 1996, effective March 29, 1996; Note revised _____, effective _____; Note revised _____, effective _____.

Rule 518. Satisfaction of Order by Payment of Rent and Costs.

* * * * *

Official Note:

Rent in arrears shall include only those sums set forth on the order for possession.

For procedure for entry of satisfaction of money judgments, see Rule 341.

Amended June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line."]; Note revised _____, effective _____.

CHAPTER 1000. APPEALS

Rule 1001. Definitions

As used in this chapter:

* * * * *

(6) *Claimant*—Includes a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the district justice.

(7) *Defendant*—Includes a plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the district justice.

* * * * *

Official Note:

* * * * *

Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended _____, effective _____.

Rule 1007. Procedure on Appeal.

* * * * *

B. [The] Except as otherwise provided in subdivision C, the action upon appeal [shall] may not be limited with respect to amount in controversy, joinder of causes of action or parties, counter-claims, added or changed averments or otherwise because of the particulars of the action before the district justice.

C. When an appeal is taken from a supplementary action filed pursuant to Rule 342, only those issues arising from the Rule 342 action are to be considered.

Official Note:

As under earlier law, the proceeding on appeal is conducted de novo, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the district justice (*see Crowell Office Equipment v. Krug*, 213 Pa. Super. 261, 247 A.2d 657 (1968)) has not been retained. Under subdivision B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the district justice, subject of course to the Rules of Civil Procedure. **The only limitation on this is contained in subdivision C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.**

Adopted June 1, 1971. Amended June 30, 1982, effective 30 days after July 17, 1982; amended _____, effective _____.

REPORT

Proposed Renumbering of Pa. R.C.P.D.J. 325; Proposed New Pa. Rs.C.P.D.J. 211, 341, and 342; and Proposed Amendments to or Revisions to the Notes of Pa. Rs.C.P.D.J. 306, 324, 402, 514, 518, 1001, and 1007

Entry of Satisfaction of Money Judgments

I. Background

The Committee undertook a review of the issue of the entry of satisfaction of money judgments in response to a request from the Administrative Office of Pennsylvania Courts (AOPC). AOPC advised the Committee that on several occasions, individuals against whom money judgments have been rendered reported that the judgments have appeared on their credit reports as outstanding when in fact the judgments were satisfied (paid in full). AOPC requested that the Committee review the need for some procedural mechanism for judgment debtors to request entry of satisfaction and for judgment creditors to enter satisfaction of judgments rendered by district justices. Currently, there is no such formal mechanism. This issue has come to the forefront because of the increased use by credit reporting agencies of data contained in the District Justice Automated System (DJS) to check for district justice judgments rendered against applicants for credit. Prior to automation, this was not a significant issue because there was no efficient way for credit reporting agencies to check for district justice judgments in the numerous district justice courts throughout this Commonwealth. The Committee learned, however, that since the 550-plus district justice courts have been fully automated via the DJS, several credit reporting agencies routinely request reports from AOPC to identify civil judgments that may have been entered against applicants for credit. The information requested by the credit reporting agencies is public record, and is provided in accordance with the AOPC's Access to District Justice Records Policy, 204 Pa. Code § 213.1 et seq.

The Committee was concerned that the information provided to credit reporting agencies may not be complete because satisfaction of judgment information is not entered in district justice civil cases. The Committee, there-

fore, wished to establish simplified procedures by which a judgment debtor may request an entry of satisfaction and a judgment creditor may enter a satisfaction in district justice court.

In conjunction with proposed new rules and amendments to, or revisions to the Notes of, existing rules regarding entry of satisfaction, the Committee also recognized the need to renumber Rule 325, and for several technical or "housekeeping" amendments to Rules 306, 324, 402, and 1007.

II. Discussion of Rule Changes

A. Request for and Entry of Satisfaction—New Rules

The Committee considered a number of options for incorporating into the rules a procedure for entry of satisfaction of money judgments. The Committee decided that, no matter the approach, any new rules or amendments should be based on Section 8104 of the Judicial Code, 42 Pa.C.S. § 8104, relating to duty of judgment creditor to enter satisfaction. It was suggested that one approach for dealing with satisfaction of judgments would be to simply notify the judgment creditor, via the Notice of Judgment form required by Rule 324 (Notice of Judgment, Dismissal or Continuance, and the Right to Appeal), that the judgment creditor has a duty to notify the court of satisfaction and that failure to do so could result in an action for damages under Section 8104. This approach would not necessarily have required a rule change, but only a request to AOPC to amend the Notice of Judgment form. The Committee, however, opted for a more formal and comprehensive rules-based approach.

There was also discussion about incorporating entry of satisfaction into an amendment to Rule 324 by requiring that the notice of judgment contain a notice that it is the obligation of the judgment creditor to timely notify the district court that a judgment has been satisfied.

Ultimately, however, the Committee decided that, in accordance with Section 8104, the burden should be on the judgment debtor to request an entry of satisfaction. Further, given the need for an entirely new procedure, the Committee decided that it was most appropriate to incorporate entry of satisfaction into the rules via entirely new rules dealing exclusively with this issue.

It was at first suggested that the Committee position the new rules immediately following the rules relating to civil judgments, perhaps as a new rule 326. Upon closer review of the existing rules, however, it seemed more appropriate to create an entirely new subset within the 300 series entitled "SATISFACTION OF MONEY JUDGMENTS." Also, in the course of this discussion, the Committee decided to renumber and move the existing Rule 325 because the subject matter of that rule more appropriately belongs in the 200 Series. (The renumbering of Rule 325 is addressed later in this Report.)

1. New Rule 341

The Committee is proposing an entirely new Rule 341, entitled "Request for Entry of Satisfaction; Service; Entry of Satisfaction." Subdivision A of the new rule would provide a mechanism for a judgment debtor, or anyone with an interest in the judgment, to request an entry of satisfaction by filing a written request with the district justice who rendered the judgment.

Subdivision B of the new rule would address service of the request for entry of satisfaction. The request would need to be served upon the judgment creditor in accordance with the existing rules regarding service of an

original complaint. The proposed Note would make reference to Rules 307, 308, 309, 310, 311, 312 and 313.

Subdivision C of the new rule would provide that a judgment creditor would have ninety days from the date of service of the request for entry of satisfaction to enter satisfaction with the district justice who rendered the judgment, which satisfaction would forever discharge the judgment. It is the Committee's intention that, once satisfaction is entered, the satisfaction would appear in the DJIS data as the final disposition of the case so that it is clear to inquiring credit agencies that the judgment has been paid. The proposed Note would also make clear that once the satisfaction is entered, the judgment debtor may file a true copy of the entry of satisfaction in any other district justice court in which the judgment may have been entered pursuant to Rule 402. It is not the Committee's intention that the judgment creditor be required to enter the satisfaction in any court other than the district court in which judgment was rendered.

The Committee incorporates a number of clarifying statements in the proposed Note to the new rule. First, the Committee makes clear that if there is to be a fee for the entry of satisfaction, the party requesting the entry of satisfaction would be responsible for payment of the fee. This is required by 42 Pa.C.S. § 8104(a). Also, the Note makes clear that the procedures set forth in the new rule also apply to satisfaction of money judgments rendered in actions for the recovery of possession of real property (landlord/tenant actions). Finally, the Note states that a party may contend that satisfaction should not have been entered in a matter by filing a petition to strike entry of satisfaction with the court of common pleas. Although all other procedures relating to satisfaction are handled at the DJ level under these proposed rules, the Committee felt that petitions to strike an entry of satisfaction would be more appropriately handled at the common pleas level since the decision to strike an entry of satisfaction is an exercise of the courts' general equitable powers.

2. New Rule 342

The Committee is proposing an entirely new Rule 342, entitled "Failure of Judgment Creditor to Enter Satisfaction; Supplementary Action." Subdivision A of this new rule would provide a procedural mechanism for a judgment debtor to commence a supplementary action for liquidated damages under 42 Pa.C.S. § 8104(b) if the judgment creditor does not enter satisfaction as required by Rule 341. The supplementary action is to be filed in the office of the district justice in which the request for entry of satisfaction was filed. Further, the proposed Note makes clear that the action is to be indexed to, and made a part of the record of, the underlying action. Because the "Rule 342 action" is supplementary to the underlying judgment, there is no filing fee, however there will be fees for service of the action.

Subdivision B provides that the supplementary action is to proceed in accordance with the 300 Series rules as if a regular civil action. The Committee had considered an abbreviated hearing process similar to that provided for in Rules 420 and 421 when a party wishes to file an ancillary property claim in a case in which execution is underway. The Committee decided, however, that full due process (including notice, service and hearing requirements) should be afforded since the supplementary "Rule 342 action" could result in a judgment for liquidated damages being entered against the judgment creditor. After hearing in a "Rule 342 action" the district justice may determine if the judgment debtor is entitled to liquidated damages for the judgment creditor's failure to

enter satisfaction, and may direct that satisfaction be entered in the underlying judgment.

Either party may appeal from a district justice's judgment in a "Rule 342 action" in accordance with the regular appellate rules (that are discussed in greater detail below).

B. Correlative Rule Changes

1. Correlative Revision to the Note to Rule 306

The Committee proposes a revision to the Note to Rule 306 to make clear that the phrase "[c]omplaints filed in the case by a defendant" includes cross complaints filed pursuant to Rule 315 and supplementary actions filed pursuant to the new Rule 342, and that both types of complaints should be indexed to the same docket number as the plaintiff's underlying complaint.

Also, the Committee recommends an unrelated "house-keeping" revision to the Note to make reference to the District Justice Automated Office Clerical Procedures Manual as the main source of uniform filing, record keeping and other district court office procedures.

2. Correlative Amendment to Rule 324

In addition to the new Rules 341 and 342, the Committee also proposes an amendment to Rule 324 to require that the Notice of Judgment form contain a statement advising that, upon satisfaction of a judgment, the judgment debtor may file a request for entry of satisfaction. The Committee recognized the need for this additional statement in the notice because most defendants in civil actions appear pro se and, absent a clear notice, may not know that they can request an entry of satisfaction that could effect the status of their personal credit history.

The Committee further proposes an amendment to the rule (unrelated to satisfaction of judgments) to require that the Notice of Judgment form contain a statement advising that if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the district justice. The Note to Rule 402 was revised effective January 1, 2001 to clarify this restriction, and the Committee concluded that it should also be clearly stated in the notice of judgment so that a judgment holder can make an informed decision about entering a judgment in the court of common pleas. This is important because there are advantages and disadvantages to entering a judgment in the court of common pleas. Many judgment holders opt to enter the judgment in the court of common pleas because, once entered, it can act as a lien against real property. However, judgment holders must be aware that execution of the judgment at the common pleas level can be much more costly and complicated than at the district justice level. By making this restriction clear in the notice of judgment, a judgment holder can consider all factors before deciding to enter a judgment in the court of common pleas.

Also, the Committee proposes a minor amendment to further clarify that the district justice must give or mail written notice of judgment to the parties or the parties' attorneys of record. Finally, the Committee proposes the addition of a Note to Rule 324 to make cross-references to Rules 402(D) and the new Rule 341.

3. Correlative Revisions to the Notes to Rules 514 and 518

Because the procedures for the entry of satisfaction set forth in the new Rules 341 and 342 also apply to the

satisfaction of money judgments rendered in actions for the recovery of possession of real property (landlord/tenant actions), the Committee proposes revisions to the Notes of Rules 514 (relating to judgment in landlord/tenant actions) and 518 (relating to satisfaction of order for possession by payment of rent and costs) to cross reference new Rule 341.

4. Correlative Amendments to Rules 1001 and 1007

The Committee recognized the need for minor amendments to appellate Rules 1001 and 1007 to fully provide for appeals from judgments rendered in "Rule 342 actions." First, the Committee proposes an amendment to Rule 1001(6) to make clear that a claimant in an appeal can include a defendant with respect to a defendant's supplementary action brought pursuant to new Rule 342. Likewise, the Committee proposes an amendment to Rule 1001(7) to make clear that a defendant in an appeal can include a plaintiff with respect to a defendant's supplementary action filed pursuant to Rule 342.

The Committee further proposes that Rule 1007 be amended by the addition of a subdivision C to restrict appeals from "Rule 342 actions" to issues that arise from the Rule 342 action. This is intended to make clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

C. Technical and "Housekeeping" Amendments

In conjunction with the substantive changes discussed above, the Committee is proposing that Rule 325 be renumbered and moved. The Committee also proposes a new Rule 211 to deal with subsequent filings in abolished, consolidated, or changed magisterial districts. Finally, the Committee identified a number of technical and "housekeeping" amendments needed in Rules 324 and 402.

1. Renumbering and Moving Rule 325

In contemplating the new rules relating the entry of satisfaction, the Committee reviewed the entire 300 Series, particularly Rules 322, 323 and 324, all relating to judgments. Upon review of Rule 325, relating to practices prohibited, the Committee determined that the content of the rule relates not only to civil actions, but to actions for the recovery of possession of real property (landlord/tenant actions) as well. Accordingly, the Committee determined that Rule 325 should be moved out of the 300 Series (relating to Civil Action), and into the 200 series (relating to Rules of Construction; General Provisions), and further, that it be renumbered as new Rule 210.

2. New Rule 211

In further contemplating the new rules, the Committee recognized that it needed to make provision for the filing of a request for entry of satisfaction when the office of the district justice who rendered the judgment has been abolished, consolidated or otherwise changed by redistricting of magisterial districts. This situation is currently provided for in Rule 402 as it relates to requesting an order of execution. The Committee determined that this situation could arise in a number of circumstances and decided to propose a general rule in the 200 Series to deal with the situation. Accordingly, the Committee proposes a new Rule 211 entitled "Abolished, Consolidated, or Changed Magisterial Districts; Subsequent Filings." This new rule is intended to cover all situations in which a party wishes to file or serve an ancillary or supplemental action, such as a request for order of execution or a request for a certified copy of a judgment (under Rule

402), an objection to levy or other property claim (under Rule 413), a request for order of possession (under Rule 515), or a request for entry of satisfaction (under Rule 341), among others, when the action should be filed or served in the office of the district justice who rendered the judgment or issued other process, but that office has been abolished, consolidated or otherwise changed. The proposed rule provides that, under these circumstances, the action may be filed or served only with the district justice who has become the official custodian of the original record, even if that district justice did not render the judgment, unless filing elsewhere is expressly authorized by the rules.

Of course, as a corollary to this proposal, the Committee proposes that Rule 402(C)(1) be deleted because it becomes unnecessary with the addition of new Rule 211.

3. Other Technical or "Housekeeping" Changes

Also, in Rules 402 and 1007, the Committee proposes minor changes to correct citation form, to address gender neutrality issues in the rules, and to make other minor clarifications.

[Pa.B. Doc. No. 01-393. Filed for public inspection March 9, 2001, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Electronic Filing of Legal Papers Involving Proceedings Pursuant to the Mental Health Procedures Act; Adoption of Phila.R.Civ.P. No. 205.4; President Judge Administrative Order No. 2001-01

Order

And Now, this 2nd day of January, 2001, in order to facilitate the filing of applications and petitions pursuant to the Mental Health Procedures Act of 1976, as amended, and pursuant to Phila.R.C.P. No. 7109, in light of the time requirements for the filing, scheduling, and conclusion of the hearing, and in order to fully take advantage of Pa.R.C.P. No. 205.4 which authorizes the establishment of a rule for the electronic filing and service of legal papers, *It Is Hereby Ordered, Adjudged and Decreed* that the within Order adopts, on a temporary basis, Phila.R.Civ.P. No. 205.4 as follows:

(a) *General Rule.* (1) Except as otherwise provided by subsection (2) of this rule, parties shall file legal papers, including original process, with the Prothonotary by means of electronic filing in any civil mental health matter filed pursuant to the Mental Health Procedures Act of 1976, as amended, and Phila.R.Civ.P. No. 7109.

(2) Notwithstanding subsection (1), appeals to appellate courts filed from orders issued by the Court pursuant to Petitions for Review of certification orders issued by Mental Health Review Officers cannot be filed electronically, but must be filed with the Prothonotary in a hard copy format.

(3) The filing party shall maintain the original hard copy of any legal paper that is electronically filed and shall file the original with the Prothonotary if requested pursuant to Pa.R.C.P. No. 205.4(b)(2)(ii).

(4) The Prothonotary shall not maintain a hard copy file of any legal papers filed electronically pursuant to this rule.

(b) *File Date. Acceptance By Prothonotary.* The legal paper filed electronically shall be deemed "filed" when "verified" or "accepted" by the Prothonotary. Provided, however, that the Prothonotary may deem an Application filed or accepted pursuant to Section 303 of the Mental Health Procedures Act to be filed on a later, specifically stated date, for purposes of scheduling a hearing on the Application. Acceptance shall occur after the Prothonotary has reviewed the pleading and determined compliance with rules of court. The Prothonotary shall provide a filing status message to the filing party setting forth the date of and time of acceptance of the filing. If the filing party does not receive a filing status message within eight (8) business hours, the legal paper is not considered filed and the filing party must again submit the pleading to the Prothonotary's office.

Note

A filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the Prothonotary. See Pa.R.C.P. No. 205.4(e)(2). One of the risks is that the Prothonotary—either correctly or incorrectly—determines that the filing party has not met its obligation for payment of the necessary fees and costs.

(c) *Scheduling of Hearing.* Upon filing of the application or petition, a hearing shall be scheduled consistent with the dictates of the Mental Health Procedures Act.

(d) *Service of Pleading and Scheduling Order.* After the application or petition is verified and accepted and a hearing date scheduled, the Prothonotary shall notify all parties that the application was filed and is available, and further that a scheduling order was entered. This notification shall constitute service of the application or petition on all parties, and service of the scheduling order as required by Pa.R.C.P. No. 236.

(e) *Commitment Orders.* Upon conclusion of the hearing, the Mental Health Review Officer shall enter a commitment order electronically within the time be period required by the Mental Health Procedures Act and Phila.R.C.P. No. 7109, and an electronic copy of the order shall be e-mailed to all parties. Service of the electronic order shall constitute compliance with Pa.R.C.P. No. 236.

(f) *Website.* The Prothonotary's website is at the following website address: <http://courts.phila.gov>, or at such other site as may from time to time be designated. The Prothonotary shall provide electronic access at all times. The time and date of the filing and receipt shall be as set forth above.

(g) *Authorized Users.* Access to the website shall be available to an attorney by use of a password and the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is also available to any other user authorized by the Prothonotary or the Court.

(h) *Fees.* The Prothonotary shall impose an automation fee of \$5.00 per application or petition filed after the effective date of this Regulation, together with the first filing fees, unless the President Judge waives any and all portion of the filing fee and automation fee. Provided, however, that all petitions and applications not filed with the Prothonotary electronically after the implementation date of this Regulation shall be subject to both the automation fee and the first filing fee. The funds gener-

ated by the automation fee shall be set aside by the Prothonotary and remitted monthly to the First Judicial District's Procurement Unit, and shall be used for, but not limited to, the development, training, implementation and maintenance of the electronic filing system for the Philadelphia Court of Common Pleas. The procedure for payment of the fees and costs of the Prothonotary shall be set forth on the Prothonotary's website.

(i) *Effective Date.* This Regulation shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, and shall be implemented as provided by the Prothonotary and the Coordinator of the Civil Mental Health Program. This rule shall be automatically rescinded on December 31, 2001, as required by Pa.R.C.P. No. 205.4(h), unless Pa.R.C.P. No. 205.4(h) is extended by the Supreme Court and the within local rule is extended in writing by this Court.

This Administrative Order is promulgated in accordance with Pa.R.C.P. 205.4 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District.

ALEX BONAVIDACOLA,
President Judge

[Pa.B. Doc. No. 01-394. Filed for public inspection March 9, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of New Local Rules of Criminal Procedure and Revocation of All Old Local Rules of Criminal Procedure; No. 103 MI 00

Amended Administrative Order No. 8-2000

And Now, this 20th day of February, 2001, it is hereby *Ordered and Decreed* that the following rules for Criminal Procedure in the 56th Judicial District composed of Carbon County be, and the same are, promulgated herewith, to become effective April 1, 2001, and that the present Carbon County Rules of Criminal Procedure are revoked, effective April 1, 2001.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

I. General Provisions

<i>Rule No.</i>	<i>Rule</i>
Rule 102.1	Citing the Criminal Procedural Rules
Rule 106.1	Continuances in misdemeanor, felony, and summary appeal cases
Rule 106.2	Reasons for continuances in felony, and summary appeal cases
Rule 106.3	Continuances of preliminary hearings before District Justices
Rule 120.1	Entry of appearance and withdrawal
Rule 122.1	Compensation rates for court-appointed conflict counsel
Rule 132.1	Continuous availability and temporary assignment of issuing authorities

II. Investigations

<i>Rule No.</i>	<i>Rule</i>
Rule 202	Approval of search warrant application by attorney for Commonwealth—local option

III. Accelerated Rehabilitative Disposition

<i>Rule No.</i>	<i>Rule</i>
Rule 311.1	A.R.D. Program
Rule 320.1	Automated Expungement under the Accelerated Rehabilitative Disposition Program

V. Pretrial Procedures in Court Cases

<i>Rule No.</i>	<i>Rule</i>
Rule 507.1	Approval of police complaints and arrest warrant affidavits by attorney for the Commonwealth—local option
Rule 518.1	Arrest w/o warrant
Rule 528.1	Valuation of bail bonds
Rule 528.2	Ten percent (10%) cash bail
Rule 528.3	Realty as bail
Rule 528.4	Justification of personal surety
Rule 528.5	Qualification of Surety
Rule 528.6	Corporate Surety
Rule 529.1	Bail Reduction
Rule 535.1	Receipt
Rule 535.2	Disposition of Bail—Administrative Fee
Rule 535.3	Disposition of Bail Deposited by Defendant
Rule 535.4	Disposition of Bail Deposited by a Third Party
Rule 535.5	Authorization to Pay Attorney
Rule 535.6	Removal of Judgment Indexed Against Realty
Rule 535.7	Notice to Person Posting Bail
Rule 560.1	Information: Filing, contents, function
Rule 570.1	Pretrial Conference
Rule 571.1	Arraignment and waiver of arraignment in non-capital cases
Rule 573.1	Pre-Trial Discovery and Inspection
Rule 574.1	Motions & Petitions Procedure
Rule 574.2	Pro Se Filings
Rule 578.1	Omnibus Pre-Trial Motions
Rule 578.2	Pre-Trial Pro se Motions

<i>Rule No.</i>	<i>Rule</i>
Rule 578.3	Arguments
Rule 590.1	Guilty Plea Colloquy Form

VI. Trial Procedures in Court Cases

<i>Rule No.</i>	<i>Rule</i>
Rule 600.1	Call of the List
Rule 602.1	Transportation Order
Rule 602.2	Interpreters
Rule 646.1	Admission and Custody of Exhibits

VII. Post-Trial Procedures in Court Cases

<i>Rule No.</i>	<i>Rule</i>
Rule 702.1	Presentence Procedures
Rule 708.1	Petition for Parole
Rule 708.2	Violation of Probation, Parole, or ARD
Rule 708.3	Arrest and Processing of Probation/Parole Violators
Rule 720.1	Post-Sentence Motions
Rule 720.2	Appeals to Supreme, Superior and Commonwealth Court

Addenda

<i>Form No.</i>	<i>Form</i>
Form I	Continuance Form
Form II	Criminal Division Motion Court Cover Sheet
Form III	Stipulation to the Revocation of ARD
Form IV	Appellate Rights of Defendant After Sentencing
Form V	Megan's Law Supplement to Guilty Plea Colloquy

Administrative Criminal Case Management Plan

I. General Provisions

Rule 102.1. Citing the Criminal Procedural Rules.

All criminal procedural rules adopted by the Court of Common Pleas of Carbon County under the authority of Pa.R.Crim.100(B) shall be known as the Carbon County Rules of Criminal Procedure and shall be cited as "CARB.C.R.CRIM.P. _____."

Rule 106.1. Continuances in Misdemeanor, Felony, and Summary Appeal Cases.

(A) Continuances shall be submitted to the filing office in writing on the form approved by the Court attached hereto and made a part hereof and marked "Exhibit I", without the necessity of formal presentation to the Court.

(B) After the continuance is filed and time stamped, it shall be forwarded by the filing office to the Motions and Petitions Coordinator in the Office of Court Administration for Court action and/or scheduling. Following Court action, the Motions and Petitions Coordinator shall return the Application for Continuance to the filing office for filing, docketing, and mailing.

(C) Uncontested continuances will be accepted by mail or electronically provided they are received at least three (3) working days in advance of the scheduled event. If the continuance is filed less than three (3) working days before the scheduled event, the attorney will be required to personally present it to the Motions and Petitions Coordinator for processing. If the continuance is granted, applying counsel has the duty to timely notify all other counsel or pro se defendants.

(D) Contested continuances must be presented in the Court Administration Office. Notice of presentation of the

contested continuance must be given to opposing counsel at least three (3) days prior to presentation. The assigned Judge will conduct a telephone conference, which will be arranged by presenting counsel.

(E) In all cases where the effect of the continuance by the defendant would extend the time of trial beyond the time requirements of Pa.R.Crim.P. No. 600, the defendant shall appear in Court with Counsel to waive the time requirements under said rule and to agree that his case may be called at a specific time to be fixed by the Court.

Rule 106.2. Reasons for Continuances in Felony and Misdemeanor Cases.

(A) *No criminal trial shall be continued except for the following reasons:*

1) Prior commitment in the Supreme, Superior, or Commonwealth Court of Pennsylvania or any other appellate court.

2) Incapacitating illness of defense counsel, Commonwealth Attorney, the defendant or an essential witness for either the prosecution or the Defense.

3) Death in the immediate family of defense counsel, Commonwealth Attorney, the defendant or an essential witness for either the prosecution or the defense.

4) Recusal of the Trial Judge.

5) Defense counsel's prior attachment or actual engagement in a trial in a Court of record.

6) Counsel unprepared for trial because recently retained, but only at the first listing.

7) Proceedings are stayed by order of an Appellate Court.

8) Discovery incomplete or outstanding pretrial motions, provided the application for a continuance on these grounds is made at least two days prior to the date of trial.

9) Unavailability of defendant's Court-ordered mental health evaluation where insanity or competency to stand trial is in issue.

10) Unavailability of a ballistics, breathalyzer or drug analysis report prepared by the Police Department, but only at the first listing.

(B) *Definitions:*

1) Incapacitating illness—A physical or mental impairment so severe that it prevents a person from attending trial.

2) Essential Witness—One whose testimony at trial is indispensable in determining guilt or innocence.

3) Engaged in trial in a Court or record that is commenced, but not completed, prior to or on the date of the trial for which a continuance is requested.

Rule 106.3. Continuances of Preliminary Hearings Before District Justices.

(A) A District Justice may grant continuances of the preliminary hearing upon the request either of the defendant or the Commonwealth provided that the aggregate number of days included in such continuances be limited to the minimum period necessary and do not in any event exceed twenty-one (21) days from the date upon which the preliminary hearing was first scheduled.

(B) If a continuance is granted pursuant to (A) hereof, the Order of Court granting the same shall set a time at which the preliminary hearing shall be held.

Rule 120.1. Entry of Appearance and Withdrawal.

(A) After a case has been returned to court, any motion filed by counsel shall be deemed an entry of appearance.

(B) Where counsel has entered an appearance, counsel's representation of the defendant shall be effective until sentencing has been imposed.

Rule 122.1. Compensation Rates for Court-Appointed Conflict Counsel.

(A) *Non-Homicide Criminal Cases*

1) Counsel, not exceeding one, who has been assigned to represent:

(a) a defendant charged with a non-homicide criminal offense;

(b) an individual in any post-conviction proceedings or,

(c) a juvenile formally charged with delinquency, shall, at the conclusion of the representation, or any segment thereof, be compensated for his/her services in such representation and reimbursed for all reasonable expenses advanced by counsel which were necessarily incurred.

2) Upon the conclusion of counsel's representation under this Rule, or any segment thereof, the Judge sitting at the trial of the case, if there is a trial, otherwise, the Judge presiding over the disposition of the matter shall, after the filing of the claim and sworn statement, allow such counsel all reasonable personal and incidental expenses, and compensation for services rendered.

3) Counsel shall be compensated at a rate not exceeding forty dollars (\$40) per hour for time expended in a Court of record and at a rate of thirty dollars (\$30) per hour for time reasonably expended out of Court. For representation of a defendant in a case in which one or more felonies are charged or for proceedings under the Post Conviction Hearing Act, the compensation paid to an attorney shall not exceed fifteen hundred dollars (\$1,500). In a case in which only misdemeanors or juvenile delinquencies are charged, payment shall not exceed seven hundred and fifty dollars (\$750).

4) Payment in excess of the limits stated herein may only be made if the Judge to whom the application is made certifies that, because of extraordinary circumstances set forth, such additional payments are necessary to provide fair compensation for representation.

5)(a) Assigned counsel may also make a written request to obtain investigative, expert, or other services necessary to an adequate defense. Upon finding after proper inquiry that such services are necessary, the Court shall authorize counsel to obtain such services on behalf of a defendant. The compensation paid to a person for such services rendered to a defendant shall not exceed five hundred dollars (\$500).

(b) In order to expedite reimbursement to counsel for services rendered by investigators or other experts authorized by the Court, at the conclusion of such expert services rendered on behalf of the defendant, counsel may submit a Petition and Order for reimbursement to counsel of such expert fees. Said Petition and Order shall be submitted to either the Trial Judge, if there is a trial, or to the Judge presiding over the disposition of the matter and may be submitted at any stage of the proceedings. The Petition and Order for reimbursement must contain all information and exhibits relevant to the reimbursement of expenses. Upon submission by counsel of the Petition and Order for reimbursement, the appropriate Judge shall immediately review the Petition and Order

for reimbursement, the appropriate Judge shall immediately review the Petition and order payment to counsel of such expert fees as are considered reasonable and necessary.

6) Counsel so assigned shall not, except with prior approval of the Court, receive or contract to receive directly or indirectly, any compensation for such services or reimbursement for expenses from any source other than herein provided.

7) Counsel shall be appointed under this Rule only when, because of conflict of interest or other sufficient reason, the individual cannot properly be represented by the Public Defender.

(B) Homicide Cases

1) Counsel appointed shall not exceed one, except that in cases of extreme complexity or where the Trial Judge may, after consultation with, and the consent of the President Judge, appoint co-counsel.

2)a) Assigned counsel may also petition the Court to obtain investigative, expert, or other services necessary to an adequate defense. Upon finding, after proper inquiry, that such services are necessary, the court, by written order, shall authorize counsel to obtain such services on behalf of a defendant.

3) In order to expedite reimbursement to counsel for services rendered by investigators or other experts authorized by the court at the conclusion of such expert services rendered on behalf of the defendant, counsel may submit a Petition and Order for reimbursement to counsel of such expert fees. Said Petition and Order shall be submitted to the Trial Judge, and may be submitted at any stage of the proceedings. The Petition and Order for reimbursement must contain all information and exhibits relevant to the reimbursement of expenses. Upon submission by counsel of the Petition and Order for reimbursement, the appropriate Judge shall immediately review the Petition and authorize payment to counsel of such expert fees as are considered reasonable and necessary. The reviewing Judge will then forward the Petition and Order for reimbursement to the Court Administrator for payment.

4) Upon the conclusion of counsel's representation under this Rule, or any segment thereof, the Judge sitting at the trial of the case, if there is a trial, otherwise, the Judge presiding over the disposition of the matter, shall, after the filing of the claim and sworn statement, allow such counsel all reasonable personal and incidental expenses, and compensation for services rendered.

5) Counsel shall be compensated for services rendered at a rate not exceeding fifty dollars (\$50) per hour for time reasonably expended in Court, and forty dollars (\$40) per hour for time reasonable expended out of Court. Such compensation shall not exceed four thousand dollars (\$4,000) where one counsel has been assigned, and shall not exceed a total of six thousand (\$6,000) where two counsel have been assigned. Payment in excess of the limits stated herein may only be made if the Court, to whom the application is made, finds that because of extraordinary circumstances set forth, such additional payments are necessary to provide fair compensation for representation.

6) Counsel so assigned must file with the Judge an affidavit that he has not, directly or indirectly, received, nor entered into a contract to receive, any compensation for such services from any source other than herein provided.

(C) Duration of Appointments

Appointments made pursuant to this rule shall continue through all stages of the proceedings.

(D) Payment

Such allowance of expenses and compensation under this Rule shall be a charge upon the County of Carbon, to be paid by the County upon Order of the appropriate Judge.

Rule 132.1. Continuous Availability and Temporary Assignment of Issuing Authorities.

The continuous availability of an issuing authority in Carbon County shall be arranged by the Court Administrator and all issuing authorities within the County. A rotating schedule of availability shall be maintained wherein each issuing authority will be available for duty on an equal time basis with every other issuing authority. A copy of the schedule of availability shall be provided to all law enforcement agencies within Carbon County, the District Attorney, and the Warden of the Carbon County Correctional Institution.

II. Investigations

Rule 202. Approval of Search Warrant Application by Attorney for Commonwealth—Local Option.

The District Attorney of Carbon County, having filed on January 22, 2001, a certification pursuant to Pa.R.Crim.P. 202(A), search warrants in all circumstances shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

III. Accelerated Rehabilitative Disposition

Rule 311.1. A.R.D. Program.

(A) When scheduling a Preliminary Hearing, the District Justice Office shall forward an application for the ARD program and Prior Criminal Record Statement to the defendant along with the Criminal Complaint, Arrest Warrant Affidavit, Notice of Hearing, Carbon County Public Defender Guidelines, Summons, Fingerprint Order Card, and for DUI Cases, Explanation of Accelerated Rehabilitation Program for Driving Under the Influence Offenders.

(B) The defendant shall complete and return the application for ARD and Prior Criminal Record Statement on the date of the Preliminary Hearing.

(C) If the District Attorney approves the application for ARD, defendant, defendant's counsel, and the Commonwealth attorney shall execute a Stipulation.

(D) If the defendant is charged with a violation of Section 3731 of the Vehicle Code, defendant, defendant's counsel, and the Commonwealth attorney shall execute an Explanation of Accelerated Rehabilitation Program for Driving Under the Influence Offenders (ARD) and Waiver of Rights Form.

(E) If a DUI/ARD has been negotiated, telephonic arrangements shall be made by the Secretary in the District Justice Office for scheduling of the CRN test, and the defendant shall be provided with a written notice of his CRN schedule date and shall acknowledge that date and time in writing.

(F) The District Justice shall schedule the case according to the annual criminal case scheduling grid.

(G) The Court shall assess the defendant an amount of money payable to the County of Carbon to help defray the

costs of the Program. The said amount shall be established by the Court from time to time by Administrative Order.

Rule 320.1. Automated Expungement under the Accelerated Rehabilitative Disposition Program.

(A) Disposition

The following procedure shall expedite the final disposition of cases in the Accelerated Rehabilitative Disposition (ARD) Program:

1) The Adult Probation Office shall maintain an alphabetically sequenced file which lists those persons presently under the Accelerated Rehabilitative Disposition (ARD) Program, or having ever participated in such a program.

2) Each month, the Adult Probation Office will create a list of all probationers whose ARD probation period has terminated the previous month. This list will be distributed to the District Attorney.

3) The District Attorney will be responsible for reviewing the list. If the District Attorney has an objection, he must note that objection on the list within thirty (30) days of creation of the list.

4) If a case is reinstated for cause prior to the completion of the stipulated ARD probation period, the District Attorney must notify the Court Calendar Officer so that the case will then be properly relisted for trial.

(B) Expungement

The following procedure shall be effective immediately to automatically expunge the criminal case record for those defendants who have completed the conditions of the ARD Program.

1) At the end of each month, the Adult Probation Office will prepare a list of all cases reaching final disposition under the ARD Program during the month. A copy of the list shall be provided to the District Attorney. The produced list will carry a date on which the cases will be presented to the sentencing judge.

2) The District Attorney will review the listing of potential expungements and present the complete list to the President Judge indicating any cases which he/she feels should not be expunged along with the reason why the expungement should not take place. For proper cause, the case will be deleted from the expungement list by the President Judge.

3) In those cases in which the item is deleted, a letter will be produced and forwarded to the last known address of the defendant and to his attorney-of-record informing each that the case will not be automatically expunged by the Court, but that a petition may be initiated.

The intent of an expungement will be to prevent the inquiry into a person's criminal history of the expunged case by reference to the criminal records of 1) the local police department, 2) the Pennsylvania State Police, 3) the Federal Bureau of Investigation, and 4) the file folders and computer files of the Carbon County Common Pleas Court and District Justice Courts.

4) The procedure to accomplish this will be as follows:

(a) The defendant computer record will be removed from the computer file maintained by the Clerk of Courts Office so that reference to an individual's computer criminal history may not be made from either the computer monitors or current criminal information data base.

(b) At the same time the Court's computer record is expunged as in 4(a) above, an Order will be automatically produced ordering the local police department to destroy all criminal records, fingerprints, photographs, and photographic plates and to update the criminal extract to totally eliminate reference to the expunged incident.

(c) The order in (b) above shall also order the Carbon County Bureau of Collections, the Adult Probation Office, the District Justice Offices, the Pennsylvania State Police and the Federal Bureau of Investigation to destroy all records pertaining to the same arrest.

(d) The order in (b) above shall also order the Court Data Processing Director to remove all references pertaining to the same arrest from the computer indices of the Court of Common Pleas of Carbon County and the District Justices of Carbon County.

(e) A letter shall be automatically produced by the District Attorney and mailed to the local police department and to the last known address of the defendant, informing him or her that the local police department, the Pennsylvania State Police, and the Federal Bureau of Investigation have been ordered to expunge the criminal record for that specific case, that this procedure will be allowed only once in a person's life and that expungement will take place within ninety (90) days of the date of the Expungement Order. A copy of this letter shall also be sent to the defendant's attorney-of-record.

(f) A certification, which states that the destruction of records has taken place as ordered, affixed to the Expungement Order shall be signed and returned by the District Justice and local police department to the Clerk of Courts. Said certification shall also be signed by the Court Data Processing Director. The Clerk of Courts shall then insert a copy of the certification with each appropriate case folder. The applicable case folder shall then be placed in a confidential status.

5) A monthly updated confidential list of completed expungements under this procedure shall be maintained by the Court.

V. Pretrial Procedures in Court Cases

Rule 507.1. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option.

(A) The District Attorney of Carbon County, having filed on January 22, 2001 a certification pursuant to Pa.R.Crim.P. 507, criminal complaints by police officers, as defined in the Rules of Criminal Procedures, charging one or more of the following offenses:

Any felony or misdemeanor of the first, second, or third degree.

shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

(B) The District Attorney of Carbon County, having filed on January 22, 2001 a certification pursuant to Pa.R.Crim.P. 507(A), arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedures, charging one or more of the following offenses:

Any felony or misdemeanor of the first, second, or third degree

shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

Rule 518.1. Arrest Without Warrant.

Pursuant to the authority set forth in Rule 502 of the Rules of Criminal Procedure, an arresting officer, when the officer deems it appropriate, may promptly release from custody a defendant who has been arrested without a warrant, rather than taking the defendant before the issuing authority, when the following conditions have been met:

- 1) The most serious offense charged is a misdemeanor of the second degree.
- 2) The defendant is a resident of the Commonwealth.
- 3) The defendant poses no threat of immediate physical harm to any other person or to himself or herself.
- 4) The arresting officer has reasonable grounds to believe that the defendant will appear as required; and
- 5) The defendant does not demand to be taken before an issuing authority.

Rule 528.1. Valuation of Bail Bonds.

The actual net value of Real Estate securing a bail bond shall be the assessed value of realty deducting therefrom all liens and encumbrances or meet the requirements of Carbon County Rule of Criminal Procedure 528.5.

Rule 528.2. Ten Percent (10%) Cash Bail.

(A) Any defendant who has been properly granted bail may obtain his release from custody as provided herein by (1) depositing with the District Justice or Clerk of Court a sum of money equal to ten percent (10%) of the full amount of bail, but in no event less than fifty dollars (\$50), (2) executing a bond in accordance with the requirements set forth in Pa.R.Crim.P.No.526, and (3) processing by the Bail Administrator. A private individual who is not a surety or fidelity company or professional bail bondsman or agent thereof may act as a third-party surety and execute the aforementioned bond on behalf of the defendant. Except as provided in this section, no other individual or business entity may act as a third-party surety.

(B) Upon compliance with all the provisions of this Rule, the defendant shall be released from custody imposed in the criminal charge on which he has made bail.

Rule 528.3. Realty as Bail.

(A) The defendant, or a third party surety as defined in Rule 528.2(A), may post realty as security for bail. In this event, the following must be provided:

- 1) A written appraisal by a licensed real estate broker in the County in which the property is located.
- 2) Proof of entry of the bail bond as a lien in favor of the County of Carbon in the Prothonotary's Office of the County in which the property is situated.
- 3) If the property is mortgaged, a letter from the mortgagee indicating any unpaid balance due.
- 4) A current lien and judgment search by an attorney or reputable Title Insurance Company.
- 5) Affidavit of justification of surety as provided in paragraph (d).

(B) Upon review of the above documents, a determination must be made that the actual net value of the property is equal to the amount of the bond. Only after the information requested above is supplied and a deter-

mination is made that the actual net value is at least equal to the amount of the bond, will realty be accepted as consideration for bail.

(C) A given piece of realty shall only be used as bail under this rule if it has not been posted or is not presently being used for bail for any other charges for defendants unless allowed by Court Order.

(D) If realty is offered as surety, the owner shall present justification for such by filing an affidavit containing the following information for such surety:

- 1) Owners name, address, age and occupation.
- 2) A general description of the real estate which is offered as surety.
- 3) A statement of the manner in which the title is obtained, including the deed or will book reference of the recording of such instrument of title.
- 4) A statement of all encumbrances, including taxes upon said real estate.
- 5) A statement of the assessed market value and any rental being paid.
- 6) A statement of the assessed market and rental value of the real estate.
- 7) A statement that the real estate is not being contemplated or actually negotiated for in any sale.

Rule 528.4. Justification of Personal Surety.

In justification of bail, personal surety shall be required to give the following information under oath:

- 1) Name, address, age, and occupation;
- 2) A general description of real estate in Carbon County of which the surety is a freeholder.
- 3) A statement of the manner in which the surety obtained title, and upon failure to produce the evidence of title, the Deed Book or Will Book reference of the recording of the instrument by which the surety obtained title;
- 4) A statement of all encumbrances, including taxes, upon said real estate.
- 5) A statement of all other surety undertakings;
- 6) A statement of the assessed, market, and rental value of the real estate; and
- 7) A statement that the surety is not contemplating or negotiating the sale of the real estate.

Rule 528.5. Qualification of Surety.

Residents or owners of realty in order to be qualified to act as sureties must own realty within the Commonwealth of Pennsylvania. In all cases of realty owned outside Carbon County, the surety must provide the following:

- 1) Affidavit of Justification of such surety;
- 2) Written appraisal by a reputable licensed real estate broker in the county in which the property is situated;
- 3) Proof of entry of the bond in favor of the Commonwealth in the Prothonotary's Office of the county in which the property is situated;
- 4) Letter from the mortgage company indicating the unpaid balance due on the mortgage covering the said property, if any;
- 5) A lien and judgment search by a reputable title insurance company.

Rule 528.6. Corporate Surety.

Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in this Court; provided that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, shall be on file with the Clerk and that no bond shall be executed by any surety company after May 1 of any year until such a certificate issued after March 31 of the same year shall have been filed with the Clerk, and further provided that, with the exception of bonds filed by insurance companies in motor vehicle misdemeanors, any surety company shall be required to post the sum of twenty-five thousand dollars (\$25,000) as security with the Clerk of Court.

Rule 529.1. Bail Reduction.

The Bail Administrator shall be given at least twenty-four (24) hours notice of presentation of a petition by defendant to reduce bail in court cases. Defense counsel and the District Attorney shall make an effort to agree on an appropriate amount of bail and any special conditions, the breach of which would result in revocation of bail. If an agreement can not be reached on petition, the Court shall set a time for hearing.

Rule 535.1. Receipt.

At the time of posting of any bail, including percentage bail, but excluding a surety bond, the office at which the bail is posted shall issue to the person posting the bail a receipt itemizing the bail and the fees and costs which will apply in the absence of a violation or forfeiture.

Rule 535.2. Disposition of Bail—Administrative Fee.

The Clerk of Courts shall, within twenty (20) days after full and final disposition of a case in which percentage bail has been posted, retain 20% of the amount deposited, but in no event less than \$50.00 as an administrative fee, and shall return the balance to the defendant or his assignee or the third party surety unless the balance is applied to pay a fine and costs of prosecution or to make restitution. This sum shall be considered earned at the time the bail undertaking is executed and money deposited.

Rule 535.3. Disposition of Bail Deposited by Defendant.

If the Court, upon sentence, orders the defendant to pay a fine and costs of prosecution or to make restitution, the Court may order that the amount deposited by the defendant, whether under the percentage cash bail program or otherwise, shall be first applied in the case of percentage bail to the administrative costs of the Clerk of Courts then to any restitution ordered by the Court, then to the fine, if any, and then to other costs ordered by the Court to be paid.

Rule 535.4. Disposition of Bail Deposited by a Third Party.

Where a third party surety has deposited money, under the percentage cash bail program or otherwise, the monies deposited shall be first applied to the administrative costs of the Clerk of Courts. With the voluntary written authorization of the person who deposited the bail, any balance shall then be applied to any restitution ordered by the Court, then to the fine, if any, and then to other costs ordered by the Court to be paid.

Rule 535.5. Authorization to Pay Attorney.

When authorized in writing by the defendant and any third party surety who posted the deposit, whatever

balance of such deposit is repayable to the defendant or the third party surety, may be paid to the defendant's attorney of record, upon filing such written authorization with the Clerk of Courts.

Rule 535.6. Removal of Judgment Indexed Against Realty.

The Clerk of Courts shall, within 20 days after the full and final disposition of a case on which realty has been posted as bail, notify the surety to present to the Clerk of Courts for execution by the Clerk of Courts a praecipe to remove the judgment previously entered by the Clerk of Courts.

Rule 535.7. Notice to Person Posting Bail.

Notice of full and final disposition of a case shall be sent by the Clerk of Courts to the person who originally posted money at his address of record. Any money not claimed within one hundred and eighty (180) days from the time of full and final disposition of the case shall be deemed as fees and shall be forfeited to the use of the County of Carbon.

Rule 560.1. Information: Filing, Contents, Function.

Promptly after receipt of transcripts in court cases, the Clerk of Courts shall forward the same to the District Attorney. The District Attorney shall make such investigation deemed appropriate and shall then prepare and file the information against the defendants with the Clerk of Courts. The number of each court case shall run in numerical sequence beginning with one (1) followed by CR and the last two digits of the year of filing, for example 1 CR 99.

Rule 570.1. Pretrial Conference.

(A) Pretrial conferences shall be conducted by the District Attorney, defense counsel, or the pro se defendant on all cases which have not resulted in plea agreements at the preliminary hearing level. A criminal case scheduling grid, prepared annually by Court Administration, shall establish the dates for pretrial conferences. All defendants must be present in person or through the video conferencing system except for good cause shown. This will be the last date on which negotiated pleas will be accepted. Pleas entered after this date will be "open" with respect to sentence.

(B) Prior to the Defendant's Pre-trial Conference, the District Attorney shall obtain data of the prior criminal convictions, if any, of the defendant. Within forty-five (45) days of receipt of the report, the District Attorney shall calculate the prior record score for guideline sentencing purposes.

(C) At the Pre-trial Conference, the District Attorney shall make the Sentencing Guideline Report available to defense counsel, and if unrepresented, the defendant.

(D) At the end of the pretrial conference, written stipulations for pleas, trials, or other dispositions shall be filled out and shall be signed by the District Attorney or Assistant District Attorneys, defense counsel, and defendant. The original stipulation shall be filed in the Clerk of Court's office and copies forwarded to the District Attorney's Office, defense counsel and defendant and to the Deputy Court Administrator/Case Manager for scheduling purposes.

(E) Upon failure of defendant to appear at a pretrial conference in accordance with this Rule, defendant's bail shall be forfeited and a bench warrant shall be issued.

Rule 571.1. Arraignment and Waiver of Arraignment in Non-Capital Cases.

(A) Arraignments in non-capital cases shall be conducted in accordance with the annual criminal case scheduling grid established by the Deputy Court Administrator/Case Manager.

(B) Every defendant who shall be held for Court by the District Justice at the conclusion of the preliminary hearing or at the time he waives his preliminary hearing shall be furnished with a Notice of Arraignment and Pretrial Conference form and, in appropriate cases, applications for ARD Program by District Justice.

(C) The Notice of Arraignment and Pre Trial Conference forms furnished by the District Justice shall advise the defendant when to appear before the District Attorney for the purpose of arraignment and pretrial conference. Defendant shall acknowledge receipt of the notice of arraignment and pretrial conference.

(D) When the defendant is held for Court the District Justice shall also transmit to the Clerk of Courts and to the District Attorney a copy of the notice of arraignment and pretrial conference.

(E) Every defendant against whom an information has been filed shall be arraigned before the District Attorney or, if the District Attorney deems it necessary, before the Court.

(F) All defendants who are unrepresented by counsel must appear personally at arraignment.

(G) Defendants who are represented by counsel must also appear personally at arraignment unless:

1) Counsel, on the form provided by the Clerk of Courts, has entered a written appearance, acknowledged receipt of copies of the information and instruction sheet and concurs in his/her client's waiver of formal arraignment; and

2) Defendant has acknowledged receipt of copies of the information and instruction sheet, waived explanation by the District Attorney and formal arraignment and represented that he/she understands:

(a) the nature and seriousness of the charges and possible consequences of conviction;

(b) rights explained in the sheet of written instructions;

(c) necessity of filing an omnibus pretrial motion to exercise pretrial rights;

(d) the requirement of notice to assert such defenses as alibi and insanity or diminished capacity and the consequences of failure to file proper notices; and

(e) the time limits in which defendant may commence discovery and file an omnibus pretrial motion: and

3) Defendant enters a plea of not guilty and requests a Jury trial

(H) Defendants and counsel shall be provided copies of the information and instruction sheet used and approved by the Court. This instruction sheet shall be read by the District Attorney or an Assistant District Attorney at the beginning of arraignment. Persons wanting explanation will be permitted to ask questions.

(I) Defendant will be individually called before the District Attorney or an Assistant District Attorney at which time the information will be read and the nature of the charges explained. Formal explanation may be waived if:

1) the charges are misdemeanors and no jail sentence is contemplated: or

2) counsel is present and waives a reading.

Rule 573.1. Pre-Trial Discovery and Inspection.

Defense counsel desiring pre-trial discovery and inspection under Pa.R.Crim.P. No.573 shall make an appointment with the District Attorney's Office for that purpose. At that conference, in addition to discussing discovery sought, the parties shall discuss possible plea negotiations.

Rule 574.1. Motions & Petitions Procedure.

(A) Motions and Petitions shall be submitted to the filing office, without the necessity of presentation to the Court.

(B) The Motion or Petition is filed, time stamped, docketed, and entered in the Court Computer System. It shall then be forwarded by the filing office to the Motions and Petitions Coordinator in the Office of Court Administration for Court action and/or scheduling. The Motions and Petitions Coordinator shall, after action by the Court, return the Motion or Petition to the filing office for mailing.

(C) All Motions and Petitions subject to this rule shall be accompanied by the following items in the following order:

1) A completed cover sheet in the Form of Exhibit "A";

2) A proposed order (and rule to show cause, if necessary);

3) Stamped, addressed envelopes for each attorney of record and unrepresented party; and

4) Sufficient copies of the Petition or Motion and proposed Order or Rules for each attorney of record and unrepresented party.

(D) All Motions and Petitions shall be in writing, signed by a party or counsel of record and shall contain the caption of the case, the name, address, telephone number and Supreme Court identification of counsel for the moving party and the names and addresses of adverse parties and their attorneys.

Rule 574.2. Pro se Filings.

(A) All pro se petitions and motions must be filed and docketed in the office of the Clerk of Courts. Petitions and motions sent to any other office shall be returned with a copy of this rule attached thereto.

(B) The Clerk of Courts shall forward a copy of all documents filed by individuals themselves to their attorney of record, if any.

(C) All pro se filings must be clocked in by the Clerk of Courts. Filings which are not in compliance with the law or rule of court shall be duly noted and forwarded immediately to the Motions and Petitions Coordinator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

(D) Notice to any individual who has filed a deficient pleading shall be as follows:

NOTICE: YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS WHICH IS NOT IN COMPLIANCE WITH THE LAW OR RULE OF COURT. YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER,

YOU MAY BE ENTITLED TO BE REPRESENTED FREE OF CHARGE BY THE PUBLIC DEFENDER'S OFFICE. IF YOU BELIEVE YOU QUALIFY, CONTACT THE FOLLOWING OFFICE:

Carbon County Public Defender
Carbon County Courthouse
Jim Thorpe, PA 18229

IF YOU ARE INCARCERATED, YOU MAY OBTAIN AN APPLICATION FOR THE PUBLIC DEFENDER'S OFFICE BY ASKING THE STAFF IN THE JAIL.

IF YOU ARE ALREADY REPRESENTED BY COUNSEL, A COPY OF YOUR FILING HAS BEEN SENT TO THEM BY THE CLERK OF COURTS.

IF YOU ARE NOT REPRESENTED BY COUNSEL AND DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL, YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING INTO COMPLIANCE WITH THE LAW OR RULE OF COURT YOU HAVE VIOLATED, OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

Rule 578.1. Omnibus Pre-Trial Motions.

All Omnibus pre-trial motions shall be presented within thirty (30) days after arraignment date (even though waived) (in accordance with Pa.R.Crim.P.No.579) to the Court, which shall promptly set the hearing or argument dates.

Rule 578.2. Pre-Trial Pro se Motions.

Where a defendant is represented by counsel, no pre-trial motions shall be considered by the court unless prepared and presented by that counsel. Any pro se pre-trial motions filed by defendant represented by counsel shall be immediately referred by the court to counsel.

Rule 578.3. Arguments.

The practice and procedure with respect to all matters of listing of arguments, form of briefs, filing of briefs, sanctions for failure to timely file briefs, and oral arguments shall be governed by Pa.R.Crim.P.No. 720 and CARB.C.R.CRIM.P. 720.1.

Rule 590.1. Guilty Plea Colloquy Form.

(A) During the course of counseling a defendant relative to any plea of guilty or nolo contendere in the Court of Common Pleas, counsel shall review with the defendant the Carbon County Guilty Plea Colloquy Form available from the Office of the District Attorney, as attached hereto as EXHIBIT "C" in the Criminal Case Management Plan, and shall explain to the defendant the contents of that form. Additionally, if Defendant is charged and to be sentenced under Megan's Law, obtain and review the MEGAN'S LAW SUPPLEMENT TO GUILTY PLEA COLLOQUY form, which is attached hereto and marked FORM "V". Such forms shall be initialed and signed by the defendant where appropriate and counsel's signature thereon shall constitute a certification by the attorney that he/she has read, discussed and explained the plea form to the defendant, and that to the best of his/her knowledge, information and belief, his client understands what he is doing by entering his plea.

(B) Guilty plea colloquy forms shall be filed in open Court at the time of entry of any plea of guilty or nolo contendere.

(C) For pleas to a summary offense, the plea form need only consist of the disposition page, and need only state the offenses to which the defendant is pleading and the sentence which he is to receive.

VI. Trial Procedures in Court Cases

Rule 600.1. Call of the List.

(A) The call of the criminal list for a particular criminal trial session of Court shall be held by the Court at 9:30 A.M. on the Thursday morning prior to the first day of the Court's trial session as set forth on the annual Court calendar prepared by the Deputy Court Administrator/Case Manager.

(B) All unrepresented defendants and all attorneys representing defendants must attend the criminal calendar call of the list unless:

1) A date certain has been scheduled for the entry of a plea or;

2) A motion for a continuance has been previously properly presented and granted; or

3) The Court has excused a defendant and/or counsel based on good cause shown or defense counsel and the District Attorney's office have agreed that the defendant and/or counsel may be excused from the call of the list.

(C) Failure to comply with the requirements of this rule may result in the imposition of sanctions of the Court including the issuance of a bench warrant and revocation of bail bond. Additionally, the District Attorney's office may file a charge of default in required appearance.

(D) Counsel shall keep the assigned judge advised of any changes in the status of his case or the availability of the defendant for trial.

Rule 602.1. Transport Orders.

In any criminal proceeding in which a court appearance by an adult prisoner will be required, the attorney for the prisoner or for the party requesting the presence of the prisoner shall prepare a transport order and obtain the signature of the judge assigned to the case. It shall be the responsibility of the Motions and Petitions Coordinator to deliver necessary copies of the transport order to the Clerk of Courts and to the Sheriff. Absent genuine exigency or most unusual circumstances, a request for transport of prisoner shall be made to the Court not less than twenty-four (24) hours before the scheduled court appearance in cases where the prisoner is in Carbon County Prison and not less than three (3) days before such appearance where the prisoner is incarcerated outside Carbon County.

Rule 602.2. Interpreters.

In all criminal proceedings in Court or before District Justices, where either a defendant or a testifying witness so requests, an official interpreter or an alternate previously approved by the Court, shall be provided by the Court, through the Court Administrator's Office. It shall be the responsibility of counsel representing the defendant, or calling the witness, to notify the Court Administrator's Office, not less than twenty-four (24) hours in advance of the proceeding, when an interpreter will be needed.

Rule 646.1. Admission and Custody of Exhibits.

A) Counsel for the respective parties shall retain possession, and shall be responsible for the care and custody, of all tangible exhibits used at hearings and trials, whether or not they have been presented, marked, identified and used, until such time as they have been formally offered into evidence.

B) From and after an order of admission, or if admission is denied, if the Court should so order, the Court

Stenographer shall take possession, and shall be responsible for the care and custody of all such tangible exhibits during the remainder of the hearing or trial, and thereafter, until further order of the Court.

C) At any time after final disposition of the case, including the expiration of any applicable appeal period, the Court Stenographer may, after notice to counsel for all parties, petition the Court for an order authorizing the removal and disposition by destruction, or otherwise, of any tangible exhibit of a size or weight precluding its enclosure in a regular case file.

VII. Post-Trial Procedures in Court Cases

Rule 702.1. Presentence Procedures.

(A) Before the sentencing hearing, counsel for defendant, or if unrepresented, the pro se defendant shall obtain from the District Attorney's Office a form entitled "APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING." Counsel shall review with the Defendant said form and shall explain to the Defendant the contents of that form. Such form shall be initialed and signed by the defendant where indicated and counsel's signature thereon shall constitute a certification by counsel that he/she has read, discussed, and explained the form to the defendant, and to the best of his/her knowledge, information, or belief the defendant understands the form. (The form is marked FORM IV and is attached hereto in the ADDENDA to these Rules.)

(B) Prior to imposition of sentence, a completed Guideline Sentencing Form, as required by 204 Pa. Code § 303.1(d), shall be made available to the sentencing judge.

(C) If a pre-sentence investigation report is required by the sentencing Judge, the Guideline Sentencing Form shall be prepared by the report preparer.

(D) If a pre-sentence investigation report is not required, the Guideline Sentencing Form shall be prepared by the Carbon County Adult Probation Office.

(E) The Guideline Sentencing Form shall be reviewed by counsel for both the Commonwealth and the defendant prior to submission to the sentencing judge.

(F) The Chief Adult Probation Officer shall send a copy of the Guideline Sentencing Form to the Pennsylvania Commission on Sentencing.

Comment: 204 Pa. Code § 303.1(d) provides that a Pennsylvania Commission on Sentencing Guideline Sentence Form shall be completed at the Court's direction and shall be made a part of the record no later than twenty days after the date of each sentencing, and a copy shall be forwarded to the Pennsylvania Commission on Sentencing.

As used in Section (B), "imposition of sentence" includes imposition of probation.

Rule 708.1. Petition for Parole.

Within thirty (30) days before a defendant becomes eligible for parole (except for DUI cases), the Adult Probation Office shall conduct an investigation to determine whether the defendant should be released at the expiration of his or her minimum sentence. Said investigation shall include whether District Attorney or victim have any opposition, the defendant's course of conduct while incarcerated, whether a suitable residence is available, defendant's potential for obtaining employment, and a payment plan for any outstanding, costs, fines, and restitution. Upon completion of said investigation, the Adult Probation Office shall make a recommendation for

approval or denial of parole and transmit said recommendation to the Sentencing Judge. If the Court denies parole, the defendant shall have the right to a hearing upon filing a Petition for Parole.

Rule 708.2. Violation of Probation, Parole, or ARD.

(A) When it is alleged that a defendant is in violation of his or her probation/parole, a Gagnon I hearing shall be held before a member of the Adult Probation staff designated for that purpose by the President Judge. This hearing will be held within ten (10) Court business days if the defendant is incarcerated as a result of the violation(s). That designated hearing officer shall be responsible for advising the defendant of all information required at a Gagnon I hearing. Should the hearing officer, at the Gagnon I hearing, find that a prima facie case exists, the following procedure shall be followed.

1) A Gagnon II hearing, whether it be with regard to a contested violation, alleged violations or merely for the purpose of disposition or for both purposes, shall be scheduled promptly, but no later than 120 days after the officer files a motion with the Court requesting that a Gagnon II hearing be scheduled and advising in that motion as to when the Gagnon I hearing was completed.

2) That motion shall also indicate whether the allegations are contested or whether the Gagnon II hearing will be for disposition purposes only. The hearing officer shall serve a copy of the motion upon the District Attorney's office. The defendant shall be afforded the right to representation by an attorney of choice, or upon his/her application, the appointment of the Public Defender for the Gagnon II hearing.

3) Should a determination be made by the hearing officer at the Gagnon I hearing, that the defendant should be returned to continued supervision at liberty, the defendant shall be released from custody, if incarcerated, and continue on probation/parole.

(B) When a defendant is alleged to be in violation of ARD, a hearing shall be held before the Court. Defendant shall have the right to waive said hearing by signing the Stipulation to the REVOCATION OF ARD form. (Said form is marked FORM III and attached in the ADDENDA to these rules.)

Rule 708.3. Arrest and Processing of Probation/Parole Violators.

When a duly appointed adult probation officer has conducted an investigation which reveals that a violation of supervision has been committed by the defendant, the officer shall request a supervisor to issue a "Supervisor's Warrant" for the arrest and detention of the defendant. The defendant shall be arrested upon issuance of the warrant, by any peace officer in the Commonwealth authorized to make arrests, or in the case of a defendant who has absconded the Commonwealth, the warrant shall be submitted to the Carbon County Sheriff's Office for processing as per normal procedure. Following arrest, the filing officer shall request a Gagnon I hearing before the Court designated hearing officer, which will be held within ten (10) Court business days. The above procedure relating to Pa.R.Crim.P.No. 708 shall then be followed.

Should the filing officer determine that a supervisor's warrant is not needed, a Gagnon I hearing will be scheduled as soon as possible following discovery of the violation(s), and the Pa.R.Crim.P.No. 708 procedure will continue as stated. Notice of the Gagnon I hearing, in this instance, shall be served upon the defendant by the filing

officer and a Gagnon I hearing would then be scheduled at the convenience of the hearing officer.

Rule 720.1. Post-Sentence Motions.

(A) Service of post-sentence motions—Post sentence motions shall be filed within 10 days from the date of the sentence with the Clerk of Courts and copies thereof delivered to the trial judge, the court reporter and the district attorney on the same day. Such motions shall include a separate page addressed to the court reporter setting forth specifically those portions of the record which are to be transcribed. Any changes in the request for transcription shall be in writing addressed to the court reporter.

(B) Any request for leave to file additional specific grounds shall be made by a motion and proposed order, and the motion shall contain specific reasons in support thereof. With prior notice to opposing counsel, the motion shall be presented to the trial judge within 10 days after the copy of the record is transmitted to defendant's counsel, if any, and otherwise to the defendant.

(C) Filing and delivery of transcript—Transcript of the trial shall be delivered by the court reporter to the Clerk of Courts within 60 days from service upon the court reporter of the request for transcript unless further extended by order of the trial judge upon cause shown. A copy of said transcript shall be delivered forthwith by the court reporter to counsel for any party ordering a copy or upon an unrepresented party ordering a copy. The court reporter shall execute and file with the Clerk of Courts and the Deputy Court Administrator/Case Manager a certification indicating the date when copies of the record were delivered to each of the above.

(D) Time for argument—Within ten (10) days of the filing of a post-sentence motion, the Deputy Court Administrator-Case Manager shall fix a date and time of argument and, if the judge decides briefs are required to

dispose of the motion, briefs shall be filed with the Clerk of Courts with copies to the judge and opposing counsel.

(E) Time for service of briefs—The defendant shall serve upon the Commonwealth and the Court one copy each of a brief not less than 20 days before the date fixed for argument. The Commonwealth shall serve upon counsel for the defendant, if any, or otherwise on the defendant, and the Court one copy of its brief not less than 3 days before the date fixed for argument.

(F) Failure to file briefs—When a case is listed for argument, if the moving party has filed no briefs, the motions or petitions shall be dismissed as of course. If the opposing party has filed no brief, the moving party shall proceed ex parte.

(G) Extension of briefing deadline—Any party, for good cause, may apply for an extension of time to file his brief. The application shall identify the moving party, state the reasons for the request of extension, and recite whether the request for extension is opposed or unopposed.

Rule 720.2. Appeals to Supreme, Superior and Commonwealth Court.

(A) In all direct appeals to the Supreme, Superior, and Commonwealth Courts of Pennsylvania from orders or decrees of this Court, appellant's counsel shall, immediately upon taking the appeal, serve upon the judge of this Court from whose order or decree the appeal was taken, a concise statement of the matters complained of and intended to be argued on appeal, so that an appropriate opinion may be prepared.

(B) Immediately upon filing a brief or paper book with any Appellate Court, a copy thereof shall be served upon the judge of this Court from whose order or decree the appeal was taken.

(C) Whenever an appeal is withdrawn by counsel, notice of such fact shall immediately be given to the judge from whose order or decree the appeal was taken.

ADDENDA

**CARBON COUNTY COURTS
APPLICATION FOR CONTINUANCE
CIVIL—CRIMINAL
INSTRUCTIONS**

1. Applying counsel shall submit application for continuance to other counsel who will indicate in Sec. III, any opposition, or if none so indicate, and sign.
2. Make copies of form for Filing Office, all counsel, pro se parties, and Court Administration.
3. Application shall first be filed and then submitted to the Court, which will indicate action taken in Sec. V. Copies will be distributed as indicated in (2) above.

I. Application is hereby made to continue the trial hearing argument conference plea sentencing arbitration scheduled in the following case:

VS

NO. _____
DATE SCHEDULED _____
NO. OF PREVIOUS
CONTINUANCES by Plaintiff by Defendant

II. The application is made for the following reasons:

- | | | |
|-------------------------------|------------------------------------|--------------------------------|
| <u> </u> vacation | | |
| <u> </u> illness of atty. | <u> </u> negotiating settlement | <u> </u> record incomplete |
| <u> </u> illness of party | <u> </u> expert unavailable | <u> </u> counseling ordered |
| <u> </u> late sub of atty. | <u> </u> party unavailable | <u> </u> other—specify |
| <u> </u> conflict—atty. | <u> </u> atty. unavailable | <u> </u> _____ |

Signature of Counsel

Date

Representing

III. Application is (opposed / not opposed) for the following reason:

Signature of Counsel _____ Date _____ Representing _____

IV. (In criminal cases only) Attached hereto and made a part hereof is a duly executed waiver of defendant's right to a speedy trial under Pa.R. Crim.P. No. 600.

V. Action taken by the Court. AND NOW, _____,

Application is denied

No further continuances.

Application is granted and the case is continued to the date listed below. Counsel are hereby attached for this proceeding on the new date:

Judge

FORM "I"

**CARBON COURT OF COMMON PLEAS
CRIMINAL DIVISION
MOTION COURT COVER SHEET**

NO. _____

vs.

FILING OF: Commonwealth()

Defendant ()

TYPE OF FILING (check one):

- 1. Application for Continuance
- 2. Motion for Discovery & Inspection (113)
- 3. Motion to Dismiss (115)
- 4. Omnibus Pretrial Motion (160)
- 5. Motion to Suppress (124)
- 6. Petition for Counsel-Conflict Case (213)
- 7. Petition to Consolidate (217)
- 8. Petition to Discharge (RCP 314) (220)
- 9. Petition for Special Furlough (225)
- 10. Petition for Parole (228)
- 11. Petition to Reconsider Sentence (240)
- 12. Petition to Revoke Parole (243)
- 13. Petition to Revoke Probation (246)
- 14. Petition to Reduce Bail (249)
- 15. Petition for Writ of Habeas Corpus (267)
- 16. Post Trial Motions (274)
- 17. Petition for Forfeiture (356)
- 18. Petition for Destruction (219)
- 19. Petition for Attorney Fees (227)
- 20. Other Motion or Petition (specify):
- 21. Response to:

OTHER ATTORNEY:

Attorney's Name (Typed)

Attorney for: () Commonwealth () Defendant

N.B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when checking your Motion or Petition. When filing Motion or Petition, provide Clerk with sufficient copies for opposing Counsel and filing Counsel.

THIS FORM IS AVAILABLE IN THE CLERK OF COURTS OFFICE

FORM "II"

THE COURTS

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

vs.

No.

STIPULATION TO THE REVOCATION OF ARD

I, the Defendant in the above captioned case, hereby acknowledge receipt of a copy of the Petition for Revocation of ARD filed by the Carbon County Office of Adult Probation and Parole alleging that I have violated certain condition(s) of the ARD Program.

I understand that I have the absolute right under Pennsylvania Rule of Criminal Procedure 318 to challenge the allegations contained in the Petition and to have a hearing in front of a Judge to determine whether or not I violated the condition(s) of the ARD Program.

I voluntarily waive my right to challenge the allegations contained in the Petition and to have a hearing in front of a Judge to determine whether or not I violated the condition(s) of the ARD Program and I hereby consent to the Revocation of my placement in the ARD Program without the necessity of a hearing.

I fully understand that, as a result of my consent to the Revocation of my placement in the ARD Program without the necessity of a hearing, my placement in the ARD Program will be automatically revoked and that the charges for which I was placed in the ARD Program will be scheduled for a Pre-Trial Conference before the District Attorney's Office for further disposition.

Date: _____

Defendant

FORM "III"

TO THE DEFENDANT:

PLEASE READ AND THEN REVIEW THE FOLLOWING INFORMATION WITH YOUR LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE FOLLOWING SENTENCING. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED ON THIS DOCUMENT, ASK YOUR LAWYER OR THE SENTENCING JUDGE TO EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU UNDERSTAND IT FULLY.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

VS.

NO(S).

DEFENDANT

APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING

1. After you are sentenced, you have the right to file either a post-sentence motion or an appeal to the Superior Court of Pennsylvania.

2. If you wish to file a post-sentence motion, it must be filed with the Criminal Clerk of Courts of Carbon County no later than 10 days after the imposition of sentence.

3. If you wish to file an appeal, a notice of appeal must be filed with the Criminal Clerk of Courts of Carbon County, within 30 days of imposition of sentence. This is a right of appeal which you may exercise without filing a post-sentence motion. If you file a post-sentence motion, you would also have a right to appeal from an order deciding that motion or denying the motion by operation of law.

4. If you file a post-sentence motion, all requests for relief must be stated with specificity and particularity, and consolidated in the motion, which may include:

(a) a motion challenging the validity of a plea of guilty or nolo contendere, or the denial of a motion to withdraw a plea of guilty or nolo contendere;

- (b) a motion of judgment of acquittal;
- (c) a motion in arrest of judgement;
- (d) a motion for a new trial; and/or
- (e) a motion to modify sentence.

5. If you file a post-sentence motion, it and any supplemental motion you may be permitted to file, must be decided by the judge within 120 days of the filing of the original motion. The judge may, at your request, grant one 30 day extension for deciding the motion, if good cause is shown. If the judge fails to decide the motion within the allowed time, the motion will be denied by operation of law, and the clerk will enter an order denying the motion.

6. If you file a post-sentence motion, and wish to appeal from the order deciding or denying the motion, a notice of appeal must be filed with the Criminal Clerk of Courts of Carbon County, within 30 days of that order.

7. Whether or not you file a post-sentence motion, all issues raised before or during trial are preserved for appeal.

8. You have the right to assistance of counsel in the preparation of a post-sentence motion or any appeal. If you are indigent, you have the right to proceed without payment of costs and with counsel appointed to represent you without charge. If you are now represented by the Public Defender's Office and continue to qualify for their services, that office would continue to represent you without cost.

9. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a post-sentence motion and perfect an appeal, or, when no post-sentence motion is filed, perfect an appeal with the time permitted by law.

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

Date: _____

Signature of Defendant

I, _____, Attorney for the above captioned defendant, state that I have advised my client of the meaning of this document and of his/her post-sentence and appeal rights as required by Pa. R. Crim. P. 704; that it is my belief that the defendant comprehends and understand those rights and what is set forth herein, and that Defendant has received a copy of this form.

Attorney for the Defendant
Form "IV"

COMMONWEALTH OF PENNSYLVANIA

-VS-

IN THE COURT OF COMMON PLEAS
OF CARBON COUNTY, PENNSYLVANIA

NO. _____

MEGAN'S LAW SUPPLEMENT TO GUILTY PLEA COLLOQUY

One or more of the offenses to which you are pleading guilty will make you subject to the registration and notification provisions of Megan's Law relating to sexual offenders.

The purpose of the following questions is to make certain that you understand how these provisions will affect you. Please answer all questions "Yes" or "No." If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case so that they can explain it to you fully to make sure you understand all of your rights.

After you have read and filled out this form, you should sign it on the last page (on the line marked "Defendant"). You should also initial each page at the bottom where indicated, but only if you have read and have understood that page.

1. Do you understand that as a result of your conviction you will be required to register with the Pennsylvania State Police and inform them of your current address and any change of address within ten (10) days of such change? _____

2. Do you understand that failure to register or to update your registration is itself a crime, which may subject you to penalties, including imprisonment? _____

3. Do you understand that your registration information will be provided by the Pennsylvania State Police to the local police department of any community _____

4. Do you understand that the registration requirements will continue for the time period specified: ___ ten (10) years ___ for the rest of your life? _____

INITIALS

5. If this line _____ is checked, do you understand that the District Attorney has the right to request the Court to hold a hearing to determine whether you are a sexually violent predator, and if you are determined to be a sexually violent predator you will be subject to additional registration and notification requirements? These will include:

Notification to your victim of your current address.

Notification to your neighbors of your name and address, the offense of which you were convicted, the fact that you have been determined to be a sexually violent predator, which notification may be accompanied by your photograph.

The foregoing notification will also be sent to the local children and youth services agency, superintendent of schools, daycare centers, and colleges and universities; it is also available to any member of the public upon request.

Do you understand all of the above information relating to registration and notification requirements of persons determined to be sexually violent predators? _____

6. Do you understand that if you are determined to be a sexually violent predator, you will be required to attend and pay for monthly counseling sessions for the period you are required to register? _____

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

Date: _____

 Defendant

I, _____, Esquire, Attorney for _____, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands what is set forth above; that I am prepared to try this case; and that the defendant understands what he/she is doing by pleading guilty.

Date: _____

 Attorney for the Defendant

FORM "V"

ADMINISTRATIVE CRIMINAL CASE MANAGEMENT PLAN

**Carbon County Court of Common Pleas
 Criminal
 Case Management Plan**

President Judge John P. Lavelle

I. Introduction

In order to have an effective criminal justice system, cases must move through the system in a timely and predictable manner. No one benefits from delays in the criminal process. To provide a prompt and certain disposition of cases, the Court of Common Pleas for the Fifty-Sixth Judicial District of Pennsylvania hereby adopts a case management plan for Criminal cases. This plan shall govern all misdemeanor and felony cases filed on or after May 6, 1992. The adoption of this plan signifies court recognition of such elements of effective case management as:

A. Judicial Commitment to the Concept of Court Control.

The Court must control the pace of litigation, because the Court is in a far better position than either the parties or their attorneys to assure that prompt and fair justice is done in all cases pending, and to assure effective and efficient use of Court resources paid for by taxpayers. The successful implementation of this plan depends upon the commitment of each District Justice and Judge of the 56th Judicial District to this principle.

B. Explicit Case-Processing Goals.

Goal setting provides a focus for planning a case-management system and a benchmark for measuring its success. A Court should be able to meet reasonable time standards for prompt disposition of those cases which are standard types of cases in terms of their nature and legal issues. "Exhibit A", attached hereto, shows the time standards for criminal cases adopted by the American Bar Association, the recommendations of the National Center for Courts and the Proposed Standards of the Pennsylvania Association of Court Managers. The 56th Judicial District Case Management Plan will attempt to adhere to the proposed time standards of PACM.

C. Effective Communications with the Bar and Police.

While attorneys should not control movement of the Court calendar, it is equally inappropriate for the Court to ignore the legitimate concerns of the trial bar. The Court should make reasonable accommodations to both prosecuting attorneys, defense attorneys and Borough and Township Police in the management of cases. The development and implementation of a case-management program should be done in coordination with the District Attorney's Office and the Public Defender's Office which handle the majority of cases which come through the Criminal Justice System.

D. Early and Continuous Court Supervision of Case Progress.

In order to make prompt and fair case dispositions, the Court must monitor and control the progress of cases from the time a summons or complaint is filed in each case. Early monitoring will prevent cases from languishing unnecessarily for months or years, and promote certainty about when and how many cases will have to be listed for trial.

E. Trial-Date Certainty.

Reasonable certainty about dates avoids aggravation, waste and unnecessary cost for parties and their attorneys. Moreover, national studies have found that nothing promotes pretrial dispositions more than the expectation that a trial is more likely than not to commence on or near the scheduled date. To assure reasonable trial-date certainty, a Court must use a reasonable "overset factor" in scheduling cases and must have a firm continuance policy.

F. A Functional Case Management Information System.

For the Court to manage its cases effectively, it is necessary for Court decision makers to have relevant, accurate, and timely case information. To schedule cases for trial, for example, the Court must not only know what cases are ready for trial and how many Judges and courtrooms are available, but it must also know how many cases are likely to be plea bargained or be continued in order to have a reasonable overset factor and preserve the reasonable certainty of trial dates. The Carbon County Court Computer System will be particularly helpful in providing case management information.

G. A Plan for Attacking the Case Inventory.

As an explicit expression of Court policy to promote Judge commitment and guide Court personnel and case participants, a case-management plan is an important tool for effective and efficient case management. The plan must address the manner in which cases already pending before the plan's effective date will be treated, in addition to describing how cases filed on or after the effective date will be handled.

II. General Case-Management Policy Provisions

For the management of criminal cases, the following provisions shall be uniformly applied by the Court.

A. Court Responsibility for Movement of its Calendar.

It shall be the responsibility of the Court to assure the fair and prompt disposition of all cases. Since the Court is in a far better position than counsel to assure prompt and fair disposition of all the cases before it, the Court shall exercise exclusive control over the scheduling of all Court Criminal proceedings. Recognizing the responsibilities of counsel on behalf of their clients and as officers of the Court, the Court shall make reasonable accommodations for members of the bar.

B. Firm Enforcement of Court Rules.

Absent a showing for good cause, Rules of Court (including this case management plan) shall be strictly and uniformly followed and enforced by the Court.

C. Time Standards and Case Management Criteria.

The Court shall manage all criminal cases to assure case dispositions within time standards set forth below. Mere agreement by counsel for all parties that a continuance be allowed shall not alone be sufficient ground for the Court to grant a continuance. In any case for which a continuance is granted, the matter shall be continued to a specified date.

D. Court Rulings on Motions.

1. *Monitor and Review of Pending Rulings.* The Motions and Petitions Coordinator shall monitor the status of all outstanding rulings on motions and make a monthly report thereon to the President Judge. In a meeting of the Judges, the President Judge shall make a quarterly review of outstanding rulings and address any problems that may be presented. The President Judge shall send notification after 90 days to any Judge who has failed to rule on any outstanding motion, with copies of said notification to counsel of record.

2. *Semi Annual Reports under Pa.R.J.A. 703.* In keeping with Rule 703.B (2) of the Pennsylvania Rules of Judicial Administration, the primary responsibility to ascertain and report on matters submitted and remaining undisposed, as required in Rule 703.B(1), shall be on each Judge.

3. *Retroactive Application.* Except in the Court's discretion, the requirements of this section shall not be applicable to matters pending before the effective date of this plan.

E. Continuous Calendar.

Trial terms are discontinued. The Court shall schedule and hear trials after reasonable notice to parties and at such dates and times as shall assure fair and expeditious case dispositions.

III. Specific Case Management Plan

The Criminal Caseload Management Plan which will be put into effect May 6, 1992 is based on the processing of standard types of criminal cases. Attached hereto and marked Exhibit "B" is a diagram of the Caseload Chart. We recognize that the plan may create some logistical problems for the parties involved in implementing the plan. The plan is not cast in cement and it is the intent of the Court to address implementation problems as they occur.

In setting up this plan, the Court has tried to follow the proposed time standards of the Pennsylvania Association of Court Managers and the National Center of the Courts' recommendations.

Goals:

The following time-disposition goals apply:

- (a) Preliminary hearing/waiver—98% within 30 days of complaint, if case initiated by arrest; 98% within 50 days of complaint if by summons;
- (b) Court arraignment—98% within 45 days of preliminary hearing/waiver;
- (c) Trials—90% within 150 days of complaint; 98% within 180 days;

(d) Sentences—90% within 30 days of guilt; 98% within 45 days.

Each year the Calendar Office will prepare a Criminal Case Tracking Schedule which will carry out these goals.

Caseflow Master Plan:

Carbon County will be divided into a Northern Division and Southern Division at the District Justice level. District Justice Lewis and District Justice Appleton will comprise the Southern Division and District Justice Kosciolk and District Justice Hadzick will comprise the Northern Division.

Each District Justice will handle the Misdemeanor and Felony cases which originate in his or her office. All Preliminary Hearings will be scheduled in clusters for Wednesday every week. One District Justice from the Southern Division will schedule his Preliminary Hearings for 9:00 a.m. and the other District Justice from the Southern Division will schedule his Preliminary Hearings for 1:15 p.m. The same procedure will be followed in the Northern Division.

Common Pleas Judges will be available and assigned for 10 weeks of criminal trials during the calendar year and any other time specifically set. The trial date given to defendants will be the first day of a trial week beginning between 4 and 5 months after filing of the complaint.

Preliminary Arraignment Before District Justice:

1. If a defendant is brought before the District Justice on an arrest warrant, he/she will receive, in addition to the other required papers, the following:

(a) Notice of Preliminary Hearing Date;

(b) Carbon County Guidelines for appointment of Public Defender;

(c) In cases deemed appropriate by the District Justice, an Application for ARD and a Criminal Record Information form. The District Justice will advise the Defendant to read the Guidelines carefully and contact the Public Defender's Office for an appointment if he/she believes he/she qualifies. The District Justice will also advise Defendant, if he is a first-time offender in a non violent crime, that he may qualify for the ARD program and should fill out the Application for ARD and the Prior Criminal Record Statement and send or bring both to the Preliminary Hearing at the District Justice's Office. If charged with a first-time DUI offense, the District Justice office will provide the defendant with information regarding Alternatives for Driving Under the Influence Offenders, attached hereto and referred to as "Addendum 1".

2. If the District Justice mails out a summons to the Defendant for his appearance before the District Justice, he will send a letter that will follow the form of Exhibit "C", attached hereto, and include the documents referred to therein and above.

Preliminary Hearings Before District Justice:

1. Appearances:

(a) An attorney representing a defendant at a preliminary hearing shall sign a praecipe for entrance of appearance and deliver the same to the District Justice before the beginning of the preliminary hearing.

(b) The District Justice shall transmit the praecipe for entrance of appearance with the docket transcript and the same shall be filed of record with the said docket transcript.

(c) This procedure for entry of appearance shall meet the requirements of Pa. R. Crim.P. 302(a).

(C) The District Attorney will assign, on or before the date the complaint is filed, an Assistant District Attorney to conduct the prosecution of all preliminary hearings and there will be a Public Defender at all preliminary hearings for all defendants who qualify for a public defender.

(D) The system will accommodate the desire of both the district attorney and public defender staffs that the same attorney will handle the case from preliminary hearing through trial. Cases from two District Justices are assigned to each Common Pleas Judge.

4. A significant percentage of cases can be expected to result eventually in ARD or guilty plea dispositions. In order to promote negotiation of a high percentage of those pleas and ARDs at the preliminary hearing (thereby accelerating the ultimate disposition of the case and avoiding needless motions and "churning" of the case), these events will occur at the preliminary hearing:

(a) The District Attorney will provide the defense attorney with a copy of all police reports, and will enlist the assistance of police departments in timely completion of such reports and supplemental reports;

(b) The defendant, as part of the negotiation process, will sign a form (Exhibit #1) listing his/her known prior record, acknowledge that the negotiations are contingent on the accuracy of the information, and acknowledge that an INTENTIONAL misstatement of the record can result in additional charges; and

(c) Where a Guilty Plea or ARD agreement is reached, a written Guilty Plea Agreement (Exhibit # 2) or ARD Agreement form (Exhibit # 3) will be completed. These cases will be scheduled utilizing the Criminal Case Tracking Schedule.

Scheduling at Preliminary Hearing:

1. A criminal case scheduling form (Exhibit #4) will be completed by the District Justice after each preliminary hearing/waiver. This form lists the Arraignment date, Pretrial Conference date, Last Date to Plea/Plea Day and Trial Date. A Criminal Case Tracking Schedule will be provided to the District Justices by the Court Calendar Officer. The original of the scheduling form shall be forwarded by the District Justice with the docket transcript to the Clerk of Court

and a copy will be provided to the Defendant and Defense Counsel. (The preliminary hearings will be scheduled in clusters before the District Justices each Wednesday. It is anticipated that we will have a significant decrease in the number of preliminary hearings held.)

2. Waiver of Common Pleas Arraignment Forms (Exhibit #5) will be available in the District Justice Office at the time of the preliminary hearing. (It is anticipated that this form will be used very frequently and should result in a significant decrease in the number of Common Pleas Arraignments.)

3. If a DUI ARD has been negotiated, telephonic arrangements will be made by the Secretary in the District Justice Office for scheduling of the CRN test, and the defendant will be provided with a written notice of his CRN schedule date and will acknowledge that date and time in writing. (Use Form Exhibit #6)

Arraignment at Common Pleas Level:

1. Local rule provides that arraignments, if not waived, will be conducted by the District Attorney within 45 days from preliminary hearing/waiver and within 20 days of filing the criminal information. Current arraignment forms, listing motion deadline information will be used. (Formal arraignments have been virtually eliminated in this case management system.)

Pretrial Conferences:

1. Pre-trial conferences will be held on all cases which have not been disposed at the Preliminary Hearing level. The scheduling grid provides that these Pretrial Conferences will be scheduled approximately 2—4 weeks before trial. They will be conducted by the District Attorney and his staff and a Judge will be available to participate if requested by both counsel for the Commonwealth and the Defense. All defendants must be present. THIS IS THE LAST DATE ON WHICH NEGOTIATED PLEAS WILL BE ACCEPTED. Pleas entered after this date will be "open" with respect to sentence.

Sentencings:

1. Most sentences are imposed at time of plea. If sentences are not imposed at the time of plea or verdict, cases will be scheduled for sentencing approximately 30 days thereafter.

Alternatives for Driving Under the Influence Offenders

CARBON COUNTY

Jim Thorpe, Pennsylvania

Trial or Guilty Plea

First time conviction for Drunk Driving requires a MINIMUM of 48 hours in jail plus a \$300.00 FINE.

First time penalties could go as high as TWO YEARS in JAIL and \$5,000.00 FINE.

Conviction for Drunk Driving will automatically SUSPEND the driver's license for ONE YEAR.

Conviction will require that the driver attend ALCOHOL SAFE DRIVING SCHOOL, AT THE DRIVER'S EXPENSE.

Compliance with such rules and regulations as may be set forth by the Carbon County Courts and Probation Department.

NOTICE: THERE ARE ALTERNATIVES TO TRIAL OR
GUILTY PLEA IF YOU ARE A FIRST TIME OFFENDER

Accelerated Rehabilitative Disposition

What is ARD?

ARD is a ONE TIME alternative to trial, conviction, and the mandatory jail sentence.

Upon application and completion of a probation period, which is established at a minimum of one year by the Court, the criminal charges are dismissed.

Who Qualifies for ARD?

You may be eligible for ARD if you meet the following required standards for the program:

1. You have no prior DUI offenses.
2. NO serious injury, if an accident was involved.
3. Good Driving Record—An absence of excessive moving violations.
4. No extensive prior criminal history.
5. If applicant pleads guilty to any summary offense, he/she must sign a Waiver of Double Jeopardy Rights.

How Do I Get Into the ARD Program?

1. You must complete the application for the ARD program and send or bring it with you to the Preliminary Hearing at the District Justice's Office. Upon approval of the application, the matter is referred to the ARD Program Director for investigation. You will receive a notice to appear for an appointment with the ARD Director.
2. The District Justice's secretary will call and obtain an appointment for a CRN evaluation at the Carbon—Monroe—Pike Drug and Alcohol Office, First Street, Lehighton, Pennsylvania. If the ARD applicant is found to meet all of the criteria for qualification which have been established by the ARD/DUI Program, the applicant may then be recommended by the District Attorney to the Court for placement into the ARD Program and will receive notice to appear for an ARD Hearing.

What Does Placement Into the Standard ARD Program Require You to Do?

1. Serve ONE YEAR probationary period.
2. SIX MONTH SUSPENSION of driving privileges.
3. ATTENDANCE AND COMPLETION of an ALCOHOL SAFE DRIVING PROGRAM at the Carbon—Monroe—Pike Drug and Alcohol Office.
4. COMPLETE a counseling program, if deemed necessary, and pay for same.
5. PAY the following ARD Program costs:

Standard ARD Administrative Fee	\$300.00
Monthly Offender Supervision Fee	\$300.00
(If Court ordered: 12 months at \$25.00/month)	
CRN Report	\$ 35.00
(Rescheduling—Missed Appointments—CRN	\$ 15.00
Court Costs (Approximate)	\$400.00
Safe Driving School Costs (Nine week course)	\$300.00
Safe Driving School Costs (Five week course)	\$150.00
Total Costs (Approximate)	\$1,350.00
6. COMPLIANCE with such rules and regulations as may be set forth by the Carbon County Courts and DUI Program.
 NO JAIL TERM, IF ACCEPTED FOR ACCELERATED REHABILITATIVE DISPOSITION AND IT IS COMPLETED SATISFACTORILY.

Fast Track Accelerated Rehabilitative Disposition

What Is Fast Track ARD?

Like ARD, FAST TRACK is a ONE TIME alternative to trial, conviction and mandatory jail sentencing.

Unlike Standard ARD, FAST TRACK ARD offers an incentive program for you to have your case handled in an accelerated manner.

Are There Any Additional Requirements for Fast Track ARD?

Yes. There are additional requirements for you to become a candidate for FAST TRACK ARD.

You Must:

1. Complete the enclosed application and have it notarized.
2. SIGN an ARD written Waiver of your Preliminary Hearing and Arraignment.
 FAILURE TO ATTEND ANY APPOINTMENTS OR SCHEDULED COURT APPEARANCES WILL RESULT IN DENYING YOUR ACCEPTANCE IN FAST TRACK ARD!

What Does Placement Into the ARD Fast Track Program Involve?

1. ONE YEAR probationary period.
2. TWO MONTH SUSPENSION of your operating privileges on the day of placement on the FAST TRACK ARD PROGRAM if you have a valid Pennsylvania license.
3. ATTENDANCE AND COMPLETION of an ALCOHOL SAFE DRIVING PROGRAM at the Carbon—Monroe—Pike Drug and Alcohol Office.
4. COMPLETION of a counseling program, if deemed necessary, and payment for same.
5. COMPLIANCE with such rules and regulations as may be set forth by the Carbon County Courts and the DUI Program.
6. PAY the following FAST TRACK ARD program costs:

Fast Track ARD Administrative Fee	\$400.00
Monthly Offender Supervision Fee	\$300.00
(If Court ordered: 12 months at \$25.00/month)	
CRN Report	\$ 35.00
(Rescheduling—Missed Appointments—CRN	\$ 15.00
Court Costs (Approximate)	\$400.00
Safe Driving School Costs (Nine week course)	\$300.00
Safe Driving School Costs (Five week course)	\$150.00

Total Costs (Approximate) \$1,450.00

NO JAIL TERM, IF ACCEPTED FOR THE FAST TRACK
ACCELERATED REHABILITATIVE DISPOSITION AND
THE PROGRAM IS COMPLETED SATISFACTORILY.

ADDENDUM "1"

Comparative Time Standards

<i>Criminal</i>	<i>ABA Standards</i>	<i>National Center Recommendations</i>	<i>Proposed Standards</i>	
<i>Overall:</i>	<i>From Arrest:</i>	<i>From Arrest:</i>	<i>From Complaint: Incarcerated</i>	<i>From Complaint Not Incarcerated</i>
Felony	90% within 120 days 98% within 180 days 100% within 1 year		90% within 150 days 98% within 180 days	90% within 180 days 98% within 240 days
Misdemeanors	90% within 30 days 100% within 90 days		90% within 150 days 98% within 180 days	90% within 180 days 98% within 240 days
Summaries	90% within 30 days 100% within 90 days		90% within 30 days 98% within 90 days	
	Priority for incarcerated defendants			
ARD		Application given at preliminary hearing or waiver thereof	Fast track system for first time DUI	
Summary Appeals			90% within 60 days 98% within 90 days	
Intermediate: Preliminary Arraignments		Within 24 hours of arrest	Within 24 hours of arrest	Within 24 hours of arrest
Preliminary Hearings		3 to 10 days except for good cause shown	98% within 30 days if initiated by arrest	98% within 45 days initiated by summons
Formal Arraignment		Within 3 weeks of preliminary hearing; not less than twice a week; conducted by a non-judge	Within 3 weeks of preliminary hearing; not less than twice a week; conducted by a non-judge	Within 5 weeks preliminary hearing; not less than twice a week; conducted by a non-judge
Information		Not later than 10 days prior to arraignment	Not later than 5 days prior to arraignment	Not later than 5 days prior to arraignment
Delivery of Discoverable Information		Not later than 10 days prior to arraignment	As received	As received
Trials		60-90 days from formal arraignment	Schedule for 60-90 days from formal arraignment	Schedule for 60-120 days from formal arraignment
Post-Verdict Actions:				
Post Verdict Motions		Motions taken orally immediately after trial; ruling within 5 days of argument	Eliminated in favor of optional post-sentence motions	
PSI Report		Use short form	Use short form	

THE COURTS

<i>Criminal</i>	<i>ABA Standards</i>	<i>National</i>	<i>Proposed Standards</i>
Sentencing		Not later than 30 days after verdict	90% within 30 days 98% within 60 days
Post-Sentence Motions			Optional; right to direct appeal on issues preserved at pre-trial and trial.

EXHIBIT "A"

**Criminal Caseflow Management System
(Effective May 6, 1992)
Carbon County Criminal Case Flow Chart***

Arrest or Complaint Filed	Preliminary Hearing	Arraignment Fast Track ARD/DUI Guilty Plea	Pre-Trial Conference	ARDS & Other Pleas (Last Day To Plea)	Jury Selection	Sentencing
Within 30 days if initiated by arrest within 50 days if initiated by summons	Within 40 days from preliminary hearing	Within 30 days from arraignment	2—15 days from pretrial conference	4-32 days from last day to plea	Within 45 days after plea or verdict	
Every Wednesday	Every Wednesday				(If not sentenced at guilty plea or verdict)	
	+30	+70	+100	+110	+142	(182)

*The County will be divided into a Northern Division and Southern Division for Preliminary Hearings in Misdemeanor and Felony Cases. Four District Justices will conduct Preliminary Hearings in clusters every Wednesday. One District Justice in each division will conduct their Preliminary Hearings commencing at 9:00 A.M. and one District Justice in each Division will conduct their Preliminary Hearings commencing at 1:15 p.m.

N.B. DELIVERY OF DISCOVERABLE INFORMATION—AS RECEIVED

(Rev. June 1, 1997)

EXHIBIT "B"

**CARBON COUNTY
MAGISTERIAL DISTRICT No.**

Dear Sir:

You have been summoned to appear for a preliminary hearing at _____ on _____, in the Office of _____.

Enclosed please find the following forms:

1. Criminal Complaint and Arrest Warrant Affidavit
2. Notice of Hearing
3. Carbon County Public Defender Guidelines
4. Application for ARD Program (Accelerated Rehabilitation Program) if you are eligible
5. Prior Criminal Record Statement

Examine the enclosed Carbon County Public Defender Guidelines. If you feel you are eligible, call the Public Defender's Office immediately to set up an appointment to fill out an application. The Public Defender's Office is located in the Carbon County Courthouse, Jim Thorpe, Pennsylvania. The telephone number is 570-325-2343.

You should have either obtained an attorney or had a Public Defender assigned to you before your preliminary hearing. This attorney should be present with you at your preliminary hearing.

If this is your first criminal offense, you may be eligible for the ARD program. Enclosed are the ARD guidelines used in Carbon County. If you meet the guidelines, you should fill out the enclosed application for the ARD program and Prior Criminal Record Statement and forward or bring both to the Preliminary Hearing at the District Justice.

Very truly yours,

District Justice

**OFFICE OF THE DISTRICT ATTORNEY
 CARBON COUNTY COURTHOUSE
 P. O. BOX 36
 JIM THORPE, PENNSYLVANIA 18229**

NOTICE

Your case **MAY** be a proper one for handling under the Accelerated Rehabilitative Disposition Program (A.R.D.)

As you know, you were arrested and charged with a crime. You have the right to a trial and the Commonwealth must prove you are guilty beyond a reasonable doubt. However, you may be helped more by being placed on probation than by being convicted and sentenced to jail, so your case may be chosen for possible inclusion in the Accelerated Rehabilitative Disposition Program. Under this program, instead of being tried, you might be placed on probation immediately. If you stay out of trouble during the period of this program, these charges will be discharged. If you violate the conditions, you will be tried as if you never had been in this program.

If you desire to be considered for the A.R.D. Program, you must complete the enclosed questionnaire and have the same notarized. When completed, it should be returned to the Office of the District Justice at the time of your preliminary hearing.

Be advised that applying for admission into the A.R.D. Program does not relieve you of your obligation to appear before the District Attorney's Office or the Court for all scheduled appearances. Failure to so appear will result in a bench warrant being issued for your arrest.

YOU SHOULD BE CERTAIN TO CONTACT YOUR LAWYER SO THAT YOU UNDERSTAND WHAT THIS PROGRAM IS AND HOW IT WORKS.

Very truly yours,

GARY F. DOBIAS
 District Attorney

Enclosure

APPROVED: _____
 DISAPPROVED: _____
 DATE: _____

**OFFICE OF THE DISTRICT ATTORNEY
 CARBON COUNTY COURTHOUSE
 P. O. BOX 36
 JIM THORPE, PENNSYLVANIA 18229
 (570) 325-2718**

COMMONWEALTH OF PENNSYLVANIA :
 : **VS.** : :
 : : :
 :

**QUESTIONNAIRE TO DETERMINE ELIGIBILITY
 FOR ACCELERATED REHABILITATIVE DISPOSITION**

TO THE DEFENDANT:

The following questions are to be answered truthfully and fully under oath or affirmation and returned to the District Justice's Office to enable the District Attorney to determine your eligibility for consideration for Accelerated Rehabilitative Disposition.

YOU ARE ADVISED THAT ANY FALSE STATEMENT GIVEN IN ANSWER TO ANY QUESTION MADE WITH INTENT TO MISLEAD THE DISTRICT ATTORNEY'S OFFICE IS PUNISHABLE AS A MISDEMEANOR OF THE SECOND DEGREE PUNISHABLE BY A FINE NOT EXCEEDING \$5,000.00 AND IMPRISONMENT NOT EXCEEDING TWO (2) YEARS, OR BOTH.

WRITE CLEARLY AND IN INK

- 1. State your full name, Social Security Number and Driver's Operating Number.

- 2. What is your date of birth and current age? _____
- 3. Give your place of birth (city, state, and country). _____
- 4. State any other names by which you are known or by which you have been known, including aliases. _____
- 5. State any nicknames by which you are known. _____
- 6. What is your present address and telephone number? _____

- 7. What is your marital status? _____
- 8. What is the name of your spouse? _____
- 9. Give the names and ages of any children. _____

- 10. Give the names of all persons with whom you live and your relationship with each.

- 11. Give each and every address where you resided during the last five-year period.

- 12. State your educational experience, giving the names of schools you attended and the date of attendance.
Grade School: _____
High School: _____
College: _____
Other: _____
- 13. State your military status. (Check One)
Veteran _____ Non-Veteran _____
If you have been in the military service of the United States, state which branch, the years of service and the type of discharge.
Branch: _____ Years: _____
Discharge: Honorable: _____ Dishonorable: _____
Other: _____ Explain: _____

14. State what occupations or jobs you have held in the last five (5) years:

Employer	Job Description	Years
----------	-----------------	-------

15. What is your present occupation or employment and how long employed?

Employer: _____

Describe Duties: _____

If unemployed, source of income: _____

16. What is your present average net income? _____

17. What is your ability to pay Court costs? AMT: _____

18. Have you been arrested for any Juvenile or Adult criminal offenses?

Yes _____ No _____

If so, state the following, using additional sheet if necessary.

Date of Arrest (Month/Year): _____

Charge: _____

Jurisdiction (City & State): _____

Sentence or other Disposition: _____

19(a). Have you ever been convicted of DUI or been placed on an A.R.D. Program as a result of a DUI Charge? Yes _____ No _____

If so, state:

Date of Arrest: _____

Date of conviction or acceptance in the A.R.D. Program: _____

County where this occurred: _____

19(b). Have you ever been placed in an A.R.D. Program for a non-DUI offense?

Yes

_____ **No** _____

If so, state:

Date of Arrest: _____

Charge: _____

Date of conviction or acceptance in the A.R.D. Program: _____

County where this occurred: _____

20. Are you presently on parole or probation? _____

21. Have you ever been treated for mental illness or hospitalized for mental illness:

Yes _____ No _____

If so, state when, where and period of time.

22. Do you have any disease or other disability at the present time?

Yes _____ No _____

If so, state the nature thereof: _____

23. Are you presently dependent upon or addicted to alcohol or drugs?

Yes _____ No _____

24. Are you presently enrolled in any treatment program for alcohol or drug addiction dependency?

Yes _____ No _____

THE FOLLOWING QUESTIONS ARE TO BE ANSWERED BY ANY PERSON CHARGED WITH DUI

25. Were you involved in an accident? Yes _____ No _____

If so:

(a) Do you have insurance? Provide the name of your insurance company.

(b) Was any person, other than yourself injured? Yes _____ No _____

(c) If so, give the name and address of injured party or parties, along with a description of the injuries suffered.

(d) Is there any restitution due? If any, approximately how much?

26. State any other offenses you were charged with, either under the vehicle code or the crimes code, which arose from this incident.

27. What was your blood alcohol reading? _____

28. WHERE were you drinking? _____

How long? _____

TO BE COMPLETED BY ALL APPLICANTS

29. State the name, address and telephone number of three reputable citizens, not related to you, who are willing to support your consideration for the Accelerated Rehabilitative Disposition Program:

NAME ADDRESS TELEPHONE NUMBER

30. State briefly why you feel you should be given the benefit of placement in the Accelerated Rehabilitative Disposition Program.

I, hereby, swear to (or affirm) the truth of the facts set forth in this application for Accelerated Rehabilitative Disposition, and I fully realize that an intentionally falsification as to any answer or part thereof is a crime punishable by law.

Signature of Applicant

Acknowledgement:

Sworn to (affirm) and subscribe to
before me this _____ day of
_____, 2000, A.D.

NOTARY

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: CARBON COUNTY, PENNSYLVANIA
VS. :
: NO.
:

GUILTY PLEA COLLOQUY

You are present before this Court because you or your lawyer have stated that you wish to plead guilty to some or all of the criminal offenses with which you have been charged. Please answer fully all the questions on this document. If you do not understand any explanations given to you on this document, say so by putting the word "no" in the blank provided after the questions. If you do understand the questions, you should write in the word "yes". None of the lines should be left blank.

After you have finished reading this and filling it out, you should sign it on the last page, on the line that says "Defendant". You should also initial each page at the bottom, but only if you have read and have understood that page. If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case, so that they can explain it to you fully, to make sure you understand all your rights.

Most of these questions are designed to be answered "yes" or "no". Where general information is asked for, however, please answer fully.

1. What is your full name?

2. Are you known by any other name or alias?

3. If the answer to Number 2 is "yes" state the other name or aliases.

4. What is your date of birth?

5. What was the last grade completed in school?

6. Can you read, write and understand the English language?

INITIAL

7. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness?

8. If the answer to Number 7 is "yes", please explain the details.

9. Are you currently being treated for a mental illness?

10. If the answer to Number 9 is "yes", explain the details.

11. If you are presently being treated for a mental illness, do you feel that you have sufficient mental capacity to understand what you are doing today, and to understand these questions and answer them correctly?

12. Do you understand that you are here today to enter a guilty plea to some or all of the charges against you?

13. Do you understand the nature of the offenses to which you are pleading guilty?

14. Has your lawyer explained to you the elements of the criminal offenses to which you are pleading? _____
15. Do you admit to committing the offenses to which you are pleading guilty and to the legal elements explained to you making up those offenses?

16. Do you understand that you have a right to a trial by jury?

17. Do you understand that the right to trial by jury means that you can participate in the selection of a jury with your attorney; that the jury is randomly selected from the voter registration list of Carbon County and a cross-section of the citizens of Carbon County, and that the jury has to agree unanimously on your guilt before you can be convicted of the offenses with which you are charged? _____
18. Do you understand that you are presumed innocent until found guilty? In other words, do you understand that the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted of the offenses charged? _____
19. Do you understand that the Commonwealth has the burden of proving you guilty beyond a reasonable doubt, which means you can remain silent and nothing can be held against you for refusing to testify in your own defense? _____
20. Do you understand that you have a right to confront and cross-examine all Commonwealth witnesses in your case who are necessary to prove your guilt?

21. Do you understand that by pleading guilty you are waiving that right of confrontation and cross-examination?

22. Do you realize that by pleading guilty you are giving up your right to present any pre-trial motions for consideration to this or a higher Court in the event those motions are denied? _____
23. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and raise any errors that were committed in the trial Court, and that this could result in your being awarded a new trial or discharged, and that by pleading guilty you are giving up this right?

24. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and you could also challenge whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt? _____
25. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your counsel and the Attorney for the Commonwealth, until the Court accepts such plea agreement? _____
26. Do you understand that the Court is not a party to any agreement or recommendation made by the parties and that any recommendation and/or stipulation regarding sentence is not binding on the Court and you knowingly waive the right to withdraw this plea if the Court does not concur in the recommended sentence? _____
27. Are you aware of the permissible range of sentence and/or fines that can be imposed for the offenses to which you are pleading guilty?

INITIAL

INITIAL

- 28. Are you aware of the maximum sentence and/or fine which the Court could impose upon you for each of the offenses to which you are pleading guilty? _____
- 29. Do you understand that any sentence imposed upon you for any of the offenses to which you are pleading guilty can be imposed consecutively to either (a) any sentence imposed upon you for any other offense for which you are pleading guilty in this case; or (b) any sentence imposed upon you in any other case? _____
- 30. Do you understand that "consecutive" sentences means that one sentence will follow after another and that "consecutive" sentences do not run at the same time? _____
- 31. Do you understand that the aggregate maximum sentence you could receive if you are pleading guilty to multiple offenses is the total of all maximum sentences for all the offenses added together? _____
- 32. Do you understand that you have a right to have witnesses present at your guilty plea hearing to testify for you? Are you willing to give up that right and have the Attorney for the Commonwealth summarize the facts against you? _____

INITIAL

- 33. After you enter your guilty plea and it is accepted by the Court, you still have a right to appeal your conviction. The appeal from a guilty plea is limited, however, to four grounds. They are:
 - (a) that your guilty plea was not knowing, intelligent and voluntary;
 - (b) that the Court did not have jurisdiction to accept your plea (in other words, the offenses for which you are pleading guilty did not occur in Carbon County);
 - (c) that the Court's sentence is beyond the maximum penalty authorized by law; and
 - (d) that your attorney was incompetent in representing you and advising you to enter a plea of guilty

Do you understand these four areas of appeal and what they mean? _____

In order to appeal your conviction by a plea of guilty, you must within ten (10) days file a written motion to withdraw your guilty plea and state any of the four above grounds as the basis for your petition to withdraw your guilty plea. This must be done within ten (10) days from the date you are sentenced. If you cannot afford a lawyer to represent you or you are contending that your attorney, who represented you at your guilty plea, was incompetent, you have the right to have other counsel appointed for you to raise those four claims. If your petition to withdraw your guilty plea is denied, you then have thirty (30) days to file an appeal from that denial with the Superior Court of Pennsylvania.

If you do not file your petition within ten (10) days of your sentence or do not file a Notice of Appeal to the Superior Court within thirty (30) days after your petition to withdraw your guilty plea is denied, you give up your right to ever complain again of any of those four areas, including incompetent counsel.

Do you understand the meaning of the various appeal rights that have just been explained to you? _____

- 34. Has anybody forced you to enter this plea of guilty? _____

INITIAL

- 35. Are you doing this of your own free will? _____

- 36. Have any threats been made to you to enter a plea of guilty? _____

- 37. Have any promises been made to you to enter a plea of guilty other than any plea agreement that has been negotiated for you by your attorney? _____

- 38. Do you understand that the decision to enter a guilty plea is yours and yours alone; that you do not have to enter a plea of guilty and give up all your rights, as previously explained to you and that no one can force you to enter a guilty plea? _____

39. Do you understand that if your plea is accepted by this Honorable Court, you would have the right to have a Pre-Sentence Report prepared on your behalf to aid the Judge in determining the appropriate sentence to be imposed upon you? Since this is a plea bargain, are you willing to waive the preparation of the pre-sentence investigation?

_____ (if applicable)
40. Are you presently on probation or parole? _____

41. If you are on probation or parole, do you realize that your plea of guilt will mean a violation of that probation or parole and you can be sentenced to prison as a result of that violation caused by your guilty plea today?

42. Are you satisfied with the representation of your attorney?

43. Have you had ample opportunity to consult with your attorney before reading this document and entering your plea of guilty?

44. Has your attorney gone over with you the meaning of the terms in this document? _____ INITIAL

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

Defendant

I, _____, Esquire, Attorney for _____, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands that is set forth above; that I am prepared to try this case; and that the defendant understands what he/she is doing by pleading guilty.

Attorney for the Defendant

INITIAL

CARBON COUNTY PUBLIC DEFENDER GUIDELINES

The following financial guidelines established by the Public Defender's Office of Carbon County is to be used in determining eligibility for free legal counsel.

An individual may apply for free legal counsel in the following situations:

- criminal charges; misdemeanor and felony.
- summary cases only when there is a likelihood that the court will impose imprisonment.
- parole/probation violation. (individual must reapply)

The following applicants are presumed to be indigent and eligible for free legal representation:

— any individual presently detained in a correctional and state hospital facility who do not have asset(s) and is unable to pay for private counsel.

— any individual whose GROSS income is below the maximum income level.

A. In determining the GROSS income of the applicant, criteria to be considered but not limited to the following will include:

1. All income coming into the home: Unemployment, worker's compensation, social security, pensions, stocks, bonds, interest earned, inheritances, rents received, lawsuits, etc. Assets: house(s), property, car(s), etc. We will require proof.
2. If the applicant is married and living with a spouse, both incomes will be considered. Dependant(s) are child(ren) 18 years and younger living with natural parents or are legally adopted. Proof is required. Single parents who claim child(ren) as dependant(s), must be paying support by Court Order or have child(ren) living with him/her. Proof of Court Ordered support is required.

<i>Family</i>	<i>Yearly</i>	<i>Monthly</i>	<i>Weekly</i>
1	\$ 8,275	\$ 690	\$172
2	11,100	925	230
3	13,925	1,160	290
4	16,750	1,396	349
5	19,575	1,631	407
6	22,400	1,867	466
7	25,225	2,102	525
8	28,050	2,338	584
each additional	2,825	235	54

If you feel you are eligible, call the Public Defender's Office to set up an appointment to fill out an application. This must be done in person. You must apply at least five (5) days BEFORE your hearing. Please bring with you all paperwork you have received to date and any copies of proof of any and all income as stated above. The phone number is (570) 325-2343. The Public Defender hours are Monday - Friday, 8:30 a.m. to 4:30 p.m. Except holidays. We do not accept applications after 4:00 p.m., since it takes approximately 20 minutes to fill out the application. WE DO NOT ACCEPT ANY COLLECT CALLS.

DO NOT have alcohol on your breath or look to be under the influence of any substances or you will be asked to return at another date to complete the application. We are not responsible for any delays if you do not call for an appointment or you are asked to come back because you appear to be under the influence of a substance, or have not brought the required copies of any and all proof mentioned above.

Remember: Statements made on the application for a Public Defender must be true and correct. Any false statements that are made are subject to penalties of 18 Pa.C.S., Section § 4904, relating to unsworn falsification to authorities.

EXHIBIT "C"

Appendix for Exhibits

<i>Exhibit:</i>	<i>Description:</i>
1.	Prior Record Form
2.	Written Guilty Plea Agreement Form
3.	ARD Agreement Form
4.	Criminal Case Scheduling Form
5.	Waiver of Common Pleas Arraignment Form
6.	CRN Notice Form

**56TH JUDICIAL DISTRICT—CARBON COUNTY
PRIOR CRIMINAL RECORD STATEMENT**

DEFENDANT'S NAME: _____

OTN #: _____

DEFENSE COUNSEL: _____ DA: _____

Representations regarding prior record:

I, _____, defendant, represent that my prior criminal record, including prior ARDs, is set forth here in full, to the best of my memory. I understand that if this listing is in error, the parties will not be bound by the agreement. I also understand that an intentional false statement by me on this document could result in a separate criminal prosecution.

Charge (include all arrests)	Disposition	Approximate Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Defendant/Date)

(Defense Counsel/Date)

(DA assigned to case/date)

EXHIBIT "1"

THE COURTS

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

vs

:
: CASE NO.
:
: 180 DAYS: _____

STIPULATION

CHARGES FOR TRIAL, GUILTY PLEA OR ARD

COUNT # 1 _____
COUNT # 2 _____
COUNT # 3 _____
COUNT # 4 _____
COUNT # 5 _____
COUNT # 6 _____

AND NOW, this _____ day of _____, 20____, the following stipulation is entered into between the Commonwealth and the Defendant in connection with the above charges: (check one)

____ TRIAL BY JURY ____ NON-JURY TRIAL ____ GUILTY PLEA ____ ARD

Defendant

Attorney for the Defendant

D. A. or Assistant D. A.

Address

Telephone Number

ORDER

AND NOW, this _____ day of _____, 2000, it is hereby ORDERED and DECREED that the Defendant shall appear in Court Room #1/2, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on the _____ day of _____, 2000 at _____ .M. prevailing time or on further order of the Court, for _____ .

BY THE COURT

P.J.

EXHIBIT "2"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

:

CASE ID NO. _____

vs.

:

O.T.N. NO. _____

:

Defendant

EXPLANATION OF ACCELERATED REHABILITATION PROGRAM (A.R.D.)
and
WAIVER OF RIGHTS FORM

1. I understand that I have been charged with a crime and that I have a right to go to trial on that charge. I am presumed innocent of this charge and the prosecution must prove my guilty beyond a reasonable doubt.
2. Notwithstanding my right to go to trial, I ask to be placed in the Carbon County A.R.D. Program and I CERTIFY THAT I HAVE NOT PREVIOUSLY BEEN IN SUCH A PROGRAM IN THIS OR ANY OTHER JURISDICTION.
3. I understand the District Attorney will consider any prior criminal conviction I may have.
 - (a) I understand the District Attorney will consider a victim's input on my request for A.R.D.
4. I am aware that I will be in the A.R.D. program for up to a period of twelve (12) months, and that the special terms and condition of the program are as follows:
 - (a) I will pay the costs of the prosecution of the charges filed against me.
 - (b) I may have to receive an alcohol and/or drug evaluation or a mental health evaluation and follow through with any recommended treatment and pay the costs thereof.
 - (c) I will complete any community service hours as may be ordered by the Court.
 - (d) If I caused any property damage or personal injury to anyone and do not have insurance to pay for such damage or personal injury, I will make restitution to the victim of the amount of such damage or personal injury.
 - (e) I will abide by the general rules and regulations applicable to all persons on A.R.D.
 - (f) I understand that as a special incentive if all of the above special conditions are met and paid in full within six (6) months, that my participation in the A.R.D. Program can be concluded at that time.
5. I understand that the charges which have been filed against me will not be further prosecuted while I am in the A.R.D. Program, but if I fail to complete the program satisfactorily, I will be removed from the program and the charges filed against me will then be prosecuted according to law as if I had never been in the A.R.D. Program.
6. I understand that if I successfully complete the A.R.D. Program, the charges which have been filed against me will be dismissed.
7. I understand that I can reject this offer of A.R.D. and demand that my case be brought to trial instead and that neither rejection of A.R.D. nor any statement I make in these A.R.D. proceedings can be used against me at trial.
8. I understand that by participating in the A.R.D. Program I waive (give up) the following rights:
 - (a) My right to a preliminary hearing.
 - (b) My right to a formal Court arraignment.
 - (c) The right to have my case tried before a jury within three hundred and sixty-five (365) days from the date the charges were filed against me and dismissed if not tried within 365 days.
 - (d) The applicable statute of limitations within which prosecution must be commenced on the charges against me.
9. Time spent in processing the application for A.R.D. will be excluded in computing the 365 days under Rule 600.
10. I understand that if my case is removed from the A.R.D. program and sent back for trial, the District Attorney will then have one hundred and twenty (120) days within which to bring me to trial.
I have read the above and fully understand it.

DATE: _____

SIGNED: _____

Defendant

As attorney for the above-named Defendant, I certify that I have fully discussed and reviewed the foregoing explanation and waiver of right to the Defendant and I believe he/she understand them.

DATE: _____ SIGNED: _____
Attorney for Defendant

I agree that this case is suitable for inclusion in the A.R.D. Program, and I move that the Defendant be placed on A.R.D.

DATE: _____ SIGNED: _____
(Assistant) District Attorney

EXHIBIT "3"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :
 :
 vs. : O.T.N. NO. _____
 :
 Defendant : S. D.No. _____, 20
 :

CRIMINAL CASE SCHEDULING INFORMATION

Defense Counsel: _____ Asst. District Atty. _____
Entry of Appearance Signed? _____ Master Charge: _____
Is defendant in jail? _____ Date Complaint Filed: _____
Waiver of Arraignment signed? _____ Date of Preliminary Hearing: _____

IMPORTANT NOTICE

You and your attorney are required to appear for the following proceedings. These dates may not be changed without Leave of Court.

- 1. Arraignment (if not waived): _____ 9:00 A.M.
Prevailing time, Courtroom Two, Courthouse, Jim Thorpe, PA 18229
- 2. Pre-trial Conference: _____ 9:00 A.M.
Prevailing time, District Atty. Office, Courthouse, Jim Thorpe, PA 18229
- 3. Last Day to Plea-Plea Day: _____ 1:00 P.M.
Prevailing time, Courtroom One, Courthouse, Jim Thorpe, PA 18229
- 4. Jury Selection: _____ 9:00 A.M.
Prevailing time, Courtroom One, Courthouse, Jim Thorpe, PA 18229

FAILURE TO APPEAR MAY RESULT IN A FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST

The undersigned defendant and defense counsel hereby acknowledge receipt of a copy of this notice.

Date: _____

Defendant

Defendant's Counsel

District Justice

EXHIBIT "4"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

VS.

D. J. ID # _____

O.T.N. # _____

C.P. ID # _____

WAIVER OF ARRAIGNMENT

I, the undersigned attorney for the Defendant, do hereby waive the arraignment provided for in PA. Rule of Criminal Procedure No. 571 which is scheduled to be held in this case on _____.

I, the undersigned Defendant, understand that:

1. The information containing the charges against me will be filed in the Office of the Clerk of Courts and a copy will be mailed to my attorney and to me.
_____ (Defendant's initials)
2. Any discovery must be concluded 14 days after the scheduled arraignment date.
_____ (Defendant's initials)
3. I must file a Bill of Particulars in writing within 7 days after the scheduled arraignment date. (Defendant's initials)
4. If I intend to offer the defense of alibi, insanity or mental infirmity, I must notify the attorney for the Commonwealth in writing within 30 days after the scheduled arraignment date. _____ (Defendant's initials)
5. I must file all pre-trial motions for relief on or before 30 days from the scheduled arraignment date. _____ (Defendant's initials)
6. If I fail to file any motions for discovery or pre-trial relief within the prescribed time limits, it shall be considered a waiver of the rights to file such motions.
_____ (Defendant's initials)
7. I must give the Court notice prior to stated jury selection date if I desire to have my case tried before a Judge without a jury.
_____ (Defendant's initials)

Date: _____

Defendant's Signature

Attorney for Defendant

EXHIBIT "5"

ALCOHOL HIGHWAY SAFETY PROGRAM
CARBON MONROE PIKE
DRUG & ALCOHOL COMMISSION, INC.

PROCEDURES FOR CRN EVALUATIONS

1. The CRN or Court Reporting Network evaluation is a computer-supported information system which provides the Courts with a detailed personality and alcohol intake profile of a person charged with Driving Under the Influence.
2. The Court must have in their possession, prior to your sentencing or acceptance into the ARD program, the completed CRN evaluation. It is important that you keep the scheduled appointment given to you to avoid any delays in your case.
3. Please have the following information with you at the time of your evaluation:
 - Time and date of arrest
 - Driver's license number
 - Blood Alcohol Concentration Level
4. The cost of the CRN evaluation is \$35. Payment in full is required at the time of the evaluation. Failure to appear, bringing the \$35 fee and/or the above-requested information, will result in the re-scheduling of your appointment. A \$15 rescheduling fee will be assessed for missed appointments.

PLEASE MAKE CHECK OR MONEY ORDER PAYABLE TO:
Carbon-Monroe-Pike Drug & Alcohol Commission, Inc.

Date of Appointment

Time

AHSP Program Director

CARBON OFFICE
128 S. First Street
Lehighton, PA 18235
(610) 377-5177
Fax: (610) 377-5099

ADMN./MONROE OFFICES
14 N. Sixth Street
Stroudsburg, PA 18360
(570) 421-1960
Fax: (570) 421-3548

PIKE OFFICE
SR # 1 Box 493
Milford, PA
(570) 296-7255
Fax: (570) 296-6375

EXHIBIT "6"

[Pa.B. Doc. No. 01-395. Filed for public inspection March 9, 2001, 9:00 a.m.]

MONTGOMERY COUNTY

**Local Rule of Civil Procedure Rule 3129.2(b)(1)*—
Notice of Sale, Handbills, Written Notice, Publi-
cation; No. 01-00001**

Order

And Now, this 12th day of February, 2001, the Court approves and adopts the following Montgomery County Local Rule of Civil Procedure, Rule 3129.2(b)(1)*—Notice of Sale, Handbills, Written Notice, Publication. This Rule shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1)

certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

JOSEPH A. SMYTH,
President Judge

**Rule 3129.2(b)(1)*—Notice of Sale, Handbills, Writ-
ten Notice, Publication.**

With respect to handbills, and legal publication, the "brief description" of the property required by Pa.R.C.P. 3129.2(b)(1) shall consist of the street address, parcel identification number, and a copy of the legal description of the property.

[Pa.B. Doc. No. 01-396. Filed for public inspection March 9, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated February 26, 2001, Gerard Emmett Evans has been Disbarred on Consent from the Bar of this Commonwealth, to be effective March 28, 2001. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 01-397. Filed for public inspection March 9, 2001, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Andrea Yvette Prince, having been indefinitely suspended from the practice of law before naval tribunals and also having been indefinitely suspended from providing individual legal assistance in the Department of the Navy by Order of the Judge Advocate General of the Navy, the Supreme Court of Pennsylvania issued an Order dated February 20,

2001, suspending Andrea Yvette Prince indefinitely from the practice of law in this Commonwealth. In accordance with Rule 217(f) of the Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 01-398. Filed for public inspection March 9, 2001, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that on February 26, 2001, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Kevin Mark Sabo was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 01-399. Filed for public inspection March 9, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF NURSING HOME ADMINISTRATORS

[49 PA. CODE CH. 39]

Continuing Education

The State Board of Examiners of Nursing Home Administrators (Board) adopts amendments regarding continuing education requirements by amending Chapter 39 (relating to State Board of Examiners of Nursing Home Administrators) to read as set forth in Annex A.

A. *Effective Date*

The amendments will be effective upon publication in the *Pennsylvania Bulletin*. The continuing education requirement will apply to continuing education credits earned during the biennial period beginning July 1, 2002.

B. *Statutory Authority*

The Board has authority to adopt regulations pertaining to continuing education under section 9(b) of the Nursing Home Administrators License Act (act) (63 P. S. § 1109(b)).

C. *Background and Purpose*

Section 9(b) of the act requires licensees to complete continuing education as a condition of biennial renewal. Current §§ 39.31—39.64 establish the parameters of the continuing education requirement. This rulemaking clarifies, updates and expands on those provisions.

D. *Summary of Comments and Responses on Proposed Rulemaking*

Notice of the proposed rulemaking was published at 29 Pa.B. 662 (February 6, 1999). The Board received comments from the House Professional Licensure Committee (HPLC); the Independent Regulatory Review Commission (IRRC) and ten public commentators: The Hospital and Healthsystem Association of Pennsylvania (HAP); Pennsylvania Association of Non-Profit Homes for the Aging (PANPHA); Guthrie Troy Community Hospital (Guthrie); Green County Memorial Hospital (Green County); Jeannette District Memorial Hospital (Jeannette); Grand View Hospital (Grand View); Herbert Skuba, NHA; Martha Ann J. Douds, RN, NHA; Sandra K. Fine, NHA; and Stuart H. Fine, NHA. Responses to these comments are organized by subject as follows.

1. *§§ 39.41 and 39.44. Provider registration and responsibilities.*

IRRC recommended that § 39.41(a) should be changed to clarify that the term "providers" includes colleges, universities, associations, professional societies and organizations. The Board concurs and has made this change in final rulemaking.

IRRC and PANPHA noted that in proposed rulemaking, the preamble used the term "verification requirements" to describe a portion of proposed § 39.44, but that § 39.44 did not contain this term. Both commentators requested clarification. Section 39.44 delineates provider responsibilities and the term "verification requirements" was used

in the preamble to describe the records the program must keep to verify attendance by licensees. Specifically, the term described § 39.44(h) which requires that attendance records, written outlines and summary of evaluations must be retained for a 5-year period to provide verification of attendance by licensees.

2. *§§ 39.52 and 39.61. Program registration and programs requiring preapproval.*

The HPLC, IRRC and nine public commentators objected to the elimination of retroactive approval for continuing education credit. Currently retroactive approval is allowed under § 39.52(b). The HPLC, IRRC, HAP and Guthrie expressed concern about program availability. The HPLC observed the wide range of subject areas which are acceptable for continuing education credits and noted that a number of providers may not have National Association of Boards of Examiners of Long Term Care Administrators (NAB) or Board approval. The HPLC requested additional information regarding the impact of deleting retroactive approval on the availability of those programs to licensees. IRRC requested that the Board examine costs to licensees to locate and attend preapproved programs.

a. *Program availability.*

In response to the requests of the HPLC and IRRC, the Board has examined the Board's continuing education programs in 1998 and 1999. The Board concludes that requiring preapproval of programs will not have an adverse impact on the availability of continuing education programs or the cost of those programs to licensees. A licensed nursing home administrator may attend any NAB or Board-approved course anywhere and receive Board approval for continuing education credit. Licensees may locate preapproved programs by contacting the Board office, NAB (<http://www.nabweb.org/> allows licensees to search for NAB-approved programs by state), or asking the program provider if the program has been approved by the Board. In 1998 and 1999, the Board preapproved 788 programs offered by 111 providers. During the same period of time, NAB approved 1,749 courses offered by 250 providers. Within the past 2 years, licensees had the opportunity to attend 2,537 courses offered by 361 providers. In 1998 and 1999, the Board retroactively approved 436 programs for 325 licensees. The Board notes that these retroactive approval numbers encompass multiple requests for approval of one program by several licensees, as well as multiple requests for approval of several different programs by one licensee, and thus may be inflated figures. Therefore, the Board believes that there will be a more than adequate supply of preapproved programs available to its licensees.

To further assure program availability, the Board has attempted to improve the approval process for providers. The changes to the regulations streamline the approval process by reducing the time period for program approval applications and by reducing paperwork requirements for prospective providers. The time period to submit applications for new programs has been reduced from 90 to 60 days. The time period is further reduced to 30 days if the program deals with significant changes in State or Federal law or regulations which will be implemented within 60 days of their publication. Paperwork has been reduced by no longer requiring prospective providers to inform the Board of the provider's area of expertise, the adequacy of the facilities, qualifications, reputation and character of

the instructors and appropriateness of the educational materials on the provider applications. Because of the wide range of subject matter, the vast number of providers and programs that have been preapproved, the reduction in time to submit new program applications from 90 days to 60 days, and in some instances, 30 days, and the reduction in paperwork, the Board does not believe that requiring preapproval of programs will adversely affect the availability of continuing education programs. The Board has examined the cost issue and concluded that retroactive approval of continuing education programs is not demonstrably less costly than preapproval.

b. *Retroactive approval.*

IRRC suggested that instead of eliminating retroactive approval of continuing education programs, retroactive approval should be retained and limited. HAP recommended that the current requirements allowing retroactive approval should be retained and that there should be more flexibility. HAP also noted that some quality programs do not seek preapproval and that some timely topics do not have the benefit of 60 days-plus preplanning to obtain preapproval. PANPHA was pleased to see a reduction in the time for program application submission from 90 days to 60 days. PANPHA noted that many of the programs which do not obtain preapproval may have failed to do so because their primary audience is not nursing home administrators, though the program may be relevant to long term care. Martha Ann J. Douds wrote that she does not believe that National programs will seek preapproval because there may be few attendees from Pennsylvania, with even fewer of the attendees being nursing home administrators. Herbert S. Skuba stated that certain programs which do not receive preapproval are extremely beneficial and relevant to current issues. Jeanette noted that some programs are not always granted preapproval. Guthrie observed that retroactive approval has been used frequently in the past. Three public commentators (Grandview, Stuart H. Fine and Sandra K. Fine) sent letters critical of preapproved programs and noted that they believe that they have better opportunities for more pertinent education than is garnered through preapproved courses.

The Board believes that preapproval of programs for continuing education is important to insure that the program is relevant to long-term care and to prevent licensees from squandering their time and money on programs which may not subsequently be retroactively approved. It has been the experience of the Board that National programs which do not have nursing home administrators as part of their target audience and do not seek preapproval, generally offer topics that are only tangentially, if at all, related to long-term care. Additionally, many of these programs do not seek preapproval because the program directors do not believe their programs are related to long-term care. However, the Board, in light of the concerns of the commentators, has adopted IRRC's suggestion to provide for limited retroactive approval. The Board believes that attendance at preapproved programs should be encouraged and therefore, limits retroactive approval to 6 clock hours per biennium by changing § 39.52(a) and adding § 39.61(b)(5) in final rulemaking. New § 39.61(b)(5) allows for retroactive approval of up to 6 clock hours per biennium and requires licensees to demonstrate that the program is relevant to long term care in order to be retroactively approved. Licensees who submit requests for retroactive approval must submit a written request within 30 days of attending the program and must document attendance, the program provider and the program's objective.

c. *Published articles.*

IRRC noted that § 39.52(a) should include "authoring a published article" as an exception to the preapproval rule. The Board agrees and has made the change in final rulemaking. In the final rulemaking, the Board has also changed § 39.61(b)(4) to state that all published articles which the licensee uses for continuing education credit must be submitted to the Board within 30 days of publication in order to allow for timely review by the Board.

d. *College and university courses.*

IRRC noted that § 39.61(b)(2) should clearly state that college and university courses need to be preapproved by the Board. The Board concurs and has made this change in final rulemaking. The Board has also made similar changes to § 39.61(b)(3)(i) and (ii) clarifying that NAB or Board preapproval is required for the specified programs.

e. *Submission of program applications.*

IRRC recommended that licensees be allowed to individually submit applications for program preapproval when a program provider has not obtained program preapproval. The Board does not concur with this recommendation. The program provider is responsible for obtaining preapproval of programs related to long-term care because they are in the best position to know if their programs are related to long-term care. Additionally, if individual licensees were allowed to submit applications for program approval, the Board would receive and process multiple applications, one from each licensee who attended the program, and would have to respond with multiple acceptances or rejections, one to each licensee, for each program. Conversely, when a program provider submits an application, only one application needs to be processed and only one response is necessary. Further, the Board does not believe that licensees should be burdened by taking on the providers' responsibilities.

3. *§ 39.61(b). Clock hours for individual study and authoring published articles.*

IRRC recommended that proposed § 39.61(b)(3) should be clarified so that only categories in which a maximum of 12 clock hours may be taken are enumerated within the subsection. IRRC suggested removing proposed § 39.61(b)(3)(ii), creating § 39.61(b)(4), and renumbering proposed § 39.61(b)(3)(iii) to § 39.61(b)(3)(ii). The Board concurs and in final rulemaking has made the suggested changes.

IRRC questioned how clock hours would be determined for individual study in § 39.61(b)(3)(i). In final rulemaking, the Board has specified that licensees doing individual studies must use NAB or Board preapproved correspondence courses. Clock hours for correspondence courses are determined at the time the program application is received. The number of clock hours is based upon approximately how long it will take a licensee to complete the course.

IRRC questioned how clock hours would be determined for authoring a published article on long term care. In final rulemaking, the Board has made changes to § 39.61(b)(4) to clarify how clock hours will be determined for authoring a published article on long term care. To have a published article approved for continuing education credit, the licensee must submit the article within 30 days of publication. For articles published in a professional journal, the licensee may receive up to 3 clock hours per article up to a maximum of 12 credits per biennium. For articles published in a refereed journal,

which is subject to peer review, a maximum of 24 clock hours may be awarded for the article. The number of clock hours will be based upon the complexity of the subject matter or work. Because of the variability in the complexity of the subject matter, the Board believes the clock hour determination for published articles should be done on a case-by-case basis and that the clock hour determination is within the purview of the Board's expertise.

4. *§ 39.61(b)(2). Elimination of credit hours for participating in community, professional and health care activities.*

Eight commentators objected to the deletion of existing language from § 39.61(b)(2) which currently allows licensees to obtain up to 12 credit hours by actively participating in community, professional and health-care activities. Green stated that this involvement gives administrators the opportunity to learn from one another and share ideas. Green suggested that limits should be placed on how many clock hours may be obtained and that the administrators should be required to submit proof of participation such as minutes and sign in sheets. Guthrie noted that credit under this section has been frequently used in the past. HAP disagreed with the Board's assessment that these activities do not constitute education or learning that contributes directly to the professional competence of nursing home administrators. Jeanette expressed concern that eliminating credit for these activities may adversely impact an individual's willingness to participate in them. Fine and Grandview believe that eliminating this provision will increase costs, eliminate an incentive for nursing home administrators to become involved in professional activities and result in a decline in the overall quality of the NHA credential. IRRC requested that the Board explain why these activities are not valuable as continuing education for licensees.

The Board strongly believes that continuing education insures the professional competence of the licensee community. The Board believes that continuing education directly contributes to the professional competence of nursing home administrators when it is both relevant and effective. The Board has determined that continuing education is relevant to the licensee community when the program is focused on long-term care and that continuing education is most effective when it is a planned, well thought-out and structured event. Participating in community, professional and health-care activities may be worthwhile civic or social endeavors, or both. However, it has been the Board's experience that these activities do not focus on long-term care. It has also been the Board's experience that because these activities are not intended to provide continuing education, they are not planned or structured to provide effective continuing education. The Board notes that the purpose of the community, professional and health-care activities is to promote the interests of the organizations sponsoring them. These organizations do not share the Board's purpose which is to protect the citizens of this Commonwealth from incompetent or unscrupulous nursing home administrators, or both. The Board has determined that participating in community, professional and health-care activities is not a relevant and effective method to obtain continuing education clock hours and that clock hours should not be awarded for participation in these activities. Therefore, the Board declines to eliminate the deletion of § 39.61(b)(2) in final rulemaking.

5. *§ 39.61. Reasonableness and need.*

IRRC noted that section 9(b) of the act requires licensees to attend "not less than 24 hours" of continuing education biennially. IRRC stated that the Board increased the requirement to 48 hours, and that though the Board has the authority to increase the minimum requirement, the Board should "explain the need and rationale for restricting licensees' ability to meet the requirement."

Section 39.61 which established the requirement of 48-credit hours of continuing education, was adopted at 13 Pa.B. 834 (February 25, 1983), and was effective March 1, 1983. The practice of nursing home administration has become increasingly demanding and complex. The Board does not believe that reducing the credit hour requirement would be prudent or appropriate. Additionally, by only accepting relevant and effective continuing education programs and courses for continuing education credit hours, the Board believes that maintaining the current 48-credit hour requirement is appropriate to obtain and maintain the knowledge and skills regarding the operation, management and financial accountability of long-term care facilities in this increasingly complex environment.

6. *§ 39.72. Cost effectiveness.*

HAP, Douds, Fine and Grandview questioned whether the proposed changes would be cost effective. The Board believes that the proposed changes will increase cost effectiveness. The Board notes that these amendments will delete the continuing education individual program application fee in § 39.72. The Board further notes that program approval has always been a requirement and that whether the approval was done before or after the program was offered has had no impact on the costs for the licensees or providers. The Board believes that by requiring preapproval, licensees will benefit by the assurance that their money and time spent will meet the requirements for renewal. Providers will recognize savings by a streamlined approval process, in addition to the savings realized through the elimination of the individual program application.

E. *Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the amendments, the Board solicited input and suggestions from the regulated community by providing drafts to interested associations and organizations, which represent the professions, educational institutions and interested individuals. The Board reviewed and considered comments and suggestions by interested parties received during the regulatory development process. The final-form regulations address a compelling public interest as described in this preamble and otherwise comply with Executive Order 1996-1.

F. *Fiscal Impact and Paperwork Requirements*

There should be no adverse fiscal impact or additional paperwork requirements incurred by the Board, political subdivisions or the private sector.

G. *Sunset Date*

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

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking on January 27, 1999, published at

29 Pa.B. 662, to IRRC and to the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received, as well as other documents. In preparing these final form regulations, the Board has considered the comments received from the HPLC, IRRC and the public. No comments were received from the Senate Consumer Protection and Professional Licensure Committee.

These final-form regulations were approved by the HPLC on November 13, 2000, and deemed approved by the Senate Committee on November 20, 2000. IRRC met on December 14, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

I. Contact Person

Interested persons may obtain information regarding the amendments by writing to Martha H. Brown, Board Counsel, State Board of Examiners of Nursing Home Administrators, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649.

J. Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated in 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) This rulemaking does not enlarge the purpose of proposed rulemaking published at 29 Pa. B. 662.
- (4) These amendments are necessary and appropriate for administration and enforcement of the authorizing act.

K. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 39, are amended by amending §§ 39.1, 39.11, 39.14, 39.41, 39.43, 39.51—39.54, 39.61 and 39.72; adding §§ 39.44 and 39.65; and deleting §§ 39.31, 39.32, 39.42 and 39.62— 39.64 to read as set forth in Annex A.

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

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

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

ROBERT H. MORROW,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 6964 (December 30, 2000).)

Fiscal Note: Fiscal Note 16A-623 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

§ 39.1. Definitions.

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

Act—The Nursing Home Administrators License Act (63 P. S. §§ 1101—1114.2).

Board—The State Board of Examiners of Nursing Home Administrators, a departmental administrative board in the Department of State.

Continuing education record—A document issued by the provider to the participant which contains the title of the program, the hours of education and the dates attended or completed.

Clock hour—A minimum unit of education consisting of 60 minutes of instruction. Programs longer than 60 minutes will be credited in 30 minute increments.

Examiner—A member of the Board.

Full-time—A minimum of 4 days per week comprising a minimum of 35 hours.

Governing authority—The board of directors for a not-for-profit nursing home, the county commissioners for a county public nursing home, the licensee for an operated-for-profit nursing home and the Office of Medical Services and Facilities of the Department of Public Welfare for a Commonwealth restoration center.

Individual study—A continuing education course which does not have an instructor or other interactive learning methodologies and which requires a passing grade on a written examination or workbook.

License—Certification of an applicant who has met the requirements of the act and of this chapter that entitle the applicant to serve, act, practice and otherwise hold himself out as a licensed nursing home administrator.

NAB—The National Association of Boards of Examiners of Long-Term Care Administrators.

Nursing home—An institution or facility in which nursing care and related medical or other health services are provided for a period exceeding 24 hours, for two or more individuals, who are not relatives of the administrator, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or medical infirmity, need care.

Nursing home administrator—An individual licensed under the act who is charged with the general administration of a nursing home whether or not the individual has an ownership interest in the home and whether or not the individual's functions and duties are shared with one or more other individuals.

Practice of nursing home administration—The planning, organizing, directing and control of the operation of a nursing home.

Related health facility—An intermediate care facility for the mentally retarded (ICF/MR) licensed by the Department of Public Welfare or a public or private

institution licensed by the Department of Health or operated by the Federal government, for profit or not-for-profit, organized to provide professional services for the diagnosis, treatment or care of illness, injury or disease, which is limited to skilled and intermediate care nursing homes, special and general hospitals or other institutions of a similar nature that provide professional nursing and other professional health services to patients admitted for at least a 24-hour period. The term includes an institution or facility licensed by the Department of Health in which health services are provided on a regular basis to resident individuals who do not require the degree of care and treatment that a hospital or skilled nursing facility, as defined in section 802a of the Health Care Facilities Act (35 P. S. § 448.802a), is designed to provide but who, because of the individuals' mental or physical condition, require health services above the level of room and board.

Supervision—The act of overseeing or directing a license applicant during the period of qualifying work experience.

Supervisor—An individual who is present in a nursing home or related health facility on a full-time basis and who is charged with the responsibility of overseeing a specific department in a nursing home or related health facility; that is, nursing, housekeeping, dietary, laundry, pharmaceutical services, social service, business office, recreation, medical records, admitting, physical therapy, occupational therapy or medical and dental services.

Supervisory experience—Knowledge gained from having acted as a supervisor in the administration of a nursing home, 1,000 of which service shall have been under the supervision of a full-time licensed nursing home administrator. See § 39.5(c) (relating to for admission to licensing examination; examination procedures).

Temporary permit—A permit which may be issued by the Board for up to 1 year in the event of unusual circumstances affecting the administration of a nursing home, such as the death, disability, resignation or dismissal of the licensed administrator or other emergency as determined by the Board.

§ 39.11. Biennial renewal.

(a) Licenses are renewable each biennium, in the even-numbered years.

(b) Applications for renewal will be forwarded to each active licensee at the licensee's address of record with the Board prior to the expiration of the current biennial period.

(c) As a condition of biennial renewal, licensees shall complete 48 clock hours of continuing education during the preceding biennial period as required in § 39.61 (relating to requirements).

(d) Renewal applications shall be completed and returned to the Board office accompanied by the required renewal fee. Upon approval of each application, the applicant shall receive a certificate of registration for the current renewal period.

(e) An application for the renewal of a license which has expired shall be accompanied by a late fee or a verification of nonpractice, the renewal fee and documentation evidencing the satisfactory completion of the continuing education requirement for the preceding biennial period.

§ 39.14. Approval of programs of study.

(a) A program of study designated to educate and qualify an applicant for licensure as a nursing home

administrator offered by an accredited university or college shall be deemed acceptable and approved for the purpose, if the program:

- (1) Is registered with the Board.
- (2) Includes a minimum of 7½ clock hours in the following subject areas, appropriate to long-term care:
 - (i) Administration, organization and management.
 - (ii) Gerontology, diseases of aging, death and dying.
 - (iii) The role of government in health policy and regulation.
 - (iv) Fiscal management, budgeting and accounting.
 - (v) Personnel management and labor relations.
 - (vi) Government and third-party reimbursement.
 - (vii) Preparing for licensure/certification/accreditation surveys and meeting other regulatory requirements.
 - (viii) Understanding regulations, deficiencies, plans of correction and quality assurance.
 - (ix) The nursing department and resident care management.
 - (x) Rehabilitation services and special care services.
 - (xi) Health support services: pharmacy, medical records and diagnostic services.
 - (xii) Facility support services: building/grounds, housekeeping, laundry and central supply.
 - (xiii) Dietary department and resident nutrition.
 - (xiv) Social services, family and community relationships and resident rights.
 - (xv) Risk management, safety and insurance.
 - (xvi) Strategic planning, marketing and public relations.
- (b) Upon completion of an approved program of study, the sponsors of the program shall issue certificates of attendance or other evidence of attendance satisfactory to the Board.

CONTINUING EDUCATION FOR NURSING HOME ADMINISTRATORS

§ 39.31. (Reserved).

§ 39.32. (Reserved).

APPROVAL PROCESS—PROVIDERS

§ 39.41. Provider registration.

Anyone, to include colleges, universities, associations, professional societies and organizations, seeking to offer a program for continuing education shall:

- (1) Apply for approval as a provider on forms provided by the Board.
- (2) File the application at least 60 days prior to the first scheduled date of the program.
- (3) Register biennially outlining major changes in the information previously submitted.

§ 39.42. (Reserved).

§ 39.43. Standards for provider approval.

Prospective providers shall document the following on their applications:

- (1) The mechanism measuring the quality of the program being offered.

(2) The criteria for selecting and evaluating faculty instructors, subject matter and instructional materials.

(3) The criteria for evaluating each program to determine its effectiveness.

(4) A clear statement of educational objectives.

(5) The subjects in which proposed programs will be offered.

§ 39.44. Provider responsibilities.

For each program, providers shall:

(1) Disclose the objectives, content, teaching method and number of clock hours in advance to prospective participants.

(2) Open each program to licensees.

(3) Provide adequate physical facilities for the number of anticipated participants and the teaching methods to be used.

(4) Provide accurate instructional materials.

(5) Employ qualified instructors who are knowledgeable in the subject matter.

(6) Evaluate the program through the use of questionnaires of the participants and instructors.

(7) Issue continuing education records.

(8) Retain attendance records, written outlines and a summary of evaluations for a 5-year period.

APPROVAL PROCESS—PROGRAMS

§ 39.51. Standards for continuing education programs.

(a) A program shall consist of the subjects listed in § 39.14(a)(2) (relating to approval of programs of study).

(b) The Board does not deem the following programs acceptable:

(1) Inservice programs which are not open to licensees.

(2) Programs limited to the organization and operation of the employer.

§ 39.52. Program registration.

(a) All programs require preapproval, except as in § 39.61(b)(4) and (5) (relating to requirements).

(b) An application for program approval shall be submitted at least 60 days before the scheduled starting date. The Board may consider an application submitted within 30 days if the program is limited to significant changes in State or Federal law or regulations which will be implemented within 60 days of their publication.

(c) The provider number shall appear on the program application.

(d) An applicant for program approval shall provide the following information:

(1) The full name and address of the eligible provider.

(2) The title of the program.

(3) The dates and location of the program.

(4) Faculty names, and biographical sketches, including curriculum vitae.

(5) A schedule of program—title of subject, lecturer, time allotted and the like.

(6) The total number of clock hours requested.

(7) An attendance certification method.

(8) A provider number.

(9) Objectives

(10) Core subjects.

(11) The program coordinator.

(e) A program number will be issued on approval of program.

§ 39.53. Revocation or suspension of approval.

(a) A provider may not indicate in any manner that approval has been granted until notification has been received from the Board.

(b) Approval will be granted to a provider as a registered sponsor of continuing education programs until it is revoked or suspended for cause after a full and fair hearing on the merits. Failure to comply with this section, §§ 39.41—39.43 and 39.51—39.54 or to meet standards, or refusal to allow reasonable inspection or to supply information upon request of the Board or its representatives are cause for revocation or suspension of approval.

§ 39.54. Review.

(a) Approved providers shall be subject to onsite and offsite review of the program being presented by representatives of the Board.

(b) Ongoing review of a provider will be on a selected basis subject to the physical presence of Board members or appointed representatives selected by the Board to evaluate program content, relevancy and acceptability.

CLOCK HOURS REQUIREMENT

§ 39.61. Requirements.

(a) A licensee shall complete at least 48 clock hours during the preceding biennial period.

(b) Of the 48 hours required, the following applies:

(1) At least 24 hours shall be taken in lecture or computer interactive courses approved by NAB or the Board.

(2) Up to 24 clock hours may be taken through college or university courses, including distance learning, approved by NAB or the Board.

(3) A maximum of 12 clock hours may be taken in the following categories:

(i) Individual study using NAB or Board approved correspondence courses.

(ii) Serving as an instructor of a NAB or board approved continuing education program or a college or university course. Instructors earn 1 clock hour for each hour of instruction up to 12 clock hours.

(4) Authoring an article on long-term care. Authors whose articles relating to long-term care are published in professional journals may earn 3 clock hours per article, up to a maximum of 12 clock hours per biennium. Additional credit per article, up to 12 of the required clock hours, may be awarded based on the complexity of the subject matter or work. In exceptional circumstances, when the article is published in a refereed journal, and the subject matter or work is complex, a licensee may be awarded up to 24 clock hours. All published articles used for continuing education credit shall be submitted to the Board within 30 days of publication. Upon review of the published article, the Board will determine the approximate number of credit hours to be awarded based upon the complexity of the subject matter or work.

(5) A maximum of 6 credit hours may be awarded retroactively for attending programs, to include lectures,

and college or university courses, which have not been preapproved. The attendee shall submit a written request for approval within 30 days of attending the program and document attendance. The attendee shall demonstrate to the Board's satisfaction that the programs meet the requirements of §§ 39.14(a)(2) and 39.51 (relating to approval of programs of study; and standards for continuing education programs).

(c) A licensee who obtains a license after the biennial period begins shall complete a prorated amount of clock hours equal to 2 clock hours per month through the end of the biennial period. For the purpose of calculating the number of credit hours required, partial months shall count as whole months.

(d) A licensee suspended for disciplinary reasons is not exempt from the continuing education requirements in subsection (a).

(e) A licensee who cannot meet the continuing education requirement due to illness, emergency or hardship may apply to the Board in writing prior to the end of the renewal period for a waiver. The request shall explain why compliance is impossible, and include appropriate documentation. Waiver requests will be evaluated by the Board on a case-by-case basis.

(f) A licensee will not be credited for repeating a program in the same renewal period unless the subject matter has substantially changed during that period.

§ 39.62. (Reserved).

§ 39.63. (Reserved).

§ 39.64. (Reserved).

§ 39.65. Reporting continuing education clock hours.

(a) Licensees shall provide a copy of the required documentation supporting the completion of the required hours when requested to do so by the Board.

(b) Acceptable documentation consists of:

(1) A continuing education certificate or sponsor-generated printout.

(2) A certified transcript of courses taken for credit in an accredited university or college. For noncredit courses taken, a statement of hours of attendance, signed by the instructor.

(3) Evidence of publication for published articles, books or continuing education programs.

(4) Evidence obtained from the provider of having been an instructor, including an agenda and time schedule.

(c) A licensee is responsible for documenting the continuing education requirements. Required documentation shall be maintained for 4 years after the completion of the program.

(d) Failure to comply with this section shall constitute grounds for disciplinary action under section 9(d) of the act (63 P. S. § 1109(d)).

RENEWAL

§ 39.72. Fees.

The following is the schedule of fees charged by the Board:

Biennial renewal of nursing home administrators license	\$108
License application fee	\$40
N.A.B. examination fee.....	\$235

State rules and regulations examination	\$87
Complete nursing home administration examination.....	\$322
Temporary permit fee	\$145
Certification of examination scores.....	\$25
Verification of licensure or temporary permit	\$15
Continuing education provider application fee	\$40
Continuing education program application fee per clock hour.....	\$10

[Pa.B. Doc. No. 01-400. Filed for public inspection March 9, 2001, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Exclusive Fishing Areas

The Fish and Boat Commission (Commission) by this order amends Chapter 65 (relating to special fishing regulations). The Commission is adopting this amendment under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendment relates to fishing.

A. Effective Date

The amendment will go into effect upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This final-form rulemaking is available electronically through the Commission's website at <http://www.fish.state.pa.us>.

C. Statutory Authority

The amendment is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The amendment is designed to update, modify and improve the Commission's fishing regulations. The specific purpose of the amendment is described in more detail under the summary of changes.

E. Summary of Changes

The Commission received a request to consider revising the definition of "special populations" in § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas). Under current regulations, persons who are exempt from the fishing license requirement by section 2709(b) of the code (relating to exemptions from license requirements) or persons permanently deprived of the full use of a leg or both legs are permitted to fish in exclusive use fishing areas.

Section 2709(b) of the code requires that a person be "totally blind" to qualify for an exemption from the license requirements. The Commission received a request for regulations stating that although the requester agrees that this standard is appropriate for free fishing licenses, it is too restrictive for use of exclusive use fishing areas. This criterion excludes individuals who are "legally blind" but not "totally blind" from fishing in exclusive use areas.

The requester pointed out that exclusive use areas often have characteristics that would make them better for persons whose vision meets State and Federal standards for legal blindness. For example, in his experience, exclusive use areas often are somewhat clearer of overhanging branches that pose a particular issue for persons with visual disabilities.

The Commission reviewed other Commonwealth regulations, including those of the Department of Public Welfare and the Department of Military and Veterans Affairs. These regulations use a definition for "legal" blindness that would permit more people with vision disabilities to use the Commission's exclusive use areas. Accordingly, the Commission amended § 65.21(b) as proposed.

F. *Paperwork*

The amendment will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment will impose no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 30 Pa.B. 4818 (September 16, 2000). The Commission did not receive any public comments regarding the proposed amendment.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.21 to read as set forth at 30 Pa.B. 4818.

(b) The Executive Director will submit this order and 30 Pa.B. 4818 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 30 Pa.B. 4818 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-110 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 01-401. Filed for public inspection March 9, 2001, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Special Boating Counties

The Fish and Boat Commission (Commission) by this order amends Chapter 111 (relating to special regulations counties). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to boating.

A. *Effective Date*

The amendments will go into effect upon publication of this order adopting the amendments in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This final-form rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The amendments are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The amendments are designed to update, modify and improve the Commission's special boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. The Commission's Boating Advisory Board (Board) considered the amendments and recommended that the Commission adopt them on final rulemaking.

E. *Summary of Changes*

(1) *Sections 111.3, 111.20, 111.24, 111.26, 111.27, 111.32, 111.42, 111.43, 111.56, 111.62 and 111.65.* At a recent meeting, the Board recommended that the Commission adopt regulations to require the wearing of personal flotation devices by persons on board boats on Pittsburgh District Corps of Engineers lakes. The Corps of Engineers put this requirement in place in 1990 to address a concern they had with the safety of boaters in small boats. The Commission did not adopt concurrent regulations, thus leaving enforcement up to Corps of Engineers rangers. This disparity has caused some confusion for the boaters, although compliance has been high and enforcement has not been a significant problem. The Commission believes that incorporating these regulations will enhance public understanding and assist enforcement and compliance, thus improving safety. Accordingly, the Commission amended these sections as proposed.

(2) *Sections 111.52 and 111.64 (relating to Pike County; and Wayne County).* During 1999, the Commission considered amendments to the regulations governing the operation of boats on the Upper Delaware Scenic and Recreational River (UDSRR) that were intended to bring the regulations in substantial compliance with Federal regulations for enforcement purposes. The Commission adopted these changes at its September 1999 meeting. The Superintendent of the UDSRR has recently informed the Commission that the Interior Department has banned the operation of personal watercraft from all waters under the jurisdiction of the National Park Service. Consequently, the recently enacted regulations no longer are in conformance with the Federal requirements.

In a letter dated April 12, 2000, the Superintendent requested that the Commission further amend its regulations to ban the operation of personal watercraft from all Delaware River waters within the boundaries of the UDSRR. In the spirit of cooperation with the National Park Service, the Commission proposed to amend these sections. The Commission, on final rulemaking, simplified the amendments to § 111.52 in light of the fact that in Pike County, personal watercraft are prohibited on the Delaware River for its entire length with the exception of an 8-mile stretch in the vicinity of Matamoras, Pennsylvania. The Commission, on final rulemaking, also simplified the amendments to § 111.64 in light of the fact that the UDSRR encompasses the entire length of the Delaware River in Wayne County. Accordingly, the Commission amended §§ 111.52 and 111.64 to read as set forth in Annex A.

F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

H. Public Involvement

A notice of proposed rulemaking was published at 30 Pa.B. 4819 (September 16, 2000). The Commission received one public comment opposing the proposal that requires the wearing of personal flotation devices by persons on boats less than 16 feet in length and kayaks and canoes on Pittsburgh District Army Corps of Engineer lakes. During the public comment period, the Commission did not receive any comments concerning the proposal to prohibit personal watercraft within the boundaries of the UDSRR. After the public comment period, the Commission received one comment from the Upper Delaware Council that supported the changes. Copies of all public comments were provided to the Commissioners.

Findings

The Commission finds that:

- (1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided, and all comments that were received were considered.
- (3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

- (a) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending §§ 111.3, 111.20, 111.24, 111.26, 111.27, 111.32, 111.42, 111.43, 111.56, 111.62 and 111.65 to read as set forth in 30 Pa.B. 4819 and by amending §§ 111.52 and 111.64 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

- (b) The Executive Director will submit this order, Annex A and 30 Pa.B. 4819 to the Office of Attorney General for approval as to legality as required by law.

- (c) The Executive Director shall certify this order, Annex A and 30 Pa.B. 4819 and deposit them with the Legislative Reference Bureau as required by law.

- (d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-109 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

Part II. FISH AND BOAT COMMISSION

Subpart C. BOATING

**CHAPTER 111. SPECIAL REGULATIONS
COUNTIES**

§ 111.52. Pike County.

* * * * *

- (j) *Delaware River.* The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River upstream from mile 258.4.

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§ 111.64. Wayne County.

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- (j) *Delaware River.* The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River.

[Pa.B. Doc. No. 01-402. Filed for public inspection March 9, 2001, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Special Regulations Areas; Permitted Devices

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 23, 2001, meeting, adopted the following changes:

Amend § 141.1 (relating to special regulations areas) to add language and clear up existing language making it unlawful to hunt with firearms in Philadelphia County, except buckshot with specific authorization of the Director, to hunt deer with buckshot in Allegheny County, except with specific authorization of the Director, and to hunt with modern handguns in any special regulations areas. This amendment will also clear up existing language making it lawful to use buckshot in any county in the Southeast Special regulations areas except Philadelphia with permission.

Amend § 141.18 (relating to permitted devices) to authorize the use of firearms with electronic impulse ignition systems while hunting.

These amendments were adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Amendment to § 141.1

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on October 12, 2000, proposed, and at its January 23, 2001, meeting finally adopted changes to § 141.1 to make it unlawful to hunt with firearms in Philadelphia County, except buckshot with authorization of the Director; to make it lawful to use buckshot, including semiautomatics, to take deer in the remaining counties in the southeast special regulations area; to make it unlawful to hunt with buckshot in Allegheny County without specific authorization of the Director; and to make it unlawful to hunt with modern handguns in any special regulations area. These changes were adopted under section 2102(d) of the code (relating to regulations).

2. *Purpose and Authority*

Safety is always a concern in the highly developed counties of the special regulations areas. In addition, areas that can be legally hunted in those areas are very limited. Acknowledging these facts, the Commission has eliminated the use of all firearms in Philadelphia County, except buckshot with specific authorization of the Director; eliminated the use of buckshot in Allegheny County except with specific authorization of the Director; and eliminated the use of modern handguns in all special regulations areas.

Section 2102(d) of the code directs the Commission to "... promulgate regulations stipulating... the type of firearms and ammunition and other devices which may be used..." The amendment was made under that authority.

3. *Regulatory Requirements*

The adoption will add language and clear up existing language making it unlawful to hunt with firearms in Philadelphia County, except buckshot with specific authorization of the Director, to hunt deer with buckshot in Allegheny County, except with specific authorization of the Director, and to hunt with modern handguns in any special regulations area. The adoption will also clear up existing language making it lawful to use buckshot in any county in the southeast special regulations area except Philadelphia with permission.

4. *Persons Affected*

Individuals wishing to hunt in special regulations areas will be affected by the changes.

Amendment to § 141.18

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on October 12, 2000, proposed, and at its January 23, 2001, meeting finally adopted, adding § 141.18 to authorize the use of firearms with electronic impulse ignition systems while hunting. This change is adopted under section 2102(d) of the code.

2. *Purpose and Authority*

Section 141.6(6) provides that it is unlawful to hunt or take wildlife through the use of an electronic contrivance or device not permitted by Commission regulation. In the spring of 2000, the legality of the use of Remington's Etron-X ignition system was called into question. After review by a standing committee, the Commission staff has concluded that the system does not make a firearm

significantly different from existing lawful firearms. The only difference is that electronic circuitry is used to detonate the special primer.

The section will eliminate any doubt with regard to the legality of using electronic impulse detonating systems. Section 2102(d) of the code directs the Commission to "... promulgate regulations stipulating... the type of firearms and ammunition and other devices which may be used..." to hunt. This provision provides authority for the adopted section.

3. *Regulatory Requirements*

The adopted section will expand what is currently allowed.

4. *Persons Affected*

Individuals wishing to use firearms equipped with electronic ignition systems to hunt will be allowed to do so.

Comment and Response Summary

No official comments were received with regard to the adopted changes.

Cost and Paperwork Requirements

The adopted changes should not result in additional cost or paperwork.

Effective Date

The adopted changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

Contact Person

For further information on the change contact David E. Overcash, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.1, and by adding § 141.18, to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final publication in the *Pennsylvania Bulletin*.

DAVID E. OVERCASH,
Acting Director

Fiscal Note: Fiscal Note 48-125 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*

(1) *Southwest area.* Includes the County of Allegheny.

(2) *Southeast area.* Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions.*

(1) Except as provided in subsection (d), it is unlawful to take, kill or attempt to take or kill wildlife through the use of a firearm of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employes of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).

(2) It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director.

(d) *Permitted acts.* It is lawful to:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer through the use of a muzzleloading firearm or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

(2) Take deer with a shotgun 20 gauge or larger—including semiautomatic—using buckshot in the Southeast area only.

(3) Take small game, furbearing animals, crows or wildlife with a manually operated .22 caliber rimfire rifle or handgun.

(4) Kill an animal legally caught in a trap with a manually operated .22 caliber rimfire rifle or handgun while trapping.

§ 141.18. Permitted devices.

The following devices may be used to hunt or take wildlife:

Any manually operated firearm that uses an electronic impulse to detonate the primer or main powder charge of the cartridge unless manually operated firearms are a specifically prohibited device.

[Pa.B. Doc. No. 01-403. Filed for public inspection March 9, 2001, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61 AND 69]

Seasons, Sizes and Creel Limits; Fishing in Lake Erie and Boundary Lakes

The Fish and Boat Commission (Commission) proposes to amend Chapters 61 and 69 (relating to seasons, sizes and creel limits; and fishing in Lake Erie and boundary lakes). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to fishing.

A. *Effective Date*

The proposed amendments, if approved on final rulemaking, will go into effect on January 1, 2002, or upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*, whichever occurs later.

B. *Contact Person*

For further information on the proposed amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendments to §§ 61.2, 61.3 and 69.12 (relating to Delaware River and River Estuary; Pymatuning Reservoir; and seasons, sizes and creel limits—Lake Erie) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to § 69.33 (relating to use of trap nets) is published under the statutory authority of section 2903 of the code (relating to boats and net licenses for boundary lakes).

D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

(1) *Section 61.2 (relating to Delaware River and River Estuary)*. Management of Delaware River and Estuary striped bass is complicated given that this water borders with the states of New York and New Jersey. Also, the Atlantic States Marine Fisheries Commission (ASMFC) is involved because the striped bass stock is a migratory fish. Federal mandates place migratory East Coast striped bass under the purview of the ASMFC having a membership of all Atlantic Coast states as well as the District of Columbia and the Potomac River Fisheries Commission. The existing ASMFC striped bass management plan requires jurisdictions to adhere to a set standard of minimum length and creel limits. Harvest ceilings apply in some fisheries. However, jurisdictions are able to deviate from standard regulations provided that the alternative seasons, length limits, creel limits, gear restrictions, and the like, provide a conservation equivalency. State management plans undergo review by the ASMFC Striped Bass Technical Committee before

being considered by the Striped Bass Management Board, both of which include representation from the Commonwealth.

The recovery of East Coast striped bass stocks has permitted the liberalization of regulations so anglers, both recreational and commercial, can once again enjoy fishing over an abundance of striped bass. Various stock abundance and harvest indices as well as actual harvest counts/estimates are used to determine stock status and to set the tone for regulations for each fishing season. Unfortunately, the process often results in jurisdictions not being able to implement regulatory changes in a timely fashion given the timing of Striped Bass Board action and rulemaking processes in the jurisdictions.

Since the early 1980s when ASMFC striped bass management action began in earnest to rebuild seriously depleted stocks, the Commonwealth has worked in concert with neighboring jurisdictions regarding regulations for Delaware River and Estuary striped bass. Currently, Commission regulations provide for a 28-inch minimum length limit, a 2 fish daily possession limit and a year-round harvest season except for a closed season from January through February and April through May from the Pennsylvania/Delaware State line upstream to Trenton Falls. Delaware and New Jersey, as part of fine-tuning their Statewide striped bass regulations including marine fisheries, are making or recently have made changes. New Jersey, in particular, is considering regulations that provide for one fish that is in the 24 to less than 28-inch size range and one fish that is 28 inches and over. In fact, this package applied to the Delaware River from Trenton Falls downstream during much of the 2000 season. The Commission believes that it would be desirable to have its regulations be consistent with the New Jersey package, particularly if that state applies the regulations to the freshwater portion of the Delaware River. Accordingly, the Commission proposes amending § 61.2 to implement a new size and daily creel limit for Delaware River and Estuary striped bass. The Commission proposes that one striped bass may be in the 24 to less than 28-inch range, and one striped bass may be 28 inches in length or greater.

(2) *Section 61.3 (relating to Pymatuning Reservoir)*. Pymatuning Reservoir is a 14,000-plus acre flood control and augmentation impoundment in Crawford County, Pennsylvania and Ashtabula County, Ohio. The fishery is jointly managed by the Ohio Department of Natural Resources (Ohio DNR) and the Commission. Representatives from the two agencies meet annually to discuss management issues and plans. In recent years, Ohio DNR has changed Statewide bass regulations as a result of ongoing studies. The daily creel limit component of the Statewide regulations has been reduced to five. The Commission has been approached about reducing the daily creel limit at Pymatuning Reservoir to five to be consistent with Ohio. Currently, a 12-inch minimum length limit and an eight bass daily limit applies to black bass at Pymatuning, while the Statewide limit in this Commonwealth is six.

The Commission proposes reducing the creel limit in the Pymatuning to five fish to be consistent with Statewide regulations in Ohio. The Commission believes that it is unlikely that the three fish reduction will have any impact on the bass population or anglers seeking bass. Creel surveys conducted jointly by both agencies consis-

tently have indicated less than 5% of all anglers were fishing for black bass. Since regulations in Ohio run from March through February while those in this Commonwealth are on a calendar year basis, the regulations will not be congruent for 2 months during the first year of implementation. The Commission, however, believes that this will not be a problem.

(3) *Sections 69.12, 69.31 and 69.33 (relating to seasons, sizes and creel limits—Lake Erie; seasons; and use of trap nets).* Current sport fish regulations concerning the harvest of walleye include a daily limit of six fish and a 15-inch minimum size limit. The commercial trap net fishery, on the other hand, is regulated by a 15-inch minimum size and an annual total allowable harvest (in pounds) set at the onset of each fishing year. There is no closed season for the sport fishery.

Since the mid 1980's, there has been an inexorable decline in walleye abundance throughout Lake Erie. Walleye presently are only 14% of their 1993 population size. In Commonwealth waters, a similar, continuous trend has been observed. Since 1988, walleye numbers have declined over 80%. Accordingly, the annual estimated number of walleye harvested in this Commonwealth has declined from nearly 250,000 during the late 1980's to 77,000 in year 2000. Explanations for these population decreases are: (1) decreases in overall lake productivity; (2) weaker recruitment patterns and smaller year classes; and (3) gradual increases in exploitation (fishing) rates.

To reverse the downward trend in walleye abundance, it will be necessary to increase walleye survival lake-wide and that is expected to increase walleye reproductive potential. While this Commonwealth is not a major source of increased fishing rates, we need to do our part to insure the walleye's reproductive potential. In this Commonwealth, this can be achieved by restricting fishing during the spawning period. A closed season from mid-March to early May is expected to reserve up to 20% of the potential commercial walleye catch and 1% of the angler catch for conservation purposes as well as limiting the potential to target future increases in early spring walleye spawning populations. This will affect both commercial and recreational fisheries where they occur on Lake Erie, Presque Isle Bay and peninsular waters. Accordingly, the Commission proposes to amend §§ 69.12, 69.31 and 69.33 to include a Lake Erie closed season for walleye from March 15 (12:01) to the first Friday in May (12:00 midnight).

F. *Paperwork*

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-115. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.2. Delaware River and River Estuary.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River and to Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
	* * * * *		
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Trenton Falls: March 1 until March 31, and June 1 until December 31. From Trenton Falls upstream: open year-round	[28 inches] 24 inches to less than 28 inches 28 inches or greater	[2] 1 1
	* * * * *		

§ 61.3. Pymatuning Reservoir.

* * * * *

(c) Except as provided by special regulations, the following sizes and creel limits apply to Pymatuning Reservoir; no closed season applies:

<i>SPECIES</i>	<i>MINIMUM SIZE</i>	<i>DAILY CREEL LIMIT</i>
	* * * * *	
BASS	12 inches	[8] 5
	* * * * *	

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12. Seasons, sizes and creel limits—Lake Erie.

* * * * *

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsula waters:

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
	* * * * *		
WALLEYE*	[Open year-round] January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31	15 inches	6
	* * * * *		

§ 69.31. Seasons.

* * * * *

(b) The commercial fishing season for walleye is January 1 **[until] to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This season will close on** the date established by the Executive Director as marking the probable attainment of the total allowable catch for walleye for that year. The total allowable catch for walleye for any year will be determined by the Executive Director and announced annually on or before March 1. After the announcement, the Executive Director may, from time to time, revise the total allowable catch for that year if he determines that conditions so warrant. The Executive Director or a designee will monitor monthly, weekly and daily reports of catch of walleye and will declare the season to be closed on a date the Director determines will probably mark the attainment of the total allowable catch. It is unlawful for a person fishing under a commercial fishing license or with a device subject to licensing under section 2902 of the code (relating to net permits) to take, catch or attempt to catch walleye except during the walleye season established under this subsection. Walleye accidentally caught out of season shall be immediately returned to the waters from which it was taken regardless of its condition and reported within 2 business days to the Commission at the address where commercial catch reports are filed.

* * * * *

§ 69.33. Use of trap nets.

* * * * *

(b) *Species.* A commercial trap net licensee may not possess or sell a fish except in compliance with the following size limits and seasons. The following size limits apply to commercial trap net licensees except that 5% of each licensee's daily catch by number per species may be undersized fish that may be lawfully sold:

<i>Species</i>	<i>Size Limit</i>	<i>Season</i>
	* * * * *	
Walleye (<i>Stizostedion vitreum</i>)	15 inches	[No closed season until the total allowable catch is taken] January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This season will close when the total allowable catch for walleye is taken.
	* * * * *	

[Pa.B. Doc. No. 01-404. Filed for public inspection March 9, 2001, 9:00 a.m.]

[58 PA. CODE CHS. 91 AND 111]

Boating Safety Education Certificates; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapters 91 and 111 (relating to general provisions; and special regulations counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to boating.

A. Effective Date

The proposed amendments, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 705-

7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed amendment to § 91.6 (relating to Boating Safety Education Certificates) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendments to §§ 111.45, 111.48 and 111.52 (relating to Monroe County; Northampton County; and Pike County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The proposed amendments are designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board has considered the proposals and has recommended that the Commission publish a notice of proposed rulemaking containing the amendments.

E. Summary of Proposal

(1) *Section 91.6 (relating to Boating Safety Education Certificates)*. The Commission's regulations require that operators of personal watercraft and children who are operating certain boats obtain and carry a Boating Safety Education Certificate. It is the intent of the regulations that the operator receive instruction in boating safety and show competence in the boating regulations and procedures. Carrying the Certificate is incidental to this overarching requirement, and the requirement to carry it is intended to help the law enforcement officer ensure that the operator has fulfilled his obligations. It is reasonable to assume that some operators have obtained the requisite Certificate but have forgotten it or misplaced it. Citations usually are not issued when the officer can reasonably assume that the Certificate is likely available, just not onboard.

The Commission's regulations provide a mail-in procedure for persons who are caught fishing without displaying a license or boating without the boat registration card onboard. This procedure has been very successful and has resulted in greater efficiency and use of officer time. Therefore, the Commission proposes implementing a similar program for Boating Safety Education Certificates by amending § 91.6 as set forth in Annex A.

(2) *Sections 111.45, 111.48 and 111.52 (relating to Monroe County; Northampton County; and Pike County)*. The Commission has received notification that the Superintendent of the Delaware Water Gap National Recreation Area has taken action to prohibit the operation of personal watercraft within the boundaries of the area under the jurisdiction of the National Park Service (NPS). The Commission has been asked to amend its regulations to assist in the enforcement of this ban.

The Commission always has had a cooperative relationship with NSP and has attempted to have consistent regulations to help enforcement personnel effectively and uniformly enforce boating safety regulations. Accordingly, the Commission proposes that these special boating regulations be amended to be consistent with the new NPS restrictions as set forth in Annex A.

F. Paperwork

The proposed amendment to § 91.6 will slightly increase paperwork and will create a few new paperwork

requirements because boat operators, who are required by regulation to have a Boating Safety Education Certificate onboard and do not have one in their possession, will have the option of mailing the original Certificate to the apprehending officer. If the officer permits the operator to mail the original Certificate to the officer, the officer will provide the operator with a receipt or other documentation that will allow the continued operation of the boat during the period that the original Certificate is not in possession. The proposed amendments to §§ 111.45, 111.48 and 111.52 will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions, and they will impose no new costs on the private sector. The proposed amendment to § 91.6 will impose only nominal costs on those members of the general public who mail the original Certificate to the apprehending officer. The proposed amendments to §§ 111.45, 111.48 and 111.52 will impose no new costs on the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-113. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.6. Boating Safety Education Certificates.

* * * * *

(e) *Boating without a Certificate onboard.*

(1) When an operator is found operating a boat without a Boating Safety Education Certificate onboard and claims that the Certificate is available, the apprehending officer shall give the operator 7 days to produce the original Certificate.

(2) If it is inconvenient for the operator to produce the Certificate in person, the officer may permit the operator to mail the original Certificate to the officer for verification. The operator shall provide a stamped self-addressed envelope for the return of the Certificate. If the officer permits the operator to mail the original Certificate to the

officer, the officer shall provide the operator with a receipt or other documentation allowing continued operation of the boat during the period the original Certificate is not in possession.

(3) If the operator fails to send the original Certificate within the 7-day period, the officer shall institute summary proceedings against the operator in the manner prescribed by law.

CHAPTER 111. SPECIAL REGULATIONS
COUNTIES

§ 111.45. Monroe County.

* * * * *

(d) Delaware River. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area.

§ 111.48. Northampton County.

* * * * *

(c) Delaware River. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area (upstream from mile 209.5).

§ 111.52. Pike County.

* * * * *

(j) Delaware River. The operation of personal watercraft is prohibited in the following areas within the Upper Delaware Scenic and Recreational River:

* * * * *

(4) The Delaware Water Gap National Recreation Area (downstream from mile 250).

[Pa.B. Doc. No. 01-405. Filed for public inspection March 9, 2001, 9:00 a.m.]

[58 PA. CODE CH. 93]
Registration and Numbering of Boats

The Fish and Boat Commission (Commission) proposes to amend Chapter 93 (relating to registration and numbering). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendment relates to boat registration issuing agents.

A. Effective Date

The proposed amendment, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed amendment is published under the statutory authority of section 5304(d.1) of the code (relating to issuing agents, rules and regulations).

D. Purpose and Background

The proposed amendment is designed to update, modify and improve the Commission's regulations pertaining to boat registration issuing agents. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

The Commission issues a *Handbook for Boat Registration Issuing Agents* that is distributed at the beginning of each calendar year. This handbook details procedures to be followed in the performance of an agency's responsibilities and is based on the code, the Commission's regulations and experience gained from registering boats over the years. The handbook also contains operational suggestions and highlights penalties that can be imposed for noncompliance with the code and the regulations. Section 93.13 (relating to issuing agents) currently addresses certain aspects of an issuing agency, including eligibility, minimum sales requirements and the treatment of nonpublic boat registration information. However, a considerable portion of the Commission's requirements for issuing agents as detailed in the handbook has not been adopted as regulations.

To update and clarify the requirements for issuing agents that are regulatory in nature, the Commission proposes new boat registration issuing agent regulations as set forth in Annex A. The proposed amendment addresses the establishment of a nonrefundable \$100 fee for new issuing agents; training requirements for new and existing agents; requirements for the minimum number of registrations issued; recordkeeping and operational requirements; reporting requirements; and provisions for the recall of agencies. Except for the fee and training requirements, most of these provisions mirror those in guidelines that have been in effect for several years. Similar regulations adopted by the Commission at the January 1997 meeting regarding fishing license issuing agents have achieved the intended objectives.

F. Paperwork

The proposed amendment will slightly increase paperwork in terms of creating and reproducing training materials. The proposed amendment will create few new paperwork requirements because most of the proposed amendment mirrors guidelines already in place. To the extent that there are any new reporting requirements, the increase in paperwork will be minimal.

G. Fiscal Impact

The proposed amendment will have a modest fiscal impact on the Commonwealth in that new and existing agents will be required to attend training offered by the Commission. The Commission expects to incur an increase in program costs associated with the publication and reproduction of training materials and with employee travel to locations outside the Harrisburg area. The proposed amendment generally will not have an adverse fiscal impact on the Commonwealth's political subdivisions, except for county treasurers who serve as issuing agents. As described, the proposed amendment will impose a one-time, nonrefundable fee of \$100 on new issuing agents only. The Commission anticipates that it will receive applications from less than 30 new issuing agents each year. New and existing agents also will incur costs associated with traveling to attend mandatory training. Although county treasurers will incur travel costs, section 5304(d.1) of the code exempts them from paying any administrative fee established by the Commission. Costs

incurred by county treasurers therefore will be nominal. The proposed amendment will impose no new costs on the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-112. (1) Fish Fund; (2) Implementing Year 2001-02 is \$10,000; (3) 1st Succeeding Year 2002-03 is \$10,000; 2nd Succeeding Year 2003-04 is \$10,000; 3rd Succeeding Year 2004-05 is \$10,000; 4th Succeeding Year 2005-06 is \$10,000; 5th Succeeding Year 2006-07 is \$10,000; (4) Fiscal Year 2000-01 \$n/a; Fiscal Year 1999-00 \$n/a; Fiscal Year 1998-99 \$n/a; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. REGISTRATION AND NUMBERING

§ 93.13. Issuing agents.

(a) [The designation of issuing agents for temporary boat registrations shall be limited to the Commission and Commission offices, county treasurers, businesses dealing in boats, boating equipment or sporting goods and temporary tag services or messenger services approved by the Department of Transportation for the issuance of temporary boat trailer registrations.

(b) To maintain an agency, the agent shall issue at least 25 temporary boat registrations during the calendar year.

(c) If the Executive Director determines that a sufficient number of agents are not available in an area reasonably to address the needs of the boating public, the Executive Director may appoint additional agents from other interested individuals or reduce the number of temporary boat registrations that existing agents are required to issue during the year.

(d) The Commission will collect and deposit in the Boat Fund the \$2 issuing agent fee for all temporary boat registrations issued by Commission offices.

(e) Issuing agents shall have access to nonpublic information concerning holders of boat registrations and titles, including their home addresses. Issuing agents who are provided nonpublic infor-

mation about boat registration holders or boat owners in the course of their duties may not release or disclose the nonpublic information except for official purposes.]

Designation

(1) The designation of issuing agents for temporary boat registrations shall be limited to the Commission and Commission offices, county treasurers, businesses dealing in boats, boating equipment or sporting goods and temporary tag services or messenger services approved by the Department of Transportation for the issuance of temporary boat trailer registrations.

(2) An applicant seeking to become an issuing agent for temporary boat registrations shall complete and submit to the Commission an application on the form prescribed by the Commission and shall pay a one-time, nonrefundable fee of \$100. Applications shall be accompanied by a bond in favor of the Commission in a minimum amount specified by the Executive Director or a designee.

(3) Upon being designated as an issuing agent, at least one employe of the new agent with primary responsibility for handling boat registrations shall successfully complete a training course offered by the Commission at its Harrisburg office or other location the Executive Director designates.

(b) Maintaining an agency.

(1) To maintain an agency, the agent shall issue at least 25 temporary boat registrations each calendar year, unless the Executive Director, for good cause shown, finds that unusual circumstances precluded the agent from issuing the minimum number of temporary boat registrations.

(2) To maintain an agency, the agent or a designee who is routinely involved in the issuance of temporary validation decals or the registration of boats shall successfully complete, at least once every 2 years, training offered by the Commission at a location designated by the Executive Director.

(c) *Insufficient number of agents.* If the Executive Director determines that a sufficient number of agents is not available in an area reasonably to address the needs of the boating public, the Executive Director may appoint additional agents from other interested individuals or reduce the number of temporary boat registrations that existing agents are required to issue during the year.

(d) *Change of address, telephone number or ownership.* An issuing agent shall notify the Commission, in writing, within 10 days after a change of address, telephone number or ownership of the agency.

(e) Operation of an agency.

(1) Issuing agents shall prominently display the hours of operation and fee schedule at the agent's premises.

(2) Issuing agents who conduct transactions via e-commerce shall maintain the same standards as non-e-commerce agents.

(3) Issuing agents shall store temporary validation decals and related documentation in a secure location within the agent's premises and may not

remove the decals or related documentation from the agent's premises without the Commission's written permission.

(4) Issuing agents shall retain copies of all applications and related documentation for the current calendar year and the 2 previous years.

(5) Issuing agents shall have access to nonpublic information concerning holders of boat registrations and titles, including their home addresses. Issuing agents who are provided nonpublic information about boat registration holders or boat owners in the course of their duties may not release or disclose the nonpublic information except for official purposes.

(6) Issuing agents shall permit the inspection during regular business hours of the agent's premises and business records by Commission employees designated by the Executive Director or officers authorized to enforce the code.

(f) Issuance of temporary boat registrations.

(1) An issuing agent is responsible for ensuring that the "Application for Pennsylvania Boat Registration and/or Boat Title" (Form REV-336) is fully completed. An issuing agent shall ensure that the Form REV-336 is legible and accurate.

(2) An issuing agent may not knowingly permit an applicant to provide false or misleading information on the Form REV-336 or related documentation. If an issuing agent suspects that an applicant has provided false or misleading information on the Form REV-336 or related documentation, the agent immediately shall notify the Commission. An issuing agent may not provide false or misleading information on the Form REV-336 or related documentation.

(3) An issuing agent shall issue a temporary boat registration only to the owner or co-owner of the boat being registered. An issuing agent shall verify the identity of the applicant by requiring that the applicant produce positive means of identification.

(4) An issuing agent shall issue, upon request, a temporary boat registration to any individual who properly completes the Form REV-336, submits the appropriate documentation and pays the applicable fees and sales or use tax as required by the code and this chapter.

(5) An issuing agent shall issue a temporary boat registration only for new boats, used boats where ownership is being transferred and boats brought into this Commonwealth from another state.

(6) An issuing agent shall issue temporary validation decals in numerical sequence, beginning with the lowest number.

(7) An issuing agent shall indicate on temporary validation decals the month and year the temporary registration expires, using a black waterproof permanent ink marker or paint marker. The agency may not place any other marks on the decal.

(8) Within 10 days of the issuance of a temporary boat registration, the issuing agent shall submit to the Commission a properly completed "T-Sticker Summary Report" (Form PFBC-725) along with all applications, related documentation, applicable fees and Sales and Use Tax as required by the code and this chapter.

(g) *Inventory of decals.* Upon the Commission's request, an issuing agent shall submit an inventory report on the form prescribed by the Commission, accounting for all temporary validation decals in the agent's possession. The agent shall submit a complete and accurate inventory within 10 days of the agent's receipt of the Commission's request.

(h) *Voided decals.* When an issuing agent voids a temporary validation decal, the agent shall forward to the Commission the voided decal along with a report on the form prescribed by the Commission, explaining why the decal was voided. The agent shall forward the voided decal and the report within 10 days of the decal being voided.

(i) *Lost stolen or missing decals.* An issuing agent shall notify the Commission in writing of any lost, stolen or missing temporary validation decal within 48 hours of the agent's discovery of the lost, stolen or missing decal. The Commission may charge the agent a fee that is two times the highest annual boat registration fee for each decal that is lost, stolen or missing.

(j) *Replacement decals.* An issuing agent may not issue a replacement temporary validation decal without the Commission's approval.

(k) *Used boats sold by dealers.* An issuing agent may not submit to the Commission a Form REV-336 and related documentation from an applicant who purchased a used boat from a dealer and does not possess a properly completed "Dealer Notification of Boat Trade-In" (Form PFBC-TS1).

(l) *Acceptance of applications for permanent registrations or titles.* Within 10 days of the acceptance of the Form REV-336 and related documentation for a permanent registration or title, the issuing agent shall forward to the Commission, using the "T-Sticker Summary Report" (Form PFBC-725), all applications, related documentation, applicable fees and Sales and Use Tax as required by the code or this chapter.

(m) *Commission offices.* The Commission will collect and deposit in the Boat Fund the \$2 issuing agent fee for all temporary boat registrations issued by Commission offices.

(n) *Recall of agency.* The Commission may recall the agency of an issuing agent who violates the code or this chapter. A conviction of an offense under the code or this chapter is not a prerequisite to initiating an action to recall an agency. The Executive Director or a designee may initiate action to recall an agency by serving an order to show cause on the agent, which order will describe the alleged violation of the code or this chapter. Proceedings to recall an agency shall be governed by 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

[Pa.B. Doc. No. 01-406. Filed for public inspection March 9, 2001, 9:00 a.m.]

[58 PA. CODE CH. 105]

Unacceptable Boating Practices

The Fish and Boat Commission (Commission) proposes to amend Chapter 105 (relating to operational conditions).

The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendment relates to boating.

A. *Effective Date*

The proposed amendment, if approved on final rulemaking, will go into effect on January 1, 2002, or upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*, whichever occurs later.

B. *Contact Person*

For further information on the proposed amendment, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendment is published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. *Purpose and Background*

The proposed amendment is designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of the proposed amendment is described in more detail under the summary of proposal. The Commission's Boating Advisory Board has considered the proposal and has recommended that the Commission publish a notice of proposed rulemaking containing the amendment.

E. *Summary of Proposal*

Under the code, negligent operation of watercraft represents a deviation from the ordinary standard of care that a reasonable operator would observe under the circumstances. Reckless operation adds the component of willfulness and wanton disregard for the safety of persons or property. The Commission's regulations in § 105.3 (relating to unacceptable boating practices) contain a lesser offense defined as "unacceptable boating practices." This section lists operations that, while unsafe, do not always fall within the definition of negligent or reckless operation.

Section 105.3(1) prohibits the operation of a boat not equipped with railings or other safeguards at a speed of greater than slow minimum height swell speed when any person is riding on the bow, decking, gunwales, transom or motor cover. While this definition has served the safety of boaters well, recent court cases indicate a need to further define this regulation. The majority of boats are equipped with railings intended to keep the occupants of the boats within the confines of the boat. A person riding in a bow rider is on the inside of the railings and in the cockpit of the boat. A person riding on a sailboat deck is within the area encompassed by the railings. The most prevalent exception to this general boat construction is the pontoon boat. Quite often, the railings of the pontoon boat do not entirely encompass the bow deck of the boat. Frequently, 3 or 4 feet of deck remain outside the railings. This is to facilitate docking and to keep passen-

gers back from the bow to help balance the boat while underway. Certain courts have interpreted § 105.3 to mean that there is no requirement that persons must remain behind safety rails. The Commission therefore proposes amending this section as set forth in Annex A.

F. *Paperwork*

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "ra-pfbcregs@state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-114. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 105. OPERATIONAL CONDITIONS

§ 105.3. Unacceptable boating practices.

It is unlawful to:

* * * * *

(9) Operate a pontoon boat while a person is riding outside the passenger carrying area. The passenger carrying area is defined by continuous railings or enclosed spaces intended for persons to use while the pontoon boat is underway. This prohibition does not apply when the operator of the boat is docking, mooring, anchoring or rafting the pontoon boat or when the pontoon boat is underway at slow minimum height swell speed or less.

[Pa.B. Doc. No. 01-407. Filed for public inspection March 9, 2001, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Temporary Order Designating West Nile Encephalitis a Dangerous Transmissible Disease

The Department of Agriculture (Department) reissues its previous temporary order designating West Nile Encephalitis a "dangerous transmissible disease," under authority of the Agriculture Code, 3 Pa.C.S. § 2322(d). The original temporary order making this designation was published at 30 Pa.B. 1381 (March 11, 2000). The designation has facilitated the Department's efforts to detect and contain West Nile Encephalitis and to assist the Department of Health and other public health agencies in any monitoring and treatment efforts.

West Nile Encephalitis is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well-being of domestic animal industries. Section 2322(c) of the Agriculture Code requires this Department proceed with the agreement of the Department of Health when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both this Department and the Department of Health agreed upon adding West Nile Encephalitis to the list of dangerous transmissible diseases, and to the reissuance of this temporary order.

West Nile Encephalitis is an infection of the brain caused by the West Nile Virus. Although West Nile Virus has, in the past, been found most typically in Africa, Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. In mild cases, the disease causes fever, headache and body aches, skin rash and swollen lymph glands. In more severe cases, it causes headache, high fever, neck stiffness, stupor, disorientation, coma, tremors, paralysis and occasional convulsions.

Humans and animals can acquire West Nile Virus through a bite from a mosquito that has bitten an infected animal. Since birds are among the animals known to carry West Nile Virus, it is possible infected birds might bring the virus to this Commonwealth from the New York City/New Jersey area, and that mosquitoes that bite these birds might be capable of transmitting the disease to humans and animals they subsequently bite. .

The Department has authority under the Domestic Animal Law provisions of the Agriculture Code, 3 Pa.C.S. §§ 2301—2389 to regularly monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases. The designation of West Nile Encephalitis as a "dangerous transmissible disease" will facilitate this Department's surveillance of birds and other animals for the presence of the West Nile Virus or West Nile Encephalitis.

This order is a temporary order, as required under section 2322(d) of the Agriculture Code. This order shall take effect as of March 10, 2001, and shall remain in effect until no later than March 10, 2002. This Department may: (1) Reissue this temporary order to extend the designation beyond March 10, 2002; (2) Allow this temporary order to expire March 10, 2002; (3) Supplant this temporary order with a formal regulation designating West Nile Encephalitis a "dangerous transmissible disease"; or (4) Modify this temporary order.

Any questions regarding this temporary order may be directed to John Enck, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-6677.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 01-408. Filed for public inspection March 9, 2001, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 27, 2001.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
2-26-01	First Financial Savings Association Downingtown Chester County	Downingtown	Filed
	<i>To:</i> First Financial Bank Downingtown Chester County		

Application represents conversion from a State-chartered stock savings association to a State-chartered bank and trust company.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-21-01	Iron and Glass Bank Pittsburgh Allegheny County Purchase of Assets/Assumption of Liabilities of One Branch Office of First Commonwealth Bank, Indiana, Located At: 3400 South Park Road Bethel Park Allegheny County	Pittsburgh	Approved
2-21-01	The Peoples State Bank, East Berlin, and The Glen Rock State Bank, Glen Rock Surviving Institution— The Peoples State Bank, East Berlin Transaction includes the approval of Community Banks, Inc., the parent holding company of The Peoples State Bank, to acquire 100% of the voting shares of The Glen Rock State Bank.	East Berlin	Approved
2-22-01	Sun Bank Selinsgrove Snyder County Purchase of Assets/Assumption of Liabilities of One Branch of Mellon Bank, N.A., Pittsburgh, Located At: 311 Market Street Lewisburg Union County	Selinsgrove	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-20-01	Somerset Trust Company Somerset Somerset County	807 Goucher St. Johnstown Cambria County	Opened
2-21-01	Jersey Shore State Bank Jersey Shore Lycoming County	1952 Waddle Road State College Centre County	Filed
2-27-01	Mifflinburg Bank and Trust Company Mifflinburg Union County	Buffalo Valley Lutheran Village 211 Fairground Road Lewisburg Union County (Limited Service Facility)	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-26-01	Beneficial Mutual Savings Bank Philadelphia	<i>To:</i> 530 Walnut St. Philadelphia Philadelphia County <i>From:</i> 330 Market St. Philadelphia Philadelphia County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
2-21-01	Patriot Bank Pottstown Montgomery County	Amendment to Article III eliminates the authority of Patriot Bank to exercise trust powers.	Approved and Effective

SAVINGS INSTITUTIONS**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-26-01	First Financial Savings Association Downingtown Chester County	830 E. Baltimore Pike Kennett Square Chester County	Filed

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-22-01	Freedom Credit Union, Philadelphia, and Braceland Federal Credit Union, Philadelphia Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Filed
2-23-01	Freedom Credit Union, Philadelphia, and W.E.H. Employees Federal Credit Union, Philadelphia Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Effective

JAMES B. KAUFFMAN, Jr.,
Acting Secretary

[Pa.B. Doc. No. 01-409. Filed for public inspection March 9, 2001, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS****NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS****NPDES APPLICATIONS****PART I PERMITS**

Pursuant to the Federal Clean Water Act and the Pennsylvania Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I below, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for five 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 all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II below. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise below, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address, and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. 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 renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated above the application.

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.

NPDES Renewal Applications

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110 (717) 705-4700.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream (Watershed)</i>	<i>EPA Waived (New/Renewal)</i>
PA0081311	South Londonderry Township Municipal. Auth. Colebrook WWTP P. O. Box 3 Campbelltown, PA 17010	Lebanon County S. Londonderry Township	Conewago Creek	Renewal
PA0080471	James Dersham DeCoven Facilities 1909-3 State Road Duncannon, PA 17020	Perry County Penn Township	UNT Susquehanna River	Renewal
PA0082015	Meadows Sewer Company 5015 East Trindle Road Mechanicsburg, PA 17050-3622	Cumberland County Middlesex Township	Conodoguinet Creek	Renewal
PA0081264	Mountainview Thoroughbred Racing Association, Inc. P. O. Box 32 Grantville, PA 17028	Dauphin County East Hanover Township	UNT to Swatara Creek	Renewal

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

PA 0220817, Industrial Waste. **TA Operating Corporation, d/b/a Travel Centers of America**, 24601 Center Ridge Road, Suite 200, Westlake, OH 44145-5634.

This facility is located in Barkeyville Borough, **Venango County**.

Description of Activity: renewal of Industrial Waste Discharge.

The receiving stream, East Branch Wolf Creek, is in watershed 20C and classified for: cold water fishes, aquatic life, water supply and recreation. The nearest public water supply is Camp Allegheny approximately 32 miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.1678.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Flow	XX			
Oil and Grease			15	30
Total Suspended solids			XX	
Total Recoverable Petroleum Hydrocarbons			XX	
BETX			XX	
pH			XX	

The proposed effluent limits for Outfall 002 based on a design flow of 0.2562.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Flow	XX			
Oil and Grease		15	30	
Total Suspended Solids			XX	
pH	Within limits of 6.0 to 9.0 standard units at all times.			

The proposed effluent limits for Outfall 003 based on a design flow of 0.0131.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Flow	XX			
Oil and Grease			15	30
Total Suspended Solids			XX	
pH			XX	

The EPA Waiver is in effect.

PA 0221961, Sewage, **Timberlee Valley Sanitary Company, Inc.**, 120 Brennan Lane, Evans City, PA 16033.

This proposed facility is located in Connoquenessing Township, **Butler County**.

The receiving stream, Crab Run, is in watershed and classified for: Cold Water Fishery.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Harmony Water Company intake on Little Connoquenessing Creek located at Harmony Borough, approximately 6 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00525 MGD Interim Limits

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Flow (MGD)	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30)		200/100ml as a geometric average	
(10-1 to 4-30)		56,300/100ml as a geometric average	
Total Residual Chlorine	1.5		3.5
Phosphorus (as P) (4-1 to 10-31)	2		4
pH		6.0—9.0 at all times.	

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Flow (MGD)	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Ammonia-Nitrogen (5-1 to 10-31)	13		26
Fecal Coliform (5-1 to 9-30)		200/100ml as a geometric average	
(10-1 to 4-30)		11,400/100ml as a geometric average	
Total Residual Chlorine	1.4		3.3
Phosphorus (as P) (4-1 to 10-31)	2		4
pH		6.0—9.0 at all times.	

EPA waiver is in effect.

PA0104329, Sewage, **US Army Corps of Engineers**, Pittsburgh District, Big Bend Access Area, 1205 Kinzua Road, Warren, PA 16365-5599.

This facility is located in Mead Township, **Warren County**.

Description of Proposed Activity: renewal of sewage discharge.

The receiving stream, Allegheny River, is in watershed 16B and classified for: warm water fished, water supply, recreation. The nearest public water supply is Emlenton Water Company on the Allegheny River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.008.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Fecal Coliform (10-1 to 4-30)		200/100ml as a geometric average
(5-1 to 9-30)		100,000/100ml as a geometric average
Total Residual Chlorine	0.5	1.6
pH	6.0	9.0

The EPA Waiver is in effect.

PA 0005762, Industrial Waste. **Electralloy, a G. O. Carlson, Inc. Company**, 175 Main Street, Oil City, PA 16301.

This facility is located in Oil City, **Venango County**.

Description of Activity: discharge of noncontact cooling water and Group 1 Stormwater.

NOTICES

The receiving stream, the Allegheny River, is in watershed 16E and classified for: warm water fishes. The nearest public water supply PA American Water Company at Emlenton, PA.

The proposed effluent limits for Outfall 001 based on a design flow of 0.019.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Flow	XX			
Temperature			XX	
pH	Within limits of 6.0 to 9.0 standard units at all times.			

The proposed effluent limits for Outfall 002 based on a design flow of 0.062.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Flow	XX			
Temperature			XX	
pH	Within limits of 6.0 to 9.0 standard units at all times.			

The proposed effluent limits for Outfall 003 based on a design flow of n/a.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Flow	XX			
Total Suspended Solids			XX	
Dissolved Oxygen			XX	
pH			XX	

The proposed effluent limits for Outfall 004 based on a design flow of n/a.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Flow	XX			
Total Suspended Solids			XX	
Dissolved Oxygen			XX	
pH			XX	

The EPA Waiver is in effect.

PA0102628, Sewage, **Henderson Township Municipal Authority**, P. O. Box 56, Stump Creek, PA 15863.

This facility is located in Henderson Township, **Jefferson County**.

Description of Proposed Activity: renewal of sewage disposal.

The receiving stream, Stump Creek, is in watershed 17D and classified for: cold water fishes, water supply, recreation. The nearest public water supply is PA American Water Company—Kittaning District.

The proposed effluent limits for Outfall 001 based on a design flow of 0.04.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (10-1 to 4-30) (5-1 to 9-30)		200/100ml as a geometric average 59,500/100ml as a geometric average	
Total Residual Chlorine	0.5		1.17
pH	6.0		9.0

The EPA Waiver is in effect.

PA0034924, Sewage, **Paint-Elk Joint Sewer Authority**, 9242 Route 322, Shippenville, PA 16254.

This facility is located in Paint Township, **Clarion County**.

Description of Proposed Activity: renewal of sewage discharge.

The receiving stream, Paint Creek, is in watershed 17B and classified for: cold water fishes, water supply, recreation. The nearest public water supply is Parker City on the Allegheny River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.600.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (10-1 to 4-30) (5-1 to 9-30)		200/100ml as a geometric average 5,900/100ml as a geometric average	
Total Residual Chlorine	0.5		1.2
pH	6.0		9.0

The EPA Waiver is in effect.

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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

No. PA0051713, Industrial Waste, **Degussa Corporation**, 1200 West Front Street, Chester, PA 19012.

This application is for renewal of an NPDES permit to discharge treated process wastewater and stormwater from Degussa Corporation facility located in the City of Chester, **Delaware County**. This is an existing discharge to Delaware Estuary Zone-4.

The receiving stream is classified for the following uses: warm water fishery, migratory fish (passage only), aquatic life, and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.95 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	100	200	250
Total Dissolved Solids	30,000	32,000	33,000
Temperature			110°F
Arsenic, Total		Monitor/Report	
Copper, Total		Monitor/Report	
Lead, Total		Monitor/Report	
Silver, Total		Monitor/Report	
Selenium, Total		Monitor/Report	
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for Outfall 002, stormwater runoff, are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor/Report	Monitor/Report
COD	Monitor/Report	Monitor/Report
Oil and Grease	Monitor/Report	Monitor/Report
pH	Monitor/Report	Monitor/Report
Total Suspended Solids	Monitor/Report	Monitor/Report
Total Kjeldahl Nitrogen	Monitor/Report	Monitor/Report
Total Phosphorous	Monitor/Report	Monitor/Report
Iron (Dissolved)	Monitor/Report	Monitor/Report

Other Conditions:

The EPA Waiver is in effect.

Conditions for future permit modification.

85% reduction of Suspended Solids per DRBC requirements.

Special Test Methods for certain pollutants.

Conduct in-stream monitoring program to confirm the mixing zone for TDS.

In-stream Total Dissolved Solids Monitoring.

Chemical additive approval.

TMDL/WLA analysis.

Stormwater requirements.

No. PA0058190, Sewage, **Mark and Brenda Phelan**, 191 Hill Road, Green Lane, PA 18054.

This application is for Issuance of an NPDES permit to discharge treated sewage from Phelan Residence STP in Salford Township, **Montgomery County**. This is a new discharge to an unnamed tributary to Unami Creek.

The first downstream potable water supply intake from the point of discharge is Philadelphia Suburban Water Company in Upper Providence Township.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	3.0	6.0
Nitrate & Nitrite (as N)	10	20
Fecal Coliform	200 colonies/100ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	
Dissolved Oxygen	Minimum of 6.0 mg/l at all times	

Other Conditions:

The EPA Waiver is in effect.

No. PA0026450, Sewage, **Bristol Township Authority**, 2501 Bath Road, Bristol, PA 19007.

This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Bristol Township, **Bucks County**. This is an existing discharge to Delaware River (Zone-2).

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

The proposed effluent limits for Outfall 001, based on an average flow of 2.25 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	21	32	42
Total Residual Chlorine	0.5		1.3
(11-1 to 4-30)			
Suspended Solids	30	45	60
Ammonia (as N)	35.0		70.0
CBOD ₂₀	590 (lbs/day)		
Dieldrin	Monitor/Report	Monitor/Report	Monitor/Report
Fecal Coliform	200 colonies/100 ml as a geometric average		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is not effect.

85% reduction of Total Suspended Solids per DRBC requirements.

88.5% reduction of BOD5 per DRBC requirements.

No. PA0056570, Industrial Waste, **Coastal Lumber Company**, P. O. Box 829, Weldon, NC 27890.

This application is for renewal of an NPDES permit to discharge stormwater from the facility in East Nottingham Township, **Chester County**. This is an existing discharge to an Unnamed Tributary to Little Elk Creek.

The receiving stream is classified for the following uses: exceptional value waters aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 001 and 002, for stormwater runoff:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			Monitor/Report
Suspended Solids			Monitor/Report
Oil and Grease			Monitor/Report
Chemical Oxygen Demand			Monitor/Report
pH			Monitor/Report
Nitrate plus Nitrite Nitrogen			Monitor/Report
Iron (Dissolved)			Monitor/Report
Arsenic (Dissolved)			Monitor/Report
Copper (Total)			Monitor/Report
Chromium (Total)			Monitor/Report

The EPA Waiver is in effect.

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

PA#0012394, Industrial Waste, **SIC 3443, Patterson-Kelly Co., Inc.**, P. O. Box 458, East Stroudsburg, PA 18301.

This proposed facility is located in East Stroudsburg Borough, **Monroe County**.

Description of Proposed Activity: This proposed action is for the renewal of an NPDES Permit to discharge treated industrial wastewater to Brodhead Creek in East Stroudsburg Borough, Monroe County.

The receiving stream, Brodhead Creek, is in watershed O1 E Brodhead Creek and classified for: trout stocking migratory fishes, aquatic life, water supply and recreation, for the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the water supply considered during the evaluation is the Stroudsburg Water Supply intake located in East Stroudsburg.

The proposed effluent limits for Outfall 001 based on a design flow of 0.016.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
TSS		100	200		
Oil and Grease	15				
pH					6.0—9.0 units at all times.

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

Application No. PA 0007765, SIC Code 3751, Industrial Waste, **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Codorus Creek in Watershed 7-H, in Springettsbury Township, **York County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Supply Company located in York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 002 for an average annual flow of 0.182 MGD are:

Parameter	Mass (lbs/day)		Concentrations (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
pH (S.U.)	XXX	XXX	From 6.0 to 9.0 inclusive	
Oil and Grease	XXX	XXX	10	XXX
Temperature	XXX	XXX	*	*

* Proposed temperature limitations are as follows: January-64°F, February-59°F, March-83°F, April-75°F, May-88°F, June-11°F, July-108°F, August-109°F, September-97°F, October-88°F, November-70°F, December-75°F.

The proposed monitoring requirements for Outfalls 004 and 005 (storm water) are semiannual grab sample analyses for oil and grease, pH, Total Toxic Organics (TTO), 2-butanone, methyl isobutyl ketone, total nickel, and hexavalent chromium.

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0026549, SIC Code 4952, Sewage, **City of Reading**, 815 Washington Street, Reading, PA 19601-3690.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Schuylkill River in Watershed 3-C, in Reading City, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 28.5 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6.0	XXX	12
(11-1 to 4-30)	18	XXX	24
Total Mercury	0.00007	XXX	0.00014
Total Residual Chlorine	0.40	XXX	1.31
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 10,000/100 ml as a geometric average	
Color	186	XXX	465

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Public Notice of Permit Issuance

Final Notice is hereby given that the Pennsylvania Department of Environmental Protection, after public notice, has on February 22, 2001, issued a National Pollutant Discharge Elimination System Permit to:

Permit No. PA 0026654 Permittee: **Borough of New Cumberland**, 1120 Market Street, New Cumberland, PA 17070.

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
Total Nitrogen		Monitor & Report	

Addition of notice to submit Whole Effluent Toxicity testing with next permit renewal application.

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

Application No. PA 0085171, SIC Code 4952, Sewage, **Lyons Borough Municipal Authority**, 316 South Kemp Street, P. O. Box 131, Lyon Station, PA 19536-0131.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Sacony Creek in Watershed 3-B, in Maxatawny Township, **Berks County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the City of Reading located on Maiden Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.15 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-30) (11-1 to 4-30)	19 25	28 40	38 50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 9-30) (10-1 to 4-30)	5.0 15		10 30
Total Residual Chlorine (Interim)	Monitor & Report		Monitor & Report
Total Residual Chlorine (Final)	0.50		1.70
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a geometric average 6,000/100ml as a geometric average	
Total Lead	0.018		0.036
Total Copper	0.068		0.136
Free Cyanide	0.023		0.043

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA0086754, SIC Code 3691, Industrial Waste, **East Penn Manufacturing Company, Inc.**, Deka Road, Lyon Station, PA 19536.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Sacony Creek, in Richmond Township, **Berks County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was City of Reading located on Maiden Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.15 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.068	0.136	0.170
Total Lead	0.018	0.036	0.045
Total Iron	Monitor & Report	Monitor & Report	
Total Antimony	0.063	0.126	0.157
Total Arsenic	0.227	0.454	0.567
Total Zinc	0.572	1.114	1.430
NH ₃ -N	5.0	10	12
CBOD ₅	19	38	47
Total Dissolved Solids	1,000	2,000	2,500
Total Suspended Solids	30	60	75
pH		6.0 to 9.0 at all times	

The proposed effluent limits for Storm Water Outfalls 002, 003, 004, 005 and 006 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper		Monitor & Report	
Total Lead		Monitor & Report	
Total Iron		Monitor & Report	
Total Antimony		Monitor & Report	
Total Arsenic		Monitor & Report	
Total Zinc		Monitor & Report	
CBOD ₅		Monitor & Report	
Total Dissolved Solids		Monitor & Report	
Total Suspended Solids		Monitor & Report	
Oil and Grease		Monitor & Report	
Total Nitrogen		Monitor & Report	
Sulfate		Monitor & Report	
pH		Monitor & Report	

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA0086762, SIC Code 4953, Industrial Waste, **IESI Pa. Blue Ridge Landfill Corporation**, P. O. Box 399, Scotland, PA 17254.

This application is for renewal of an NPDES permit for existing discharge of treated industrial waste to UNT to Phillaman Run in Watershed 13-C, in Greene Township, **Franklin County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was on the Potomac River located in Hagerstown, MD. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.1 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		6.0 to 9.0 Standard Units	
pH		6.0 to 9.0 Standard Units	
Benzene	0.001	0.002	0.0025
Chlorodibromomethane	0.0004	0.0008	0.0010
Tetrachloroethylene	0.0007	0.0014	0.0018
Vinyl Chloride	0.00002	0.00004	0.00005
Trichloroethylene	0.003	0.006	0.0075
Acenaphthene	0.020	0.040	0.050
Total Dissolved Solids	500	1,000	1,250

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA0087777, SIC Code 4951, Industrial Waste, **Wernersville State Hospital**, P. O. Box 300, Wernersville, PA 19565.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Hospital Creek in Watershed 3-C (Tulpehocken Creek), in South Heidelberg Township, **Berks County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Western Berks Water Authority located on the Tulpehocken Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.113 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
pH (S.U.)		6.0 to 9.0 at all times	
Total Residual Chlorine	0.50	XXX	1.0
Total Aluminum	3.35	6.70	8.38
Total Manganese	1.00	2.00	2.50
Total Iron	2.00	4.00	5.00

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA0088609, SIC Code 4952, Sewage, **Broad Top Township**, Municipal Loop, P. O. Box 57, Defiance, PA 16633-0057.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Raystown Branch Juniata River in Watershed 11-D, in Broad Top Township, **Bedford County**.

The receiving stream is classified for trout stocking, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0833 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2.0	XXX	4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		100,000/100 ml as a geometric average	
(10-1 to 4-30)			

Individuals may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA0095940, Sewage, **Albert Gallatin Area School District**, 10 West Church Street, Masontown, PA 15461-1800.

This application is for renewal of an NPDES permit to discharge treated sewage from D. Ferd Swaney Elementary School Wastewater Treatment Facility in Georges Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric mean		
(10-1 to 4-30)		2,000/100 ml as a geometric mean		

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096725, Sewage, **Belle Vernon Area School District**, R. D. # 2, Crest Avenue, Belle Vernon, PA 15012.

This application is for renewal of an NPDES permit to discharge treated sewage from Belmar-Marion School STP in Washington Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.0163 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.5			11.0
(11-1 to 4-30)	16.5			33.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	3,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216852-A1, Sewage, **Charles Chapman**, R. D. # 1, Box 1136, Ruffs Dale, PA 15679.

This application is for amendment of an NPDES permit to discharge treated sewage from the Wen-Dell Mobile Home Park STP in East Huntingdon Township, **Westmoreland County**.

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

Outfall 001: proposed expanded discharge, design flow of 0.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	10.5			21.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.6			1.5
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**WATER QUALITY MANAGEMENT PERMITS
CONTROLLED INDUSTRIAL WASTE AND SEWAGE
WASTEWATER
APPLICATIONS UNDER THE PENNSYLVANIA
CLEAN STREAMS LAW
PART II PERMITS**

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

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted above the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address, and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing 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 of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. 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.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 2301403. Sewerage, **Joyfor Joint Venture**, 1604 Walnut Street, Philadelphia, PA 19103. Applicant is requesting approval for the construction of a sewage treatment plant to serve Marville at Newtown Shopping Center, located in Newtown Township, **Delaware County**.

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

Application Number 2800403 Amendment 01-1. Sewage submitted by **Antrim Township Municipal Authority**, 10655 Antrim Church Road, Greencastle, PA 17225 in Antrim Township, **Franklin County** for a Pump Station upgrade was received in the Southcentral Region on February 20, 2001.

Application Number 2201402. Sewage submitted by **Eugene K. & Dolores T. Staskiel**, 1406 Fox Hollow Way, North Myrtle Beach, SC 29582 in East Hanover Township, **Dauphin County** to construct a small flow treatment system to serve their single family residence on Ridge & Manada Gap Roads was received in the Southcentral Region on February 23, 2001.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 1101401. Sewerage, **Cambria County Commissioners**, Cambria County Courthouse, Ebensburg, PA 15931. Application for the construction and operation of a sewer system and pump station to serve the Duman Lake Park Sewage Treatment Plant Located in Barr Township, **Cambria County**.

Application No. 2601401. Sewerage, **North Union Township Municipal Services Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456. Application for the construction and operation of a sewer system and pump station to serve the University Technology Park Sewage Pump Station located in North Union Township, **Fayette County**.

Application No. 6501405. Sewerage, **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. Application for the construction and operation of a sewer interceptor to serve the McGee Run Borough of Derry located in Derry Township, **Westmoreland County**.

Application No. 6501406. Sewerage, **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. Application for the construction and operation of sewers and pump stations to serve the McGee Run Latrobe Municipal Authority Service Area located in Derry Township, **Westmoreland County**.

Application No. 6501407. Sewerage, **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. Application for the construction and operation of sewers and pump stations to serve the McGee Run Torrance State Hospital Service Area located in Derry Township, **Westmoreland County**.

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

WQM Permit No. 4301406, Sewerage, **Richard D. Story**, 19 S. Summit Rd., Greenville, PA 16125. This proposed facility is located in West Salem Township, **Mercer County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

WQM Permit No. 2001404, Sewerage, **James H. and Katherine L. Hilliard**, 16499 South Townline Road, Linesville, PA 16424. This proposed facility is located in Conneaut Township, **Crawford County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

WQM Permit No. 2001405, Sewerage, **Nancy L. Overman**, 2520 Shetland Lane, Poland, OH 44514. This proposed facility is located in Hayfield Township, **Crawford County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

NPDES Stormwater Individual Permit

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

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

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

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed

permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit PAS10 G458, Stormwater. **Land Associates, Inc.**, 1130 Pocopson Road, West Chester, PA 19382 has applied to discharge stormwater associated with a construction activity located in Franklin Township, **Chester County** to Big Elk Creek and West Branch White Clay Creek (HQ-TSF-MF).

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q218	CCW, Inc. Jack Lisicky 1524 Linden St. Allentown, PA 18101	Lehigh County Upper Macungie Township	Little Lehigh Cr. HQ-CWF

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

NPDES Permit PAS105507, Stormwater. **Dominion Transmission**, 445 West Main St., Clarksburg, WV 20680 has applied to discharge stormwater associated with a construction activity located in Stewardson Township, **Potter County** to Little Greenlick Run.

Potter Conservation District: 107 Market St., Coudersport, PA 16915.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS105507	Dominion Transmission 445 West Main St. Clarksburg, WV 20680	Potter County Stewardson Township	Little Greenlick Run HQ-CWF

SAFE DRINKING WATER

Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit No. 0901504, Public Water Supply.

Applicant	PA American Water Company
Township	Lower Makefield
Responsible Official	Steve J. Seidl
Type of Facility	Public Water Supply System
Consulting Engineer	Pennoni Associates 3001 Market Street Philadelphia, PA 19104
Application Received Date	February 23, 2001
Description of Action	Installation of a Venturi aeration system, in combination of a multi-staged diffused bubble aeration system to remove radon from the water from Wells 7 and 10; and install a liquid sodium hypochlorite system to replace the existing gas chlorination system.

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

Permit No. 5401502, Public Water Supply.

Applicant	Kline Township Municipal Authority
Township or Borough	Kline Township

Responsible Official	Francie Patton, Chairperson Kline Township Municipal Authority 76 South Kennedy Drive P. O. Box 160 McAdoo, PA 18237 (570) 929-3177
Type of Facility	Community Water System
Consulting Engineer	Douglas E. Berg, PE Entech Engineering, Inc. 4 South Fourth Street Reading, PA 19603 (610) 373-6667
Application Received Date	February 16, 2001
Description of Action	Major system improvements to include two new supply wells with well houses and chlorination facilities, three finished water storage tanks, distribution system upgrades and meters for all service connections.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Application No. 46015043, Minor Amendment.

Applicant	Superior Water Company
Township	New Hanover
Responsible Official	David J. Milan P. O. Box 127 Worcester, PA 19490
Type of Facility	Public Water Supply System
Consulting Engineer	Bursich Associates, Inc. 2129 E. High Street Pottstown, PA 19464
Application Received Date	February 24, 2001
Description of Action	Installation of approximately 6,000 feet of 8-inch and 12-inch ductile iron pipe to connect Superior Water Company's Hunters Run System with its Winding Creek system.

Application No. 4601503, Minor Amendment.

Applicant	Superior Water Company
Township	New Hanover
Responsible Official	David J. Milan P. O. Box 127 Worcester, PA 19490
Type of Facility	Public Water Supply System
Consulting Engineer	Superior Environmental Management Corporation P. O. Box 127 Worcester, PA 19490
Application Received Date	February 20, 2001
Description of Action	Installation of two 10,000 gallon water storage tanks at the Hunters Run Booster Station and storage tank facility.

Application No. 0901505, Minor Amendment.

Applicant	Doylestown Borough Water Department
Borough	Doylestown
Responsible Official	John H. Davis 57 W. Court Street Doylestown, PA 18901
Type of Facility	Public Water Supply System
Consulting Engineer	CKS Engineers, Inc. 88 South Main Street Doylestown, PA 18901

Application Received Date February 26, 2001
 Description of Action Change in chlorine disinfection at Well No. 13 from liquid chlorine gas to sodium hypochlorite.

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

Application No. 3540038, Minor Amendment (Construction), Mount Laurel, Indian Run, and Broad Mountain Water Treatment Plants.

Applicant **Schuylkill County Municipal Authority**
 Township or Borough Schuylkill
 221 South Centre Street
 Pottsville, PA 17901

Responsible Official
 Type of Facility Public Water Supply
 Consulting Engineer Schuylkill County Municipal Authority
 Application Received Date February 14, 2001

Description of Action Applicant proposes to change the type of corrosion control chemicals currently utilized in three water treatment plants.

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

Application No. 2498502-MA3, Minor Amendment.

Applicant **St. Marys Area Water Authority**
 429 Ridgway Rd.
 St. Marys, PA 15857

Township or Borough City of St. Marys
 Responsible Official Paul McIntosh
 Type of Facility Community Water Supply
 Consulting Engineer Dwight D. Hoare, P.E.

Application Received Date February 22, 2001
 Description of Action 500,000 gallon, welded steel, standpipe at the site of the existing North High tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified below, 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 below. During this comment period the municipality may request that the person identified below, 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 of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate

Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Schutte & Koerting Facility, Bensalem Township, **Bucks County**. Bruce Middleman, Jacques Whitford, Inc., 450 S. Gravers Rd., Suite 105, Plymouth Meeting, PA 19462, on behalf of Schutte & Koerting, 2215 State Rd., Bensalem, PA 19020, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and site groundwater contaminated with lead and BTEX. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on February 22, 2001.

R & D Developers, PGP, Quakertown Borough, **Bucks County**. Robert C. Quick, P.G., QuickTec Environmental Technical Services, P. O. Box 1432, Medford, NJ 08055, on behalf of R & D Developers, PGP, 15 E. Ridge Pike, Suite 200, Conshohocken, PA 19428, has submitted a Notice of Intent to Remediate site soil contaminated with lead. The applicant proposes to remediate the site to meet Site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Quakertown Free Press* on October 18, 2000.

Triboro Electric Company, Doylestown Borough, **Bucks County**. Terrence J. McKenna, Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite 700, Exton, PA 19341, on behalf of Doylestown Store & Lock, 350 S. Main Street, Suite 213, Doylestown, PA 18901, has submitted a Notice of Intent to Remediate site soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on January 31, 2001. A Final Report was simultaneously submitted.

Krause Residence, Royersford Borough, **Montgomery County**. Matthew E. Grubb, Hydrocon Services, Inc., 2945 S. Pike Ave., Allentown, PA 18103, on behalf of Ronald and Andrea Krause, 339 N. 3rd Ave., Royersford, PA 19468, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on December 8, 2000. A Final Report was simultaneously submitted.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471.

RENEWAL APPLICATIONS RECEIVED

S-J Transportation Co., P. O. Box 169, Woodstown, NJ 08098. License No. **HC 0031**. Received on February 14, 2001.

Sterilogic Waste Systems, Inc., 3220 Tillman Drive, Ste. 107, Bensalem, PA 19020. License No. **HC 0208**. Received on February 14, 2001.

HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

Applications Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application I. D. No. PAD980707087. Envirotol, Inc., P. O. Box 61, 432 Green Street, Sewickley, PA 15143. Beaver Falls Facility, 24th Street and 31st Street Ext., Beaver Falls, PA 15010. An application for a permit renewal of a hazardous waste storage/thermal treatment and residual waste processing facility in Beaver Falls, **Beaver County** was received in the Regional Office on February 15, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. 100022. A Major Permit Application requesting approval to construct a composite liner system for the previously permitted disposal areas, which remain to be constructed at Chrin Brothers Sanitary Landfill and approval of a Radiation Monitoring and Action Plan was received from Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042 for this municipal waste landfill located in Williams Township, **Northampton County**. The application was determined to be administratively complete in the Regional Office on February 22, 2001.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Application No. 301341. Application received for **Svedala Industries, Inc.**, 350 Railroad Street, Danville, PA 17821, located in Danville Borough, **Montour County**. Application determined to be administratively complete in the Regional Office on February 26, 2001.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 101421. Application received for **Shade Landfill, Inc.**, Westpointe Corporate Center 1, Suite 200, 1550 Coraopolis Heights Road, Moon Township, PA 15108. Shade Landfill, Inc., 1176 No. 1 Road, Cairnbrook, PA 15924. An application for the permit renewal of a Municipal Waste Landfill in Shade Township, **Somerset County**, was received in the Regional Office on February 27, 2001.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Pennsylvania Department of Environmental Protection (DEP) 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 DEP, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The DEP has received applications for plan approvals and/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 identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice, and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. 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 through 143, the Federal Clean Air Act and regulations adopted under the Act.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code §§ 127.521 and 127.424, notice is hereby given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V Operating Permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management using the appropriate Regional Office telephone number noted below. For additional information, contact the appropriate Regional Office noted below.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the Regional Office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

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

06-05029: Reading Body Works, Inc. (P. O. Box 650, Reading, PA 19607) for an amended Title V Permit for a heavy-duty truck manufacturing facility in Reading, **Berks County**.

Applications Received and Intent to Issue Operating Permits Under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements)

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

36-05008: Tyson Foods, Inc. (403 South Custer Avenue, New Holland, PA 17557) for a Synthetic Minor Operating Permit for a chicken processing facility in Earl Township, **Lancaster County**.

67-05028: Reliant Energy Mid-Atlantic Power Holdings, LLC (1001 Broad Street, Johnston, PA 19907) for a Synthetic Minor Operating Permit for operation of two simple cycle electrical generation turbines in Hopewell Township, **York County**.

67-05063: York Building Products Co., Inc. (1020 North Hartley Street, York, PA 17404) for a Synthetic Minor Operating Permit for a limestone crushing operation and batch asphalt plant in West Manchester Township, **York County**.

67-05082: David Edward Co., Ltd. (252 North Franklin Street, Red Lion, PA 17356) for a Synthetic Minor Operating Permit for a furniture manufacturing facility in Red Lion Borough, **York County**.

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

19-00002: Foam Fabricators, Inc. (7050 New Berwick Highway, Bloomsburg, PA 17815) for their foam manufacturing plant in South Centre Township, **Columbia County**. The facility's main sources include a natural gas fired boiler and space heaters, a primary pre-expander, a secondary pre-expander, storage areas, molding machines and an emergency generator. These sources have the potential to emit major quantities of volatile organic compounds (VOCs). The facility has taken restrictions to limit VOC emissions below the major emission thresholds. The facility has the potential to emit particulate matter (PM), nitrogen oxides (NOx), carbon monoxide (CO), sulfur oxides (SOx) and hazardous air pollutants (HAPs) below the major emission thresholds.

41-00011: John Savoy and Son, Inc. (300 Howard Street, PO Box 248, Montoursville, PA 17754) for their wood furniture manufacturing facility in Montoursville Borough, **Lycoming County**. The facility's main sources include 12 natural gas fired space heaters, six spray booths, a UV coater and contact cement operations. These sources have the potential to emit major quantities of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). The facility has taken restrictions to limit VOC and HAP emissions below the major emission thresholds. The facility has the potential to emit particulate matter (PM), nitrogen oxides (NOx), carbon monoxide (CO) and sulfur oxides (SOx) below the major emission thresholds.

60-00001: Bucknell University (University Avenue, Lewisburg, PA 17837) for their power plant in Lewisburg Borough, **Union County**. The facility's main sources include a Tampella boiler, an Indeck boiler, a duct burner, a combustion turbine, small boilers and furnaces and 17 emergency generators. These sources have the potential to emit major quantities of carbon monoxide (CO), nitrogen oxides (NOx) and sulfur oxides (SOx). The facility has taken restrictions to limit CO, NOx and SOx emissions below the major emission thresholds. The facility has the potential to emit particulate matter (PM), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

14-00014: Glenn O. Hawbaker, Inc. (Central Valley Asphalt Plant #1 and Central Valley Aggregates Plant #2, 450 East College Avenue, Bellefonte, PA 16823) for their crushing and asphalt manufacturing facility in Spring Township, **Centre County**. The facility's main sources include an asphalt concrete operation, a primary crushing operation, a secondary crushing operation, a portable crushing operation and a limestone conveying system. These sources have the potential to emit major quantities of carbon monoxide (CO), nitrogen oxides (NOx), sulfur oxides (SOx) and volatile organic compounds (VOCs). The facility has taken restrictions to limit CO, NOx, SOx and VOC emissions below the major emission thresholds. The facility has the potential to emit particulate matter (PM) and hazardous air pollutants (HAPs) below the major emission thresholds.

59-00006: Dominion Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for operation of the Boom Compressor Station in Lawrence Township, **Tioga County**. The site's sources include three engines, two heaters and one boiler. These sources have the potential to emit major quantities of nitrogen oxides (NOx) and carbon monoxide (CO). The facility has taken restrictions on its yearly operating hours to limit NOx and CO emissions below the major emission thresholds. The facility has the potential to emit particulate matter (PM),

sulfur oxides (SOx), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

59-00007: Reliant Energy Mid-Atlantic Power Holdings, LLC (1001 Broad Street, P.O. Box 1050, Johnstown, PA 15907-1050) for operation of the Blossburg Combustion Turbine Site in Covington Township, **Tioga County**. The site's sources include one natural gas fired combustion turbine and one diesel fired startup engine. These sources have the potential to emit major quantities of nitrogen oxides (NOx) and carbon monoxide (CO). The facility has taken restrictions to limit NOx and CO emissions below the major emission thresholds. The facility has the potential to emit particulate matter (PM), sulfur oxides (SOx), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

49-00025: PA Department of Corrections (P. O. Box 598, Camp Hill, PA 17001-0598) for the Coal Township State Correctional Institution in Coal Township, **Northumberland County**. The facilities sources include five boilers, two generators, a wood surface coating operation and five fuel oil storage tanks. These sources have the potential to emit major quantities of sulfur oxides (SOx), nitrogen oxides (NOx) and carbon monoxide (CO). The facility has taken restrictions on its yearly operating hours to limit potential SOx, NOx and CO emissions below the major emission thresholds. The facility has the potential to emit particulate matter (PM), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

41-00015: PA Department of Corrections (P. O. Box 598, Camp Hill, PA 17001-0598) for the Muncy State Correctional Institution in Clinton Township, **Lycoming County**. The facilities sources include three boilers and associated equipment. These sources have the potential to emit major quantities of sulfur oxides (SOx). The facility has taken restrictions on its yearly fuel consumption and fuel sulfur content to limit potential SOx emissions below the major emission thresholds. The facility has the potential to emit nitrogen oxides (NOx), carbon monoxides (CO), particulate matter (PM), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

59-00018: Hanson Aggregates Inc.—Blossburg Quarry (P. O. Box 231, Easton, PA 18044-0231) for their crushed stone production facility in Liberty Township, **Tioga County**. The facility's main sources include three diesel-fired generators, two stone crushers and associated material sizing and conveying equipment. These sources have the potential to emit major quantities of nitrogen oxides (NOx) and particulate matter (PM). The facility has taken restrictions on its yearly operating hours to limit potential NOx and PM emissions below the major emission thresholds. The facility has the potential to emit sulfur oxides (SOx), carbon monoxide (CO), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

08-00005: Ingersoll Rand Co. (101 North Main Street, Athens, PA 18801) for their power tools manufacturing production facility in Athens Borough, **Bradford County**. The facility's main sources include three natural gas/fuel oil fired boilers, one powder coating operation and two spray surface coating booths. These sources have the potential to emit major quantities of volatile organic compounds (VOCs). The facility has taken restrictions on its annual paint usage to limit potential VOC emissions below the major emission thresholds. The facility has the

potential to emit sulfur oxides (SOx), nitrogen oxides (NOx), particulate matter (PM), carbon monoxide (CO), and hazardous air pollutants (HAPs) below the major emission thresholds.

08-00006: GE Railcar Repair Service (P. O. Box 250 Thomas Avenue, Sayre, PA 18840) for their railcar repair facility in Sayre Borough, **Bradford County**. The facility's main sources include small natural gas/fuel oil fired boilers, a railcar painting operation, and a grit blasting operation. These sources have the potential to emit major quantities of volatile organic compounds (VOCs). The facility has taken restrictions on its yearly operating hours to limit VOC emissions below the major emission thresholds. The facility has the potential to emit sulfur oxides (SOx), nitrogen oxides (NOx), particulate matter (PM), carbon monoxide (CO), and hazardous air pollutants (HAPs) below the major emission thresholds.

60-00010: BBA Nonwovens (P. O. Box 20, Lewisburg, PA 17837-0020) for their non-woven fabrics manufacturing facility in Kelly Township, **Union County**. The facility's main sources include two large natural gas/fuel oil fired boilers, chemical treating machines, and fabric binding machines. These sources have the potential to emit major quantities of sulfur oxides (SOx), nitrogen oxides (NOx) and ethylene glycol (HAP). The facility has taken restrictions on its yearly operating hours to limit SOx, NOx, and ethylene glycol emissions below the major emission thresholds. The facility has the potential to emit volatile organic compounds (VOCs), particulate matter (PM), carbon monoxide (CO), and total hazardous air pollutants (HAPs) below the major emission thresholds.

49-00046: Kurt Weiss Greenhouses of PA (P. O. Box C, Route 54 and 61, Mount Carmel, PA 17851) for their greenhouse facility in Mt. Carmel Township, **Northumberland County**. The facility's main sources include five (5) #2 fuel oil/natural gas-fired boilers. These sources have the potential to emit major quantities of sulfur oxides (SOx). The facility has taken restrictions to limit SOx emissions below the major emission threshold. The facility has the potential to emit particulate matter (PM), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

08-00007: Leprino Foods Co. (400 Leprino Avenue, Waverly, NY 14892) for their natural and processed cheese manufacturing facility in South Waverly, **Bradford County**. The facility's main sources include four natural gas/# 2, 4, 5 and 6 fuel oil-fired boilers and a natural gas-fired whey spray dryer. These sources have the potential to emit major quantities of sulfur oxides (SOx). The facility has taken restrictions to limit SOx emissions below the major emission threshold. The facility has the potential to emit particulate matter (PM), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

59-00010: Eagle Family Foods, Inc. (125 East Avenue, Wellsboro, PA 16901) for their food (sweetened condensed milk) manufacturing facility in Wellsboro, **Tioga County**. The facility's main sources include three natural gas/# 6 fuel oil-fired boilers. These sources have the potential to emit major quantities of sulfur oxides (SOx). The facility has taken restrictions to limit SOx emissions below the major emission threshold. The facility has the potential to emit particulate matter (PM), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the major emission thresholds.

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

63-00631: Columbia Gas Transmission Corp.—Donegal Compressor Station (1700 MacCorkle Avenue SE, Charleston, WV 25325) for installation of a natural gas compressor in Donegal Township, **Washington County**.

Philadelphia Department of Public Health: Air Management Services, 321 University Ave., Philadelphia, PA 19104.

96-026: Dietz and Watson Inc. (5701 Tacony Street, Philadelphia, PA 19135) for processing of lunch meat, hot dogs, hams, roast beef, sausage, and turkey products in the City of Philadelphia, **Philadelphia County**. The Natural Minor facility's air emission sources include three 8.37 MMBTU/hr natural gas, # 2 oil, or propane-fired boilers, five 1.65 MMBTU/hr natural gas or propane-fired food processing ovens, three used oil and/or # 2 oil-fired heaters, each rated less than 1 MMBTU/hr, and one diesel-fired emergency generator.

96-034: Atlantic Metals Corp. (3100 East Orthodox Street, Philadelphia, PA 19137) for manufacture of specialty powders and service to the steel industry in the City of Philadelphia, **Philadelphia County**. The Natural Minor facility's air emission sources include a 6.5 MMBTU/hr natural gas-fired spray drier/cyclone and numerous particulate processes controlled by five baghouses and two dust collectors.

PLAN APPROVALS

Applications received for plan approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

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

35-399-036: Clarks Summit State Hospital (Commonwealth of Pennsylvania, Department of Public Welfare, 1451 Hillside Drive, Clarks Summit, PA 18411) for installation of an ash handling system and associated air cleaning device in South Abington Township, **Lackawanna County**.

40-303-011A: Slusser Brothers Trucking and Excavating Co., Inc. (125 North Warren Street, West Hazleton, PA 18201) for modification of a batch asphalt plant to utilize waste oil at the Evans Asphalt Plant on Keith Street in Hanover Township, **Luzerne County**.

40-313-029C: Gemark Service Corp. (99 Stevens Lane, Exeter, PA 18643) for modification of a polyester recovery operation and enclosure construction in Exeter Borough, **Luzerne County**.

54-399-031: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252) for installation of an air cleaning device on milling, screening, and press operations in Rush Township, **Schuylkill County**.

48-328-006: Conectiv Mid-Merit, Inc. (P. O. Box 6066, Newark, NJ 19714) for construction of six Siemens-Westinghouse Turbines in this Prevention of Significant Deterioration (PSD) project at the proposed site in Lower Saucon Township and Bethlehem, **Northampton County**.

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

06-03045B: Eastern Industries Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for construction of a non-metallic mineral crusher and associated conveyors controlled by wet suppression in Maxatawny Township, **Berks County**. The source is subject to 40 CFR Part 60, Subpart OOO-Standards of Performance for Nonmetallic Mineral Processing Plants.

28-03037: Greencastle Metal Works, Inc. (1151 Shefler Drive, Chambersburg, PA 17201) for installation of a paint spray booth and air filtration system at the metal fabrication shop in Chambersburg Borough, **Franklin County**.

34-05003A: Tedd Wood, Inc. (9 Birch Drive, R. R. 1, Box 104, Thompsontown, PA 17094) for operation of three wood surface-coating spray booths and the construction of an additional spray booth at the wood furniture manufacturing facility in Delaware Township, **Juniata County**.

01-05016A: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for replacement of 11 screens and installation of a screw conveyor at the Charmian Plant in Hamiltonban Township, **Adams County**.

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

65-00910B: McKnight Cylinder Co. (168 Pattern Shop Road, RD 1, Box 338, Ruffs Dale, PA 15679) for construction of a Blaster in South Huntingdon, **Westmoreland County**.

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

25-688A: Hamot Medical Center (201 State Street Erie, PA 16550) for replacement of existing baghouse and installation of powdered activated carbon injection system and adjustment of hydrated lime feed rate for the existing hospital waste incinerator in the City of Erie, **Erie County**.

10-300D: Spang and Co.—Magnetics Division (796 East Butler Road, Butler, PA 16001) for modification of the VOC destruction efficiency of the existing regenerative thermal oxidizer on the automated paint line, from 98% to 93%, in East Butler, **Butler County**.

16-133A: Clarion Bathware (16273 Route 208, Marble, PA 16254) for post-construction of process upgrades (conveyor system and non-atomizing impingement guns) in Washington Township, **Clarion County**. Clarion Bathware is a Title V facility.

Intent to Issue Plan Approvals Under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

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

NOTICE OF INTENT TO ISSUE A PLAN APPROVAL AND AMEND A TITLE V OPERATING PERMIT

Under 25 Pa. Code § 127.1 and 127.11, the Department of Environmental Protection (DEP) intends to issue a plan approval to **Williams Generation Co.-Hazleton** (Terrie Blackburn, Sr. Environmental Manager, P. O. Box 2848-WRC-A, Tulsa, OH 74101-9567) for the plant in Hazle Township, **Luzerne County**. The facility currently has a Title V permit No. 40-00021. The plan approval includes terms and conditions to assure the proper operation of the source(s) to satisfy the State and Federal requirements. It includes at minimum the conditions

related to source description, emissions limits for pollutants, monitoring, recordkeeping and reporting, temporary operations to facilitate shakedown and temporary operation period. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval 40-328-004 is for installation and operation of four natural gas/# 2 fuel oil fired simple cycle turbine generator sets. The NOX emissions from the turbines will be controlled by water injection and shall not exceed 228.7 tons per year on a 12 moth-rolling sum. This installation will also result in increasing Carbon Monoxide by 88.3 tpy, SO₂ by 310 tpy, and total particulate by 6.05 tpy on a 12 moth-rolling sum. Although the sources covered by this plan approval may be located at a major facility, the installations do not trigger major new source review or prevention of significant deterioration requirements as the company has enough credits to net out the emission increases from the new sources for the criteria pollutants.

Copies of the applications, subsequent prepared draft permit, review summary and other support materials are available for public review during normal business hours at the Department of Environmental Protection, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons wishing to file protests or comments against the issuance of this plan approval permit may submit their protests or comments within 30 days from the date of publication of this notice to the office of Department of Environmental Protection at Air Quality Program 2 Public Square, PA 18711. Each written comment must accompany the followings:

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

Identification of the proposed permit (Permit No. 40-328-004).

A concise statement regarding the relevancy of the protests, comments or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* at least 30 days prior the date of hearing. Written comments or requests for a public hearing should be directed to James D. Parette, Chief New Source Review Program, Air Quality Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2531.

Notice is hereby given in accordance with 25 Pa. Code § 127.521 that the Department of Environmental Protection (DEP) intends to amend the Title V Operating Permit of **UGI Development Co.** for the plant in Hunlock Creek, **Luzerne County**. The facility currently has a Title V Operating Permit No. 40-00005.

Plan approval No. 40-328-003 will be incorporated into the Title V operating permit through an amendment.

Plan Approval No. 40-328-003 is for installation and operation of a Simple Cycle Gas Turbine. The plan approval limits NO_x emissions from the turbine not to exceed 25 ppm (corrected to 15% O₂). Also, the annual NO_x emissions from the turbine shall not exceed 37.9 tons

per year on a 12-month rolling sum. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company will be required to operate and maintain a Continuous Air Contaminants Emission Monitoring System (CEM), which is to be certified by the Department. The new turbine will be limited to 1,850 annual operating hours.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 40-00005.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to James D. Parette, Acting Chief Engineering Services, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone (570) 826-2531 within 30 days after publication date.

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a plan approval to **Dominion Transmission Corp.** (Kauchnar Road, Hamilton, PA 15744), for their plant in Perry Township, **Jefferson County**. The facility currently has a Title V Operating Permit (33-00140). This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Plan Approval No. 33-140A is for construction of a 4732 HP natural gas-fired compressor with LEC NO_x control technology and an oxidation catalyst for CO and VOC control. This construction will result in potential annual emission increases of 1.40 tons/year PM10, 11.40 tons/year CO, 36.60 tons/year NO_x, and 11.40 tons/year VOC.

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); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015);

the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52, and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity, and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

17850109, Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 52 acres. Receiving stream-unnamed tributaries of Morgan Run to Morgan Run to Clearfield Creek. Application received January 16, 2001.

17820151, Junior Coal Contracting, Inc. (R. D. 3, Box 225A, Philipsburg, PA 16866), renewal of an existing bituminous surface mine permit in Bradford Township,

Clearfield County affecting 274.2 acres. Receiving stream-Millstone and Valley Fork Run; to West Branch Susquehanna River. Application received January 16, 2001.

17860101, Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Ferguson Township, **Clearfield County** affecting 217 acres. Receiving stream-unnamed tributary to Wilson Run, unnamed tributary to Barrett Run, Barrett Run. Application received January 22, 2001.

17900104, Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous surface mine permit in Brady Township, **Clearfield County** affecting 537.6 acres. Receiving stream-Beech Run to Laurel Branch Run, Laurel Branch Run and Buck Run to Laurel Branch Run; Laurel Branch Run to East Branch Mahoning Creek; East Branch Mahoning Creek to Mahoning Creek; Mahoning Creek to the Allegheny River; Allegheny River to the Ohio River. Application received January 24, 2001.

1790105, Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), transfer of an existing surface mine permit from W. Ruskin Dressler, located in Bell Township, **Clearfield County** affecting 75 acres. Receiving stream-unnamed tributary to Luthersburg Branch, Luthersburg Branch, unnamed tributary to LaBorde Branch to Laborde Branch. Application received February 13, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

03010101, Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation, and reclamation of a bituminous surface mine located in Plumcreek, Kittanning & Burrell Townships, **Armstrong County** proposed to affect 91 acres. Receiving stream: North Branch of Cherry Run. Application received: February 8, 2001.

03010102, State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Application received for commencement, operation, and reclamation of a bituminous surface mine located in Boggs Township, **Armstrong County** proposed to affect 115.8 acres. Receiving stream: unnamed tributaries to Scrub Grass Creek to Mahoning Creek to Allegheny River. Application received: February 14, 2001.

65960104R, Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application received for continued reclamation of a bituminous surface mine located in Rostraver Township, **Westmoreland County** affecting 41 acres. Receiving stream: unnamed tributaries to the Monongahela River. Renewal application received: February 21, 2001.

65960107R, Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application received for continued reclamation of a bituminous surface mine and coal preparation/processing facility located in Mt. Pleasant Township, **Westmoreland County** affecting 460 acres. Receiving stream: unnamed tributaries to Laurel Run to Jacob's Creek and Jacob's Creek. Renewal application received: February 21, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

10990103, Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation to add 4.6 acres in Slippery Rock Borough, **Butler County**. Total SMP acres

will be 9.5. Receiving streams: Unnamed tributaries to Wolf Creek. Application received February 20, 2001.

1465-24010101-E-1, Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to conduct mining and support activities within the 100 foot barrier of unnamed tributaries A and G to Mead Run. This variance includes plans to mine through and reconstruct approximately 450 feet of unnamed tributaries G and H to Mead Run in Horton Township, **Elk County**. Receiving streams: Unnamed tributaries of Mead Run. Application received January 17, 2001.

24970104, TDK Coal Sales, Incorporated. (P. O. Box 259, Brockway, PA 15824) Revision to an existing bituminous surface strip and auger operation to add 31.0 acres in Jay Township, **Elk County**. Total SMP acres will be 325.5. Receiving streams: Wolf Lick Run to Spring Creek. Application received: February 8, 2001.

1550-24970104-E-2, TDK Coal Sales, Incorporated. (P. O. Box 259, Brockway, PA 15824) Application for a stream encroachment to cross over Spring Run and Unnamed tributary "A" to Spring Run in Jay Township, **Elk County**. Receiving streams: Wolf Lick Run to Spring Creek. Application received: February 8, 2001.

Noncoal Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

58000855, Pompey Stone, (R. R. 2 Box 2626, Nicholson, PA 18446), commencement, operation and restoration of a small quarry operation in Springville Township, **Susquehanna County** affecting 2.0 acres, receiving stream-none. Permit issued February 22, 2001.

13000301, Alliance Sand Company, (51 Tannery Road, Somerville, NJ 08876), commencement, operation and restoration of a quarry operation in Lower Towamensing Township, **Carbon County** affecting 50.0 acres, receiving stream-none. Permit issued February 16, 2001.

64940302C3, Bedrock Quarries, Inc., (P. O. Box 189, Damascus, PA 18415), renewal of NPDES Permit PA0223387 in Damascus Township, **Wayne County**, receiving stream-unnamed tributary of North Branch Calkins Creek. Renewal issued February 22, 2001.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

57000301, Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), commencement, operation and restoration of a large industrial mineral (sandstone, shale, topsoil) permit in Cherry Township, **Sullivan County** affecting 156.2 acres. Receiving stream-unnamed tributary to Birch Creek. Application received January 28, 2000. Permit issued February 6, 2001.

08002803, Richard J. Robinson (1097 Chapman Lake Drive, Jermyn, PA 18433), commencement, operation and restoration of a small industrial minerals (flagstone, shotrock, shale) permit in Stevens Township, **Bradford County** affecting 5 acres. Receiving stream-Cold Creek, tributary to Wyalusing Creek. Application received November 16, 2000. Permit issued February 20, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

65950401, Derry International, LTD (P. O. Box 529, New Alexandria, PA 15670). NPDES Renewal issued for continued operation and reclamation of a large noncoal surface mining operation located in Loyalhanna and

Derry Townships, **Westmoreland County**, affecting 52 acres. Receiving streams: unnamed tributary to Loyalhanna Creek. Application received: December 11, 2000. NPDES Renewal issued: February 23, 2001.

**FEDERAL WATER POLLUTION CONTROL ACT,
SECTION 401**

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted above the application.

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS & ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-815. John R. Umberger, 252 Richlandtown Pike, Quakertown, PA 18951, Springfield Township, **Bucks County**, ACOE Philadelphia, PA. To place fill in 0.05 acre of wetland (PSS) adjacent to an unnamed tributary to Cooks Creek (EV) associated with the construction of a driveway for a private residence. The project is located approximately 2,400 feet southeast of the intersection of the Bethlehem Road (SR 0210) and Slifer Valley Road.

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

E07-343. Donna Fisher, Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA 16648 in ACOE Baltimore District, in Logan Township, **Blair County**. To construct 675 feet of a limestone rock lined channel in an unnamed tributary to Glenwhite Run at a point approximately 2,000 feet upstream of its mouth on Glenwhite Run for the purpose of treating abandoned mine discharge (Ashville, PA Quadrangle N: 0.9 inch; W: 1.0 inches).

E22-423. Pennsylvania Department of General Services, 18th and Herr Streets, Harrisburg, PA 17125, ACOE Baltimore District, in the City of Harrisburg, **Dauphin County**. To construct and maintain a 250,000 square foot exhibit hall in the floodplain of Paxton Creek (WWF) as part of expanding the existing facilities of the Pennsylvania Farm Show complex located at the north west corner of the intersection of Cameron and Maclay Streets (Harrisburg, PA Quadrangle N: 6.75 inches; W: 1.15 inches).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E08-368. James A. Kendter, Pennsylvania Department of Transportation, District 3, P. O. Box 218, 715 Jordan Avenue, Montoursville, PA 17754-0218. SR 14, Section 064 Bridge, in Columbia Township, **Bradford County**, ACOE Baltimore District (Troy, PA Quadrangle N: 19.1 inches; W: 8.1 inches). To remove the existing two span RC T-beam having two 20.8 feet normal spans, a curb-to-curb width of 38 feet, on a 61 degree skew and two normal waterway openings of 20.8 feet and to construct and maintain a single span prestressed concrete box beam bridge 48 feet by 27 feet having a normal span of 45 feet a normal waterway opening of 45 feet by 9.4 feet on a skew of 60 degrees and to construct and maintain a temporary road crossing consisting of four 5 foot diameter CMP approximately 70 feet upstream of the existing structure. The proposed bridge is located in the north branch of Sugar Creek on SR 1004 approximately 1.5 miles north of Columbia Crossroads. The project will not impact wetlands while impacting approximately 110 feet of waterway. The north branch of Sugar Creek is a trout stocked fishery stream.

E18-311. Joseph E. Haagen, R. R. 1, Box 172, Beech Creek, PA, 16822. Private Bridge, in Beech Creek Township, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 18.1 inches; W: 5.7 inches). The applicant proposes to maintain a single span bridge with a 32-foot clear span, 14-foot curb-to-curb width, and an underclearance of 5 feet. This project is located 0.7 mile on Masden Run Road from the intersection with SR 150 in Beech Creek Township, Clinton County. This project impacted 75 linear feet of Masden Run, which is, designated as a Cold Water Fishery and does not propose to impact any wetlands.

E49-243. Terry Schaffner, Lower Mahanoy Township Municipal Authority, P. O. Box 235, Dalmatia, PA 17017-0235. Sewerage facilities, in Lower Mahanoy Township, **Northumberland County**. ACOE Baltimore District (Dalmatia, PA Quadrangle N: 5.42/3.7 inches; W: 0.1, 3.7/5.42 inches). Crossing 1: to construct an 8-inch diameter PVC sanitary sewer pipe crossing at an unnamed tributary to Dalmatia Creek located north off of Hickory Road near Hickory Corners. Crossing 2: to construct and maintain an 8-inch diameter PVC sanitary sewer pipe crossing Dalmatia Creek located north off of Hickory Road near the town of Dalmatia. Crossing 3: to construct and maintain a 2-inch diameter PVC sanitary sewer force

main crossing Dalmatia Creek located east off of George Street (SR 147) in the northern part of the town of Dalmatia. Outfall structure 4: to construct and maintain a 10-inch diameter DIP effluent outfall discharge pipe at the eastern bank of the Susquehanna River, 1 mile south of the town of Dalmatia. Crossing 5: to construct and maintain an 8-inch diameter PVC sanitary sewer pipe crossing an unnamed tributary to the Susquehanna River, 1.1 mile south of the town of Dalmatia. To construct and maintain a sewage grinder pump station in the floodplain of Dalmatia Creek off SR 147 in the northern part of the Town of Dalmatia. The project will not impact wetlands while impacting approximately 150 feet of waterway. Dalmatia Creek and the Susquehanna River are warm water fisheries streams.

E59-415. Wellsboro School District, 2 Charles Street, Wellsboro, PA 16901. Charlotte Lappla Elementary School, in Wellsboro Borough, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle N: 21.3 inches; W: 6.8 inches). To encroach on 0.49 acre of palustrine wetlands in order to expand the Charlotte Lappla Elementary School in Wellsboro. This action is being proposed so that the facility can accommodate more students. The work will include renovation and enlargement of the existing building, relocation of the playground, new bus loop construction, walkway upgrade, and drainage improvements.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E30-198. Pennsylvania Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Dunkard Township, **Greene County**, ACOE Pittsburgh District. To construct and maintain slide repairs using R-7 rock along the left bank of the Monongahela River (WWF) having a combined length of 1350 linear feet located along S.R. 0088, Section 07R. (Masontown, PA Quadrangle N: 1.9 inches; W: 8.3 inches)

E56-305. Pennsylvania Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. Lower Turkeyfoot and Addison Townships, **Somerset County**, ACOE Pittsburgh District. To remove the existing structure and to construct and maintain a bridge having two clear spans of 37.3 m each and an underclearance of 6.38 m across Casselman River (WWF) on S.R. 0523, Section 002, Segment 0110, Offset 0000. Also to construct and maintain two temporary causeways and a cofferdam during construction (Confluence, PA Quadrangle N: 8.07 inches; W: 10.35 inches).

E63-504. Pennsylvania Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Canton and North Franklin Townships, **Washington County**, ACOE Pittsburgh District. To remove the existing structure and to construct and maintain a single span bridge having a span of 75.5 feet and an underclearance of 7.2 feet across Chartiers Creek (WWF), to relocate and maintain 177 feet of Chartiers Creek and to place and maintain fill in a de minimis area of wetland equal to 0.03 acre. This project is for roadway improvements to the SR 0040 and SR 3013 (Franklin Farms Road) interchange (Washington West, PA Quadrangle N: 7.1 inches; W: 3.4 inches).

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

E10-328, Charles J. Betters, Adams Ridge II, LP, 1150 Brodhead Road, Monaca, PA 15061-2500. Adams

Ridge II, Phase VI, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 12.0 inches; W: 6.0 inches). To fill 0.44 acre of wetland (PSS/PFO) associated with the construction of a residential development located approximately one mile west of the borough of Mars, adjacent to and south of Route 228.

E42-275, Bradford Properties, L.P., 609 Alexander Street, Pittsburgh, PA 15220-5503. Wal-Mart, in Foster Township, **McKean County**, ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 18.8 inches; W: 15.5 inches). To fill 0.29 acre of wetlands (PEM and PEM/PSS) and to create 0.30 acre of replacement wetlands associated with the construction of a Wal-Mart retail center located east of S.R. 346 approximately 1.14 miles north of the City of Bradford, PA.

E43-292, Pennsylvania Department of Conservation and Natural Resources, M.K. Goddard State Park, Park Region No. 2, P. O. Box 387, Prospect, PA 16052-0387. M.K. Goddard State Park Trail Rehabilitation, in New Vernon, Mill Creek, and Sandy Lake Townships, **Mercer County**, ACOE Pittsburgh District (Hadley, PA Quadrangle N: 6.0 inches; W: 0.0 inches). To fill 0.18 acre of wetlands and 0.17 acre of Lake Wilhelm and to create 0.35 acre of replacement wetlands associated with the rehabilitation of the existing hiking trail located at M.K. Goddard State Park.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D48-148EA. Tom Doyle, DeLuca Homes, Inc., 842 Durham Road, Suite 200, Newtown, PA 19840. Hanover Township, **Northampton County**, ACOE Philadelphia District. Project proposes to modify the existing Pointe Associates, Pond No. 2 Dam by extending the outlet pipes an additional 100 feet in order to align the roadways for the proposed Hanover Crossing development with previous developments. The dam is located across a tributary to Monocacy Creek (HQ-CWF) approximately 200 feet northeast of the intersection of Southland Drive and Bates Avenue (Catasauqua, PA Quadrangle N: 8.2 inches; W: 2.1 inches).

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone: 814-332-6942.

Certification Request initiated by **Reliant Energy Mid-Atlantic Power Holdings, LLC (REMA)**, 1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050. Piney Hydroelectric Project (FERC Project No. 309-PA), in Piney Township, Paint Township, Beaver Township, **Clarion County**, ACOE Pittsburgh District, (Clarion Quadrangle N: 12.125, inches; W: 8.125 inches).

REMA has requested a Section 401 State Water Quality Certification for the operation of the Piney Hydroelectric Project near the Borough of Clarion in Clarion County. The project currently operates as a peaking/load-regulating dam with restrictions on the summer and winter impoundment drawdown levels and minimum conservation releases. Under the current mode of operation, water is released from the project during periods of power generation and when the storage capacity of the reservoir is exceeded. Minimum conservation releases of 100 cfs from May 1—October 31 and two 4-hour blocks of 500 cfs from November 1—April 30 are also provided. REMA proposes modifying the current mode of project operation by providing releases from the project, which more closely resemble natural river flow during the

month of May. Project operation would remain unchanged during the rest of the year. REMA contends that this operational change will mitigate some of the impact of current project operations on aquatic life uses in the lower Clarion River.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PROGRAM (NPDES)

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit No. PA0053678, IW, SIC: 5541, Earl Lambert, 47 West Lancaster Avenue, Downingtown, PA, Downingtown Borough, **Chester County**.

The following notice reflects changes to the notice published in the January 6, 2001, *Pennsylvania Bulletin*.

Based on the results of the influent sampling for Tetrachloroethylene and Trichloroethylene submitted by Handex, we have deleted these parameters from the permit.

WQM Permit No. 1500429. Sewerage. **West Brandywine Township Municipal Authority**, 199 Lafayette Road, Coatesville, PA 19320-1229. Applicant is granted approval for the construction and operation of a sewage pump station and force main to serve Hammell North Development located in West Brandywine Township, **Chester County**.

WQM Permit No. 0900414. Sewerage. **Prime Properties, Inc.** 1045 Buggy Whip Drive, Warrington, PA 18976. Applicant is granted approval for the construction and operation of a small flow sewage treatment plant to serve Lot No. 8-Mountain View Drive located in Haycock Township, **Bucks County**.

NPDES Permit No. PA0053678. Industrial Waste. **Mobil Service Station No. 15 FBL**, 47 West Lancaster Avenue, Downingtown, PA 19355. Is authorized to discharge from a facility located in Downingtown Borough, **Chester County**. Into the East Branch of the Brandywine Creek and Brandywine Creek Watershed.

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

WQM Permit No 2285419 Amendment No. 00-1, Sewerage. **Frank Perano**, Cedar Manor Mobile Home Park, Box 278, King of Prussia, PA 19406. This permit amendment approves the installation of a Rapid Sand Filter in Londonderry Township, **Dauphin County**.

WQM Permit No 3471403 Amendment No. 00-1, Sewerage. **McAlisterville Area Joint Authority**, P. O. Box 61, McAlisterville, PA 17049. This permit approves modifications to Sewage Treatment Facilities in McAlisterville Borough, **Juniata County**.

WQM Permit No 3600408, Sewerage. **West Earl Sewer Authority**, 157 West Metzler Road, Brownstown, PA 17508. This permit approves the construction of Sewers and Appurtenances and Pump Stations in West Earl Township, **Lancaster County**.

WQM Permit No 6700416, Sewerage. **Shrewsbury Borough Municipal Authority**, 35 West Railroad Avenue, Shrewsbury, PA 17361. This permit approves the construction/operation of Pump Stations in Shrewsbury Borough, **York County**.

No. PA0026875, Sewage. **Borough of Hanover**, (Borough of Hanover Regional WWTP), 44 Frederick Street, Hanover, PA 17331 is authorized to discharge from a facility located in Conewago Township, **Adams County** to South Branch Conewago Creek in Watershed 7-F.

No. PA0026654, Sewage. **Borough of New Cumberland**, 1120 Market Street, New Cumberland, PA 17070 is authorized to discharge from a facility located in New Cumberland Borough, **Cumberland County** to the Susquehanna River in Watershed 7-E (Yellow Breeches Creek).

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

NPDES Permit No. PA0218685. Sewerage. **GM&S Coal Corporation**, P. O. Box 233, Jennerstown, PA 15547 is authorized to discharge from a facility located at Geronimo Mine STP, Jenner Township, **Somerset County** to receiving waters named Unnamed Tributary Quemahoning Creek.

Permit No. 0271417-A4. Sewerage. **Municipality of Penn Hills**, 12245 Frankstown Road, Penn Hills, PA 15235. Construction of sewer replacement located in Municipality of Penn Hills, **Allegheny County** to serve Thompson Run Gascola area.

Permit No. 462S022-A1. Sewerage. **Duquesne City Sanitary Authority**, 12 South Second Street, Duquesne, PA 15110. STP modifications located in Duquesne City, **Allegheny County** to serve Duquesne STP.

Permit No. 5600406. Sewerage. **Somerset Township Municipal Authority**, P. O. Box 247, 2209 North Center Avenue, Somerset, PA 15501. Construction of Grinder Pump-Force Main conveyance system located in Somerset Township, **Somerset County** to serve Blackburn Road.

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

WQM Permit No. 4301403, Sewerage, **James R. Sarson**, 431 Fredonia Road, Greenville, PA 16125. This proposed facility is located in Perry Township, **Mercer County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

WQM Permit No. 6200414, Sewerage, **Joseph Sitarik**, 21 Paddock Drive, New Hope, PA 18938. This proposed facility is located in Watson Township, **Warren County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

WQM Permit No. 4201401, Sewerage, **George H. Marks**, 7950 Lanier Drive, Cumming, GA 30041. This proposed facility is located in Keating Township, **McKean County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

NPDES Permit No. PA0209929, Sewerage, **Dennis Stefanak**, R.R. #2, 69 Roman Road, Pulaski, PA 16143 is authorized to discharge from a facility located in Shenango Township, **Mercer County** to Unnamed Tributary to Shenango River.

NPDES Permit No. PA0238422, Sewerage, **Joseph Sitarik**, 21 Paddock Drive, New Hope, PA 18938 is authorized to discharge from a facility located in Watson Township, **Warren County** to Allegheny River.

NPDES Permit No. PA0210013, Sewerage, **Paul R. Goda**, 72 Birchwood Drive, Transfer, PA 16154 is authorized to discharge from a facility located in Pymatuning Township, **Mercer County** to Unnamed Tributary to Shenango River.

NPDES STORMWATER INDIVIDUAL PERMITS (PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G257	William Hammell RD #1, Box 301 Honey Brook, PA 19344	Chester	West Brandywine Township	UNT To Beaver Creek (HQ-TSF-MF)

Northeast Region: Water 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>
PAS10Q209	Haresh Joshi & Jay Kaiola 4365 Farmington Circle Allentown, PA 18104	Leigh	Upper Macungie Township	Little Cedar Creek HQ-CWF
PAS10U139	Stone Field, LLC 824 8th Avenue Bethlehem, PA 19380	Northampton	Tatamy Borough	Bushkill Creek HQ-CWF

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage Under (1) General NPDES Permit(s) to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-10	General Permit for Discharge Resulting From Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Phoenixville Borough Chester County	PAR10-G386	Heritage Building Group 3326 Old York Rd Furlong, PA 18925	Schuylkill River (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Chester Township Delaware County	PAR10-J205	Stephen D'Angelo 68 East Brighthurst Street Philadelphia, PA 19144	Chester Creek (WWF-MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Limerick Township Montgomery County	PAR10-T726	Iacobucci Homes 2 EF Raymond Drive Havertown, PA 19083	Landis Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lower Salford Township Montgomery County	PAR10-T617	TH Properties 345 Main Street Harleysville, PA 19438	UNT to West Branch Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Lackawanna County Olyphant Borough	PAR10-N112	Martin Fangio 416 Main Street Dickson City, PA 18519	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Monroe County Polk Township	PAR10-S030	Hillside Terrace Estates William H. Baumgartner RD 3, Box 454 Kunkletown, PA 18058	UNT Pohopoco Creek CWF	Monroe County Conservation District (570) 629-3060
Lower Swatara Township Dauphin County	PAR10-I252	Fulling Flex LLC 1020 N. Hartley St. P. O. Box 2587 York, PA 17405	UNT to Swatara Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Rapho Township Lancaster County	PAR10-O3661	Witmer Properties 84 E. Main Street Mount Joy, PA 17552	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17061 (717) 299-5361
East Lampeter Township Lancaster County	PAR10-O2381	John H. Martin 101 Geranium Court New Holland, PA 17557	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17061 (717) 299-5361
Rapho Township Lancaster County	PAR10-O464	Doug Zook P. O. Box 358 Mount Joy, PA 17552	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17061 (717) 299-5361
Sadsbury Township Lancaster County	PAR10-O480	Your Towne Builders Inc. 2137 Embassy Drive Lancaster, PA 17603	UNT Pine Creek of the E Branch of Octoraro Creek TSF MF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17061 (717) 299-5361
Spring Grove Borough Lancaster County	PAR10-Y501	Spring Grove Elementary Dr. David Strickler 100 East College Ave. Spring Grove, PA 17362	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
State College Borough Centre County	PAR10-F133	Easterly Pkwy. Elementary School State College Area School Dist 131 W. Nittany Ave. State College, PA 16801-4899	Slab Cabin Run WWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Huston Township Centre County	PAR10-F128	Red Zone Enterprises Inc. Land Development Plan Larry N. Nagle 245 Spring Run Rd. Bellefonte, PA 16823	UNT Bald Eagle Creek TSF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Muncy Creek Township Lycoming County	PAR10-3939	Chippewa Acres II Alfred Hanscom 3615 Lincoln Hwy. Thorndale, PA 19372	Unt. Muncy Creek CWF	Lycoming County Conservation District 542 County Farm Rd., Suite 202 Montoursville, PA 17754 (570) 433-3003

Southwest Region: Regional Water Management Program Manger, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Westmoreland County East Huntingdon Township	PAR10-X238	Reinhart Food Service P. O. Box 1710 Eau Claire, PA 54702	Buffalo Run WWF	Westmoreland County Conservation District (724) 837-5271

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Westmoreland County North Huntingdon Township	PAR10-X239	Norwin Area School District 281 McMahon Drive North Huntingdon, PA 15642	UNT to Tinkers Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Unity Township	PAR10-X240	Ron Raimondo P. O. Box 181 Latrobe, PA 15650	UNT to Nine Mile Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAR10-X241	Hempfield Area Senior High R. R. #6, Box 76 Greensburg, PA 15601	UNT to Little Sewickley Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Ligonier Township	PAR10-X242	PA Department of Environmental Protection Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105	UNT to Hannas Run CWF	Westmoreland County Conservation District (724) 837-5271

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lackawanna County Scranton City	PAR602236	Anthracite Auto Exchange, Inc. 900 Fifth Avenue Scranton, PA 18504	Lackawanna River WWF	DEP-NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Huntingdon County Cromwell Township	PAR603581	Stephen G. Creswell Steve's Used Auto Parts P. O. Box 337 Orbisonia, PA 17243	Shade Creek WWF	DEP-Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clinton Township Venango County	PAR608313	Ronald R. Moore Moore & McFadden R. R. #1, Box 279 Kennerdell, PA 16374	Over Land Flow to Unnamed Tributaries of Scrubgrass Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clinton Township Butler County	PAR218319	ESM Manufacturing LP 1161 Pittsburgh Road P. O. Box 128 Valencia, PA 16059	Rocky Run-Bull Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Warren Warren County	PAR208348	Pitt-Des Moines, Inc. 1420 Lexington Avenue Warren, PA 16365-2850	Allegheny River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dauphin County East Hanover Township	PAG043671	Eugene & Dolores Staskiel 1406 Fox Hollow Way North Myrtle Beach, SC 29582	UNT Manada Creek CWF	DEP - Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4800

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Keating Township McKean County	PAG048714	George H. Marks 7950 Lanier Drive Cumming, GA 30041	North Branch Cole Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Robinson Township Allegheny County	PAG056158	Sunoco Inc 5733 Butler Street Pittsburgh, PA 15201	Moon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Taylor Township Blair County	PAG093535	Orchard Lane Excavating Inc. R. D. 1, P. O. Box 62 Roaring Springs, PA 16673	N/A	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit No.1500511, Public Water Supply.

Applicant	Community Management, Inc. 211 North Dual Highway, F-38 Laurel, DE 19956
Township	West Caln
County	Chester
Type of Facility	Public Water Supply System
Consulting Engineer	Todd Duerr 453 Boot Road Downingtown, PA 19335
Permit to Construct Issued	January 22, 2001

Operations Permit issued to: **PA American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033 Lower Makefield Township, **Bucks County** issued on February 16, 2001.

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

Permit No. 1700504, Public Water Supply.

Applicant	Pike Township Municipal Authority P. O. Box 27 Curwensville, PA 16833
Township	Pike Township
County	Clearfield
Type of Facility	Public Water Supply
Consulting Engineer	Uni-Tec Consulting Engineers, Inc. 2007 Cato Ave. State College, PA 16801
Permit to Construct Issued	February 23, 2001

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

Permit No. 2400501, Public Water Supply.

Applicant	Ridgway Township Municipal Authority
Borough or Township	Ridgway Township
County	Elk County
Type of Facility	Public Water Supply
Consulting Engineer	David Hegemann, Hegemann & Wray 429 Park Avenue Cresson, PA 16630-1137
Permit to Construct Issued	February 21, 2001

WATER ALLOCATIONS

Actions taken on 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.

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

WA 49-719, Water Allocations. **East Cameron Township Municipal Authority**, R. R. # 1, Box 1248, Shamokin, PA, 17872, East Cameron Township, **Northumberland County**. Recession of permit WA 49-719 for previously used spring source. This source is no longer in use.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan approvals granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Plan Location: North side of Hanover Street at and between the intersections of Hanover Street with Jackson Street and Walnut Street in Jackson Township, York County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Jackson Township	439 Roth's Church Road Spring Grove, PA 17362	York County

Plan Description: The approved plan provides for [a public sanitary sewer extension to seven lots with existing development of a total of 1.29 acres. Total estimated sewage flows are 4,200 GPD, which will be tributary to the Spring Grove Borough WWTP. 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.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan disapprovals granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Chillisquaque Township	305 James Street, Milton, PA 17847	Northumberland County

Plan Description: This plan purposed to provide new sewers and a sewage treatment plant for the village of Pottsgrove. The new sewer system was projected to serve 114 existing EDU's. The plan was disapproved because conflicts with the PA Historical & Museum Commission's requirements were not resolved, the implementation schedule was not completed and there was no analysis of the impacts of the proposed project on the stormwater management plan for the area.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where 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 non-residential exposure factors, a description of the remediation performed, and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Triboro Electric Company, Doylestown Borough, **Bucks County**. Terrence J. McKenna, Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite 700, Exton, PA 19341, on behalf of Doylestown Store & Lock, 350 S. Main St., Suite 213, Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Krause Residence, Royersford Borough, **Montgomery County**. Matthew E. Grubb, Hydrocon Services, Inc., 2945 S. Pike Ave., Allentown, PA 18103, on behalf of Ronald and Andrea Krause, 339 N. 3rd Ave., Royersford, PA 19468, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. 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 non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The 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, please contact the Environmental Cleanup Program

Manager in the Department of Environmental Protection 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

1100 East Mermaid Lane Property, Springfield Township, **Montgomery County**. Darryl Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, on behalf of General Atronics Realty Corp., 1200 E. Mermaid Lane, Wyndmoor, PA 19038, has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan concerning remediation of site soil contaminated with asbestos and groundwater contaminated with solvents. The combined report was approved by the Department on February 13, 2001.

1200 East Mermaid Lane Property, Springfield Township, **Montgomery County**. Darryl Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, on behalf of General Atronics Realty Corp., 1200 E. Mermaid Lane, Wyndmoor, PA 19038, has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan concerning remediation of site soil contaminated with lead, heavy metals, solvents and BTEX and groundwater contaminated with solvents and BTEX. The combined report was approved by the Department on February 13, 2001.

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

PPL—Gilbert Substation, Chestnuthill Township, **Monroe County**. PPL Generation, LLC, Environmental Management Division, 2 North Ninth Street, Allentown, PA, 18101 submitted a Final Report concerning the remediation of site soils and groundwater found or suspected to have been contaminated with polychlorinated biphenyls (PCBs). The report documented attainment of the Statewide health standard and was approved on February 16, 2001.

Northcentral Regional Office, Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Graybec (Graymont) Lime, Inc., Spring Township, **Centre County**. Blazosky Associates, Inc., on behalf of its client Graybec (Graymont) Lime, Inc., P. O. Box 448, Bellefonte, PA 16823, has submitted a Final Report concerning the remediation of site soil contaminated with naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 6, 2001.

HAZARDOUS WASTE TRANSPORTER LICENSE

Hazardous Waste Transporter License issued, renewed or amended under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

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

**HAZARDOUS WASTE TRANSPORTER LICENSE
RENEWED**

Ashland Distribution Company, a Division of Ashland Inc., P. O. Box 2219, Columbus, OH 43216. License No. **PA-AH 0121**. Effective February 14, 2001.

Buffalo Fuel Corp., 4870 Packard Road, Niagara Falls, NY 14304. License No. **PA-AH 0147**. Effective February 20, 2001.

Triumvirate Environmental, Inc., 61 Inner Belt Road, Somerville, MA 02143. License No. **PA-AH 0477**. Effective February 22, 2001.

Ferrick Construction Co., Inc., 811 Ivy Hill Road, Philadelphia, PA 19150. License No. **PA-AH 0473**. Effective February 27, 2001.

HAZARDOUS WASTE TRANSPORTER LICENSE

Hazardous Waste Transporter License voluntarily terminated or expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

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

**HAZARDOUS WASTE TRANSPORTER LICENSE
VOLUNTARILY TERMINATED**

Hazardous Technologies, Inc., P. O. Box 1748, Chino, CA 91708. License No. **PA-AH 0628**. Effective February 8, 2001.

AIR QUALITY

General Plan Approval and Operating Permit usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

58-310-002: Powers Stone, Inc. (R. R. 5, Box 124, Montrose, PA 18801) for construction and operation of a portable stone crushing plant and associated air cleaning device in Forest Lake Township, **Susquehanna County**.

58-310-003: Powers Stone, Inc. (R. R. 5, Box 124, Montrose, PA 18801) for construction and operation of a portable stone crushing plant and associated air cleaning device in Bridgewater Township, **Susquehanna County**.

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

31-05016: Juniata College (1700 Moore Street, Huntingdon, PA 16652) for construction/operation of a Natural Gas/No. 2 Oil-Fired Boiler in the Borough of Huntingdon, **Huntingdon County**.

Administrative Operating Permit Amendments Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).

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

06-05075: Reading Terminals Corp. (4030 Pottsville Pike, Reading, PA 19605) on February 16, 2001, for an administrative amendment to incorporate the ownership

change in the Title V operating permit at the Tuckerton Terminal in Muhlenberg Township, **Berks County**. This amendment is Revision #2 of the facility's Title V operating permit.

Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).

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

38-05008: Rich Maid Cabinetry (633 West Lincoln Avenue, Myerstown, PA 17067) on February 21, 2001, for a Synthetic Minor Operating Permit at the Myerstown Plant in Jackson Township, **Lebanon County**.

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

10-330: Butler Veterinary Associates, Inc. (1761 North Main Street, Butler, PA 16001) issued a Natural Minor Operating Permit on February 1, 2001, for a veterinary clinic in Center Township, **Butler County**.

Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104.

96-022: University of Pennsylvania Health System—Presbyterian Medical Center (51 North 39th Street, Philadelphia, PA 19104) intended to revise the Title V Operating Permit issued September 23, 1999, to remove a condition related to opacity emissions from ash handling for an incinerator that was included in the original permit but is not applicable to the facility. The condition is not part of 40 CFR Subpart Ce, the applicable regulation for the incinerator.

95-085: Episcopal Hospital (100 East Lehigh Avenue, Philadelphia, PA 19125) intended to revise the Title V Operating Permit issued September 23, 1999, to remove a condition related to opacity emissions from ash handling for an incinerator that was included in the original permit but is not applicable to the facility. The condition is not part of 40 CFR Subpart Ce, the applicable regulation for the incinerator.

Plan Approvals Extensions Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

23-0001J: Sunoco, Inc. (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 23, 2001, for operation of 21 Storage Tanks in Marcus Hook Borough, **Delaware County**.

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

28-329-001A: Borough of Chambersburg (160 North Second Street, Chambersburg, PA 17201) on December 28, 2000, to authorize temporary operation of one dual fuel internal combustion engine generator, covered under this Plan Approval until April 26, 2001, in Chambersburg Borough, **Franklin County**.

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

25-069C: Engelhard Corp. (1729 East Avenue, Erie, PA 16503) on February 28, 2001, for a sphere plant loader in Erie, **Erie County**.

42-399-013C: Temple Inland Forest Products Corp.—Mt. Jewett Particleboard (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2001, for post modification of the particleboard operation (System 15/15A) in Sergeant Township, **McKean County**.

42-158A: Temple Inland Forest Products Corp.—Mt. Jewett Particleboard (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2001, for post modification of the particleboard operation (System 17) in Sergeant Township, **McKean County**.

42-176C: Temple Inland Forest Products Corp.—Mt. Jewett MDF (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2001, for a sander dust system in Sergeant Township, **McKean County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

23-0001H: Sunoco, Inc. (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on February 21, 2001, for operation of storage tanks in Marcus Hook Borough, **Delaware County**.

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

35-322-005A: Keystone Sanitary Landfill, Inc. (P. O. Box 249, Dunmore, PA 18512) on February 21, 2001, for construction of Phase II and associated air cleaning device in Throop Borough, **Lackawanna County**.

66-399-001: The Procter and Gamble Paper Products Co. (P. O. Box 32, Route 87 South, Mehoopany, PA 18629) on February 21, 2001, for construction of a paper additive delivery system and associated air cleaning device in Washington Township, **Wyoming County**.

54-399-030: Silberline Manufacturing Co., Inc. (P. O. Box B, Tamaqua, PA 18252-0420) on February 21, 2001, for construction of a silver aluminum pigment manufacturing process and associated air cleaning device in Rush Township, **Schuylkill County**.

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

06-05035C: ICI Paints North America (301 Bern Street, Reading, PA 19601) on February 22, 2001, for modification of the emulsion paint manufacturing department at the Glidden Co. Plant in Reading, **Berks County**.

67-03099: Bituminous Paving Materials of York, Inc. (1300 Zinn's Quarry Road, York, PA 17404) on February 21, 2001, for construction of a batch asphalt plant in West Manchester Township, **York County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

56-281A: Dunamis Resources, Inc. (One Energy Place, Suite 4000, Latrobe, PA 15650) on February 22, 2001, for operation of Coal Crushing, Stockpiling and Truck Loading at Outten Mine in Milford Township, **Somerset County**.

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

43-314A: VEC Technologies, Inc. (639 Keystone Road, Greenville, PA 16125) on February 8, 2001, for post construction of a fiberglass reinforced plastic manufacturing facility in Greenville, **Mercer County**.

Minor Modification of Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).

Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104.

99045, 99089: Ashland Chemical Co. (2801 Christopher Columbus Blvd., Philadelphia, PA 19148-5103) on February 26, 2001, to modify permit condition numbers one and two to reword the facility-wide emission limits to reflect the Synthetic Minor classification for only VOC and HAP, and to add an alternative compliance option for the thermal incinerator. These permit conditions now state, "Condition 1.) Volatile Organic Compound (VOC) emissions from the facility shall be less than 25 tons per rolling 12-month period. Condition 2.) Hazardous Air Pollutant (HAP) emissions from the facility shall be less than 10 tons per rolling 12-month period of any singular HAP and 25 tons per rolling 12-month period of total HAPs. Condition 3.) VOC emissions from the reactor and its associated equipment shall be controlled by the incinerator with an efficiency of 95% or greater, or alternatively demonstrate that the outlet VOC concentration, averaged over the duration of the test, is equal to or less than 20 ppmv (reported as propane)."

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification. Mining activities will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Issued

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

17900132, Moshannon Falls Mining Company, Inc. (P. O. Box 472, 12 N. Front Street, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Bradford Township, **Clearfield County** affecting 197 acres. Receiving stream—Sulphur Run and Millstone Run to the West Branch Susquehanna River and Valley Fork Run to Roaring Run to the West Branch Susquehanna River. Application received December 4, 2000. Permit issued February 2, 2001.

17813182, Penn Coal Land, Inc. (P. O. Box 68, Boswell, PA 15531), renewal of an existing bituminous

surface mine permit in Decatur Township, **Clearfield County** affecting 125.8 acres. Receiving stream—unnamed tributary of Big Run, to Moshannon Creek, to West Branch Susquehanna River to Susquehanna River. Application received October 6, 1999. Permit issued February 2, 2001.

17990101, Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine-auger permit in Girard Township, **Clearfield County** affecting 149 acres. Receiving streams—Surveyor Run and two unnamed tributaries to Surveyor Run. Application received January 29, 1999. Permit issued February 7, 2001.

This permit was issued under a Project XL agreement between the Pennsylvania DEP and the United States Environmental Protection Agency (EPA). Project XL is EPA's program to test innovative approaches to environmental protection using regulatory flexibility to achieve superior environmental performance. Under Project XL, a Consent Order and Agreement between Sky Haven Coal, Inc., and DEP was executed on February 7, 2001. The purpose of this agreement is to improve water quality in Surveyor Run (Clearfield County) through encouraging remining and acid mine drainage abatement measures. The agreement will base compliance on in-stream water quality and the implementation of best management practices (BMPs), instead of numeric effluent limitations measured at individual discharge points. The agreement applies to two surface mining permits in the Surveyor Run Watershed: 17990101 and existing permit number 17930117. Surveyor Run is one of up to eight acid mine drainage impacted watersheds where this approach under Project XL will be evaluated. The full text of the Consent Order and Agreement and the Project XL agreement can be obtained at www.dep.state.pa.us/dep/deputate/minres/districts/projectxl or by contacting DEP's Hawk Run District Office.

17000105, Hilltop Coal Company (R. R. 1, Box 347, Houtzdale, PA 16651), commencement, operation and restoration of a bituminous surface mine permit in Gulich Township, **Clearfield County** affecting 48 acres. Receiving stream—East Branch Little Muddy Run to Little Muddy Run to Muddy Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received May 3, 2000. Permit issued February 15, 2001.

Greensburg District Mining Office: Armbrust Building, RR 2 Box 603-C, Greensburg, PA 15601-0982.

03960105, Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for continued reclamation only of a bituminous surface/auger mine located in Cowanshannock Township, **Armstrong County**, affecting 510 acres. Receiving streams: unnamed tributaries to Huskins Run and Huskins Run. Application received: November 13, 2000. Reclamation only renewal issued: February 23, 2001.

03950104, State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal issued for continued reclamation only of a bituminous surface/auger/incidental sandstone and shale removal and portable crusher mining operation located in East Franklin and Washington Townships, **Armstrong County**, affecting 398.3 acres. Receiving streams: unnamed tributaries to Limestone Run and an unnamed tributary to the Allegheny River. Application received: December 4, 2000. Reclamation only renewal issued: February 23, 2001.

26990102, Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement,

operation and reclamation of a bituminous surface mining operation located in Springfield Township, **Fayette County**, affecting 370 acres. Receiving streams: unnamed tributaries to Rasler Run to Rasler Run, and unnamed tributaries to Richter Run to Richter Run. Application received: May 14, 1999. Permit issued: January 4, 2001.

03950106, TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal issued for continued reclamation only of a bituminous surface mining operation located in Bradys Bend Township, **Armstrong County**, affecting 95.3 acres. Receiving streams: unnamed tributaries to Sugar Creek and to Sugar Creek. Application received: November 2, 2000. Reclamation only renewal issued: February 27, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

4075SM12, Penn Pocahontas Coal Company (P. O. Box 68, Boswell, PA 15531), renewal of NPDES Permit No. PA0248860, in Summit Township, **Somerset County**, receiving stream unnamed tributary to Casselman River. NPDES Renewal application received November 15, 2000. Issued February 20, 2001.

3366BSM84, Penn Pocahontas Coal Company (P. O. Box 68, Boswell, PA 15531), renewal of NPDES Permit No. PA0248797, in Brothersvalley Township, **Somerset County**, receiving stream Buffalo Creek and to Tubs Run. NPDES Renewal application received November 28, 2000. Issued February 20, 2001.

Knox District Mining Office: White Memorial Building, PO Box 669, Knox, PA 16232-0669.

10840116, State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Concord and Oakland Townships, **Butler County** affecting 224.8 acres. Receiving streams: Two unnamed tributaries to Connoquenessing Creek. Application received: December 11, 2000. Permit Issued: February 21, 2001.

1252-24980105-E-1, Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830-1419) Revision to an existing bituminous strip and auger operation to mine through and reconstruct the headwaters of and place support facilities within 100 feet of unnamed tributary B to Brandy Camp Creek in Horton Township, **Elk County**. Receiving streams: Karnes Run, Johnson Run and Unnamed tributary to Brandy Camp Creek. Application received: November 13, 2000. Permit Issued: January 29, 2001.

43850105, C & K Coal Company (P. O. Box 69, Clarion, PA 16214) Renewal of an existing bituminous strip operation in Pine and Mercer Townships, **Mercer and Butler Counties** affecting 96.0 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to Swamp Run. Application received: November 30, 2000. Permit Issued: January 29, 2001.

Noncoal Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

58000855, Pompey Stone, (R. R. 2 Box 2626, Nicholson, PA 18446), commencement, operation and restoration of a small quarry operation in Springville Township, **Susquehanna County** affecting 2.0 acres, receiving stream—none. Permit issued February 22, 2001.

13000301, Alliance Sand Company, (51 Tannery Road, Somerville, NJ 08876), commencement, operation and restoration of a quarry operation in Lower

Towamensing Township, **Carbon County** affecting 50.0 acres, receiving stream—none. Permit issued February 16, 2001.

64940302C3. Bedrock Quarries, Inc., (P. O. Box 189, Damascus, PA 18415), renewal of NPDES Permit #PA0223387 in Damascus Township, **Wayne County**, receiving stream—unnamed tributary of North Branch Calkins Creek. Renewal issued February 22, 2001.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

57000301, Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), commencement, operation and restoration of a large industrial mineral (sandstone, shale, topsoil) permit in Cherry Township, **Sullivan County** affecting 156.2 acres. Receiving stream—unnamed tributary to Birch Creek. Application received January 28, 2000. Permit issued February 6, 2001.

08002803, Richard J. Robinson (1097 Chapman Lake Drive, Jermyn, PA 18433), commencement, operation and restoration of a small industrial minerals (flagstone, shotrock, shale) permit in Stevens Township, **Bradford County** affecting 5 acres. Receiving stream—Cold Creek, tributary to Wyalusing Creek. Application received November 16, 2000. Permit issued February 20, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

65950401. Derry International, LTD (P. O. Box 529, New Alexandria, PA 15670). NPDES Renewal issued for continued operation and reclamation of a large noncoal surface mining operation located in Loyalhanna and Derry Townships, **Westmoreland County**, affecting 52 acres. Receiving streams: unnamed tributary to Loyalhanna Creek. Application received: December 11, 2000. NPDES Renewal issued: February 23, 2001.

ABANDONED MINE RECLAMATION

Bond Forfeiture	BF 459-101.1
Contract Awarded	
Location	Elk Lick Township Somerset County
Description	Abandoned Mine Land Reclamation
Contractor	S. Construction
Amount	\$17,500.00
Date of Award	February 21, 2001 Contact: Mary Jane Olsen (717) 783-4800

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35

P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 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 Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), Section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-333. Newton Township Board of Supervisors, 1528 Newton-Ransom Boulevard, Clarks Summit, PA 18411. Newton Township, **Lackawanna County**, ACOE Baltimore District. To re-establish and maintain the channel of a tributary to Gardner Creek with work consisting of constructing approximately 200 linear feet of riprap lined trapezoidal channel, having 2H:1V side slopes, a bottom width of 2.0 feet and a depth of 1.5 feet; remove the existing structure and construct and maintain a road crossing of a tributary to Gardner Creek consisting of a 35-inch x 24-inch CMP arch culvert for the purpose of providing access to an adjacent property. The project is located along the south side of T-387 and S.R. 4032, Scranton, PA Quadrangle N: 16.4 inches; W: 14.9 inches.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E19-208. Ideal Park Campground, R. R. 1, Box 71, Catawissa, PA 17821. Floodway Encroachments, in Locust Township, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 5.29 inches; W: 3.15 inches). To 1) To upgrade and maintain 23 recreational trailer porches with their associated tiedowns in the 100-year floodway; 2) maintain a 4-foot by 10-foot wooden privy and a 8.5-foot by 8.5-foot masonry well house; 3) remove a total of 800 cubic feet of earthen fill for four spillways in an existing earthen berm and to maintain the 300-foot long earthen berm with a maximum height of three feet and the four spillways with 15-foot minimum bottom widths; in the right 100-year floodway of Roaring Creek in Locust Township, Columbia County. This permit was issued under Section 105.13(e) "Small Projects."

E41-469. Cummings Township, P. O. Box 117, Waterville, PA 17776. Culvert crossing, in Cummings

Township, **Lycoming County**, ACOE Baltimore District (Waterville, PA Quadrangle, N: 17 inches, W: 7.5 inches). To install thirteen 15-inch diameter cross culvert pipes that will discharge into Dam Run. This permit also authorizes the installation of 75 feet of riprap stream bank stabilization in two locations. The first location is 1.2 miles northeast on Dam Run Road from the intersection with SR 4001 and the other location is 1.5 miles northeast on Dam Run Road from the intersection with SR 4001. This project is associated with numerous improvements to Dam Run Road in Cummings Township, Lycoming County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E53-352. Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry-District No. 15, 3150 East Second Street, Coudersport, PA 16915. Cross Fork Creek STS Footbridge, in Abbott Township, **Potter County**, ACOE Baltimore River Basin District (Short Run, PA Quadrangle N: 13.1 inches; W: 4.4 inches). To construct, operate and maintain a suspension footbridge across Cross Fork Creek (Exceptional Value); operate, maintain and retire an existing ford crossing Cross Fork Creek; and install rock stream bank stabilization along Cross Fork Creek to provide public recreational access. The footbridge shall be constructed with a minimum span of 50-feet, underclearance of 5-feet, and width of 6-feet. The stream bank stabilization shall be constructed with R-7 rip rap that shall be installed in dry work conditions by dams and pumping or fluming stream flow around the work area. The ford crossing shall be retired to ensure the approaches are permanently stabilized. The project is located along the eastern right-of-way of T-416 approximately 3,600-feet south of Junction Road and T-416 intersection (Short Run, PA Quadrangle N: 13.1 inches; W: 4.4 inches) in Abbott Township, Potter County. This permit also authorizes the temporary impact of 115-square feet of wetland, for which replacement will not be required.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E26-278. Western Pennsylvania Conservancy, Box R, Route 381 South, Mill Run, PA 15464. Stewart Township, **Fayette County**, ACOE Pittsburgh District. To construct and maintain utility lines across Bear Run (EV) at two locations for onsite use at Fallingwater Historic Site; the Gardener's Cottage site consists of a fiber optic conduit and water lines suspended under an existing bridge located approximately 1,300 feet downstream of S.R. 381 (Mill Run, PA Quadrangle N: 5.72 inches; W: 12.68 inches) and the Main House site consists of a new water line connected to an existing bridge deck located approximately 1,800 feet downstream of S. R. 381 (Mill Run, PA Quadrangle N: 5.68 inches; W: 13.0 inches) in Stewart Township, Fayette County.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D39-038EA. Dorney Park and Wildwater Kingdom, 3300 Dorney Park Road, Allentown, PA 18104. South Whitehall Township, **Lehigh County**, ACOE Philadelphia District. To breach and remove the Dorney Park Dam across Cedar Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located at the Dorney Park and Wildwater Kingdom approximately 2,700 feet northeast of the intersection of

S. R. 309 and S. R. 0222 (Allentown West, PA Quadrangle N: 14.35 inches; W: 4.95 inches).

D39-039EA. Dorney Park and Wildwater Kingdom, 3300 Dorney Park Road, Allentown, PA 18104. South Whitehall Township, **Lehigh County**, ACOE Philadelphia District. To breach and remove the Cedar Creek Dam No. 1 across Cedar Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located at the Dorney Park and Wildwater Kingdom approximately 1,700 feet north of the intersection of S. R. 309 and S. R. 0222 (Allentown West, PA Quadrangle N: 13.95 inches; W: 5.45 inches).

SPECIAL NOTICES

BUREAU OF DEEP MINE SAFETY; REQUEST FOR VARIANCE

The Department of Environmental Protection, Bureau of Deep Mine Safety, has received a request for variance from the **Rosebud Mining Company**. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701 and 702), provides a mechanism for operators to obtain variances from specific requirements of the Act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: Rosebud Mining Company requests a variance to use point carbon monoxide early warning fire detection system and entries in common with the belt conveyor entry at the Clementine Mine.

The Department of Environmental Protection, Bureau of Deep Mine Safety, has received a request for variance from **R&R Mining, Inc.** The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701 and 702) provides a mechanism for operators to obtain variances from specific requirements of the Act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 273(b) states that all conveyor entries shall be provided with a minimum width and height of not less than 4 feet for travel; but in conveyor entries in which track is installed, the minimum amount of clearance width shall not be less than 2 1/2 feet, which clearance width shall be continuous throughout the entry. All travel space and clearance space shall be kept free of all forms of obstruction under foot, and free from electric wires and electric cables.

Summary of the Request: R&R Mining, Inc. requests a variance to allow for clearance along beltlines at the # 73 Mine.

The Department of Environmental Protection, Bureau of Deep Mine Safety, has received a request for variance from **DLR Mining, Inc.** The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the BDMS website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Pennsylvania Bituminous Coal Mine Act (52 P. S. §§ 701 and 702) provides a mechanism for operators to obtain variances from specific requirements of the Act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

The previously approved variance plan provides early warning fire detection by the use of carbon monoxide (CO) detectors and an audible alarm over the mine communication system.

Summary of the Request: DLR Mining, Inc. requests a variance to provide a CO monitoring system that will activate an alarm, both audible and visual, at a location on the surface where a responsible person will be on duty when belts are in operation. The responsible person will be located so that the alert signal can be seen or heard. Two-way communication will be provided to the working section. The alarm shall indicate the belt flight where the alarm occurred at the Ridge Mine.

[Pa.B. Doc. No. 01-410. Filed for public inspection March 9, 2001, 9:00 a.m.]

Air Quality Technical Advisory Committee; Meeting Cancellation

Due to lack of agenda items, the March 22, 2001, meeting of the Air Quality Technical Advisory Committee has been cancelled. The next scheduled meeting will be on April 27, 2001, Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting will begin at 9:30 a.m.

For further information, contact Terry Black at (717) 787-2030.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 01-411. Filed for public inspection March 9, 2001, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's world wide web site (www.dep.state.pa.us) at the public participation center. The "December 2000 Inventory" heading is the governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

Ordering Paper Copies of DEP Technical Guidance

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Final Technical Guidance

DEP ID: 550-2100-008 Title: NPDES Permits for Stormwater Discharges Associated With Construction Activities at Oil and Gas Wells Description: This guidance will work to assist DEP staff in implementing the 25 Pa. Code Chapter 102 NPDES Permit Requirements for stormwater discharges associated with construction activities at oil and gas wells. The document establishes a rational and reasonable basis for staff decisions which promote quality, timely, and consistent service to the public and regulated community. Effective Date: March 10, 2001 Contact: Ron Gilius at (717) 772-2199.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 01-412. Filed for public inspection March 9, 2001, 9:00 a.m.]

Small Water Technical Assistance Center Advisory Board—Special Meeting

The Small Water Systems Technical Assistance Center Advisory Board and their Legislation/Regulation Subcommittee will hold a special meeting on Wednesday, March

21, 2001, from 9 a.m. to 3 p.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting is to review and develop recommendations on draft Safe Drinking Water Amendments, Chapter 109.

Questions concerning this schedule or agenda items can be directed to Tom Franklin at (717) 787-0122 or e-mail at thfranklin@state.pa.us. This schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Tom Franklin directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 01-413. Filed for public inspection March 9, 2001, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee for the Department of General Services (Department) will meet to consider selections of Design Professionals for the following projects:

Project No. DGS 946-12—Infrastructure Renovations and Upgrade, State Museum and Archives, Capitol Complex, Harrisburg, Dauphin County, PA. Construction Cost: \$49,000,000. The scope of work includes, but is not limited to, the renovation and upgrade of all basic building systems including but not limited to HVAC, fire alarm/suppression systems, electrical distribution, conveying systems and plumbing. Also included are exterior structural upgrades to the building and the adjoining plaza as well as fixed collection storage equipment. (See Special Note Under Requirements and Information Section regarding Design Expertise)

Project No. DGS 1103-68—Library Renovations, University of Pittsburgh, Johnstown Campus, Johnstown, Cambria County, PA. Construction Cost: \$4,716,000. The scope of work includes, but is not limited to, design and cost estimating of complete renovation of Owens Library including roof replacement, exterior repairs, hazardous materials abatement, upgrade of building systems—including telecommunications, data and video. Also included are interior space renovations and replacement of interior finishes.

Design Professional Selection: Updated Information

The Selections Committee will meet to consider selection of Design Professionals for the following project which was advertised in the March 3, 2001, issue of the *Pennsylvania Bulletin* and now contains updated information.

Project No. DGS 996-15—Upgrade Visitor Center, Washington Crossing Historic Park, Washington Crossing, Bucks County, PA. Construct Cost: \$1,877,000. The scope

of work includes, but is not limited to, renovation of the existing Visitor Center Building comprised of auditorium, sales area, staff and public restrooms and administrative office space. Renovations include HVAC, electrical, plumbing, fire/security and roof system. Also included is construction of additional space. (See Special Note Under Requirements and Information Section regarding Design Expertise.)

Requirements and Information

Special Note—Design Expertise

Firms applying for Project No. DGS 946-12 must have demonstrated successful experience in the design for renovation and new construction of major museum and archives facilities. Mechanical engineering members of the team must have demonstrated successful experience in the design of HVAC systems to meet exacting requirements of museums/archives for adherence to modern conservation and curatorial standards and experience with specification of BAC net compatible DDC control systems and environmental monitoring systems. Professional team must have demonstrated successful experience in coordination with exhibit designers, which will be under a separate contract, and have demonstrated successful experience in working with construction management firms. Also required is demonstrated successful experience in the planning and design of planetariums.

Firms applying for Project No. DGS 996-15 should note that inasmuch as Archaeology may be required, the Professional must retain an experienced archaeologist to perform this work. The Professional shall have extensive experience in renovation projects and in the design of museums and visitor centers. The Professional firm and its mechanical and electrical engineering consultants, shall have successful experience in applying modern museum curatorial/conservation standards to the design of HVAC and lighting systems in a museum setting.

Note—Project Program

A Project Program, prepared by the Using Agency, is available for the following projects: DGS 996-15 and DGS 1103-68. Project Programs are available on the Internet by clicking on the project number in the advertisement which can be accessed through the Public Works section on the Department's Home Page at www.dgs.state.pa.us. Copies of the Project Programs may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125, (717) 783-8468, or via e-mail by addressing a request to: pbianchi@state.pa.us.

Instructions for Filing Application

Professionals will not be considered by the Selections Committee (Committee) until all of the following requirements are met.

(a) Signed Form 150-ASP must be filed with the Department. The signature on Form 150-ASP must be an original signature. Consultants listed on the requesting professional firm's application, Form 150-ASP shall be deemed to be designated Key Consultants. Form 150-ASP, Application For Specific Project, may be obtained upon request to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125 (717) 783-8468. The Form 150-ASP can be downloaded from the Professional Selections Web Site of the Department's Internet Home Page at <http://www.dgs.state.pa.us>. In addition, the Form 150-ASP can be obtained via e-mail by addressing a request to: pbianchi@state.pa.us.

(b) The requesting professional firm shall obtain from each consultant listed in Question 9, page 4 of the requesting professional firm's application a signed letter of certification on the consultant's letterhead, attesting to the firm's consent to participate in the requesting professional firm's application for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application for the specific project. The signature on the letter of certification must be an original signature.

(c) The requesting professional firm must submit six copies of Form 150-ASP, Application for Specific Project, for each project herein advertised in which the firm is interested and qualified to perform. At least one of the six copies submitted must contain all original signatures. For architectural projects and, when appropriate, for engineering projects, the Professional shall supply photographs showing a maximum of two different views of each of the three relevant projects described in Question 12, Pages 7-9 of the application (Form 150-ASP). The requesting professional firm or joint venture firm must be the Professional of Record for the projects described in Question 12, Pages 7-9 of the application. It is not acceptable to list work performed by Key Consultants. The identification and appropriate supportive information concerning each photograph shall include the name, project title, location and the name of the Professional of Record. Color photo copies are acceptable, however, renderings and brochures will not be accepted in lieu of photographs. The photographs shall be attached to each copy of the application. The pages of each copy of Form 150-ASP must be stapled with photographs and consultant's letters of certification followed by the resumes of Key Personnel (listed in Question 10 and/or 11 on Pages 5 and/or 6) included as the last section of the application. Do not bind the application in any way to any other documentation. Do not bind the application in a binder of any type.

(d) A complete project submission, which consists of documents described in paragraphs (a), (b) and (c) above, must be received on or before the close of business (5 p.m.) Friday, March 23, 2001, and addressed to the Selections Committee, Department of General Services, Room 104, 18th & Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable.

Project submissions must be made on the Form 150-ASP. Applications submitted on any other form are unacceptable and will not be considered by the Committee.

(e) The Committee may at its discretion establish interviews with any or all of the Professionals who have requested consideration for appointment as designer for the above projects. If an interview is required, the Professional will be notified by the Committee as to the date, time and location.

(f) Additional information, in writing, may be requested by the Committee as required.

Additional Services—Indoor Air Quality Assessment Program and Hazardous Materials

The Professional firm selected to design a project will be expected to perform and administer, when required by the Department as Additional Services, an Indoor Air Quality Assessment Program during Building or Renovation Commissioning and the sampling, testing, inspection and monitoring for removal of any asbestos, other hazardous waste or contaminants encountered during project design or construction, unless otherwise stated in the Scope.

The Committee encourages responses from small firms, minority firms, women-owned firms and firms who have not previously performed State work, and will consider joint ventures, which will enable them to participate in this program.

All applications submitted are subject to review by the Committee. The Committee disclaims any liability whatsoever as to its review of the applications submitted and in formulating its recommendations for selection. All recommendations for selection made by the Committee shall be final under to Act 57 of May 15, 1998.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 01-414. Filed for public inspection March 9, 2001, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractors referenced below have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this firm or these persons, or any firms, corporations or partnerships in which such firm or persons have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Brim Industrial Maintenance, Inc. (Fed. ER I.D. No. 25-1771179) -and- William Logue, individually, -and- Richard M. Dorsey, individually	1152 E. Finley Drive Claysville, PA 15323 -and- 1118 E. Finley Drive Claysville, PA 15323 -and- 1153 E. Finley Drive Claysville, PA 15323	February 23, 2001

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 01-415. Filed for public inspection March 9, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Designated Exceptional Durable Medical Equipment

On October 30, 1999, the Department of Public Welfare (Department) announced its intention to make changes to its methods and standards for payment of Medical Assistance (MA) nursing facility services to authorize additional payment for nursing facility services involving the purchase or rental of certain medically necessary Exceptional Durable Medical Equipment (DME), (See 29 Pa.B. 5637).

Exceptional DME is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially

Adapted DME or such 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; and

(f) Automatically re-adjusts 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. Non-portable 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*

Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day in order to sustain life.

Interested persons are invited to submit written comments regarding this notice to the Department within 30 days of publication in the *Pennsylvania Bulletin*. Public comments may be sent to: Tom Jayson, Long Term Care Policy Section, Department of Public Welfare, Division of Long Term Care Client Services, P. O. Box 2675, Harrisburg, Pennsylvania 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative format, contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 01-416. Filed for public inspection March 9, 2001, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513 (e) (7), intends to sale certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 95—Borough of White Oak, Allegheny County. This parcel contains approximately 44,866 square feet or 1.03 acres of vacant land situated along the southwesterly side of Long Run Road, in the Borough of White Oak (formerly Versailles Township), Allegheny County. The property will be sold in "as is condition." The estimated fair market value of the parcel is \$1,000.00. It has been determined that the land is no longer needed for present or future transportation purposes.

Interest public entities are invited to express their interest in purchasing the site within thirty (30) calendar days from the date of publication of this notice to: Raymond S. Hack, District Engineer, Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-417. Filed for public inspection March 9, 2001, 9:00 a.m.]

Finding Lawrence County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Coverts Crossing (T-372) Bridge over the Mahoning River located in Union and Mahoning Townships, Lawrence County. The existing Coverts Crossing Bridge has been determined eligible for the National Register of Historic Places. The effect of this project on the existing Coverts Crossing Bridge will be mitigated by measures to minimize harm, which include:

1. Preparing a Historic American Engineering record (HAER) Recordation of Coverts Crossing Bridge.

2. A marketing plan for ownership of the existing Coverts Crossing Bridge.

3. Identification and treatment of potential archaeological resources.

I have considered the environment, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the reconstruction of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-418. Filed for public inspection March 9, 2001, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Municipal Authority of Union Township v. DEP;
EHB Doc. No. 2001-043-L

Municipal Authority of Union Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Union Township, Mifflin 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, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania 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 § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 01-419. Filed for public inspection March 9, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Sections 5(d) and 5(g) of the Regulatory Review Act (71 P. S. § 745.5(d) and (g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committees' comment period. The Commis-

sion's comments are based upon the criteria contained in subsections 5.1(h) and (i) of the act (75 P. S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

Reg. No.	Agency/Title	Final-Form Submission	
		Issued	Deadline
16A-7011	State Board of Certified Real Estate Appraisers Fees for Board Services	02/22/01	11/13/02
6-271	Department of Education Reimbursement Amounts for National School Lunch and Breakfast Programs	02/26/01	12/11/02

State Board of Certified Real Estate Appraisers Regulation No. 16A-7011 Fees for Board Services

February 22, 2001

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Certified Real Estate Appraisers (Board) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered by November 13, 2002, the regulation will be deemed withdrawn.

1. General.—Clarity.

Fee report form

The fee report form and the preamble both state that the new fee for "Application for Approval as Continuing Education Provider" will be \$85 while the fee in the proposed regulation is \$55. The fee in the regulation should be changed from \$55 to \$85 to reflect the correct fee.

2. Section 36.6.—Fees.—Reasonableness; Clarity.

Application by examination

Application by reciprocity

The House Professional Licensure Committee has suggested, and we agree, that the fee categories of "application by examination" and "application by reciprocity" could give the impression that there are two different exam fees. To alleviate this confusion, the fee categories should be changed to "licensure application fee" and "licensure by reciprocity."

Application for certification as appraiser by examination

Application for certification as certified Pennsylvania evaluator

The application fees for certification as a real estate appraiser and as a Commonwealth evaluator have increased by more than 200%. By what percentage has the Board's operating costs increased? The Board should explain the reason for the substantial increase of the fees for these two applications.

Continuing education provider

The category of "continuing education provider" should be plural to be consistent with the other listed categories.

**Department of Education
Regulation No. 6-271**

**Reimbursement Amounts for National School
Lunch and Breakfast Programs**

February 26, 2001

We submit for consideration the following objection and recommendation regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Department of Education must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by December 11, 2002, the regulation will be deemed withdrawn.

1. Section 191.3. Payment of state reimbursements.—Clarity.

In Subsection (c)(1), the "percentage" symbol should be replaced with a "cent" symbol.

JOHN R. MCKINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-420. Filed for public inspection March 9, 2001, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-201	Insurance Department Allocation of Joint Expenses	02/22/01
11-202	Insurance Department Miscellaneous Provisions	02/22/01
11-203	Insurance Department Annual Audited Insurers' Financial Report Required	02/22/01
10-160	Department of Health Managed Care Organizations	02/28/01

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-421. Filed for public inspection March 9, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

Ian I. Grove; Doc. No. AG01-02-024

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on March 29,

2001, at 1 p.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the General Rules of Administrative Practice and Procedure), 1 Pa. Code Part II and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

A date for a hearing shall be determined, if necessary, at the prehearing telephone conference. Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before March 15, 2001 with the Docket Clerk, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before March 22, 2001. The Presiding Officer will consider a written request for continuance for the scheduled prehearing telephone conference, for good cause only. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-422. Filed for public inspection March 9, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Regional Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Administrative Hearing Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Son Hung Nguyen; file no. 00-181-08635; Old Guard Insurance Company; doc. no. P01-01-019; March 27, 2001, at 10 a.m.

Each party may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of

replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-423. Filed for public inspection March 9, 2001, 9:00 a.m.]

PENNSYLVANIA COMMISSION FOR WOMEN

Meeting Notice

The Pennsylvania Commission for Women (Commission) has scheduled a shortened version of the bimonthly Commission meeting to be held on Tuesday, March 13, 2001, at 9 a.m. until 1 p.m. in Room 139, Finance Building, North St. and Commonwealth Avenue, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodations due to a disability and want to attend should contact Christine Anderson, Pennsylvania Commission for Women, 205 Finance Building, Harrisburg, PA 17120 at (717) 787-8128 or (888) 615-7477, at least 24 hours in advance so arrangements can be made.

KATIE TRUE,
Executive Director

[Pa.B. Doc. No. 01-424. Filed for public inspection March 9, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Verizon Pennsylvania Inc. for FCC Authorization to Provide In-Region, InterLATA Service in Pennsylvania; M-00001435; Joint Petition of NEXTLINK, et al.; P-00991643

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick, Abstaining

Public Meeting held
February 21, 2001

DSL Metrics Order

By the Commission:

Before this Commission for disposition is the Stipulation of various active parties at this docket relative to

digital subscriber line (DSL) metrics for use during the commercial availability period and thereafter as part of the *PMO* metrics established at Docket No. P-00991643.¹

Background

The *PMO* Proceeding, as it has evolved, established Carrier-to-Carrier Guidelines (referred to informally as metrics) that contain the measures, standards, and remedies applicable to various Operations Support Systems (OSS) transactions between Verizon Pennsylvania Inc. (Verizon PA) and the competitive local exchange carriers (CLECs).

Section 271(d)(1) of the Telecommunications Act² (TA-96) provides Verizon PA with the opportunity to apply to the Federal Communications Commission (FCC) for authority to provide in-region interLATA service in this Commonwealth. Section 271(d)(2) of TA-96 additionally provides that the FCC, before making its decision on any similar application, is required to consult with the United States Department of Justice and this Commission to verify Verizon PA's compliance with the requirements of section 271(c) of TA-96 within this Commonwealth. In general, the requirements of section 271(c) include a 14-point competitive checklist for access and interconnection on fair and nondiscriminatory terms, as well as nondiscriminatory access to Verizon PA's OSS and the existence of appropriate OSS performance measures and remedies. This Commission's *Global Order*³ established, *inter alia*, a 90-day Commercial Availability Period, for Verizon PA's 271 process within which this Commission is conducting its review.

On December 28, 2000, Covad and Rhythms jointly filed a Petition for Verification of Verizon's DSL and UNE Sharing Compliance (Covad/Rhythms Petition). Covad and Rhythms petitioned the Commission to direct supplemental, independent third party testing of Verizon PA's OSS, specifically with respect to DSL loops and line sharing.

Having DSL metrics in place is an integral component of what this Commission is being called upon to review. To that end, various active parties⁴ in the 271 process have reached an agreement relative to DSL metrics which agreement has been memorialized in the following DSL Stipulation. The remaining active parties⁵ have chosen to remain silent as to the DSL Stipulation with the understanding that their silence means "nonopposition" to the DSL Stipulation.

¹ *Joint Petition of NEXTLINK, et al.*, Docket No. P-00991643, (*Performance Metrics Order* or *PMO* Proceeding).

² Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§ 151, et seq., (TA-96).

³ *Joint Petition of NEXTLINK PA, et al., for Adoption of Partial Settlement Resolving Pending Telecommunications Issues and Joint Petition of BA-PA, et al., for Resolution of Global Telecommunications Proceedings*, Docket Nos. P-00991648 and P-00991649 (Sept. 30, 1999, as clarified by Order entered Nov. 5, 1999) (Global Order).

⁴ Verizon PA; MCI WorldCom Communications, Inc. (MCIW); the Pennsylvania Cable & Telecommunications Assn. (PCTA); AT&T Communications of Pennsylvania, Inc. (AT&T); the Office of Small Business Advocate (OSBA); Covad Communications Company (Covad); ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (e.spire); Rhythms Links, Inc. (Rhythms); Z-Tel Communications, Inc. (Z-Tel); the Office of Trial Staff (OTS); and Penn Telecom, Inc. (Penn Telecom).

⁵ XO Communications Inc. (XO); Senators Mary Jo White and Roger A. Madigan (Senators); CTSI, Inc. (CTSI); Winstar Wireless of Pennsylvania, LLC (Winstar); Conectiv Communications, Inc. (Conectiv); the Office of Consumer Advocate (OCA); ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (e.spire); Cavalier Telephone Mid-Atlantic, LLC (Cavalier); Sprint Communications Company, LP (Sprint); The United Telephone Company of Pennsylvania (United); ATX Licensing, Inc. (ATX); RCN Telecom Services of Philadelphia, Inc. (RCN); Assn. of Communications Enterprises (ASCENT); Conestoga Communications, Inc. (Conestoga); TeleBeam, Inc., t/a CEI Networks (TeleBeam); Full Service Computing Corp., t/a Full Service Network (FSN); Metropolitan Telecommunications (MetTel); Essential.com, Inc. (Essential); and the Central Atlantic Payphone Assn. (CAPA).

Terms of the DSL Stipulation

The DSL Stipulation,⁶ signed on or about February 15, 2001, provides as follows:

1. That the [signatory] parties either (a) will interpose no objection to the proposed use of the Pennsylvania Carrier-to-Carrier Guidelines Performance Standards and Reports circulated by Verizon PA on February 6, 2001, or (b) agree that the redline version of the Pennsylvania Carrier-to-Carrier Guidelines Performance Standards and Reports circulated by Verizon PA on February 6, 2001, is an accurate representation, appropriately adapted for use in this Commonwealth, of DSL metrics (including line sharing), as adopted by consensus in the New York collaborative process.

2. That these February 6, 2001, Guidelines shall be used for the purposes of the Commercial Availability Period analysis at this docket.

3. That these February 6, 2001, Guidelines shall be used for on-going commercial operations after completion or termination of the Commercial Availability Period analysis at this docket, subject to the reviews contemplated by the Performance Metrics Order, Docket No. P-00991643 (December 31, 1999), or other Commission processes as may be appropriate.

4. That by expressing no objection or by agreeing to the use of the February 6, 2001, Guidelines, no party relinquishes its position relative to Verizon Advanced Data Inc. or Verizon PA's compliance or noncompliance with the requirements of section 271 of TA-96, including arguments as to whether Verizon PA has an obligation to offer DSL for resale.

5. That the February 6, 2001, Guidelines do not include metrics regarding line splitting, and that by expressing no objection or by agreeing to the use of the February 6, 2001, Guidelines, no party relinquishes its position concerning whether Verizon PA is in compliance with its obligations relative to line splitting.

6. That by expressing no objection or by agreeing as described herein to the use of these February 6, 2001, Guidelines, no party relinquishes its position relative to the pending Commonwealth Court appeals in *Verizon PA v. PaPUC*, No. 1902 C.D. 2000; *WorldCom, Inc. v. PaPUC*, No. 2011 C.D. 2000; *AT&T v. PaPUC*, No. 2028 C.D. 2000; and *AT&T v. PaPUC*, No. 2797 C.D. 2000.

7. That the pending Commonwealth Court appeals in *Verizon PA v. PaPUC*, No. 1902 C.D. 2000; *WorldCom, Inc. v. PaPUC*, No. 2011 C.D. 2000; *AT&T v. PaPUC*, No. 2028 C.D. 2000; and *AT&T v. PaPUC*, No. 2797 C.D. 2000, do not preclude the Commission from entering an order adopting the February 6, 2001, Guidelines for the use as described herein.

8. That DSL performance under the February 6, 2001, Guidelines will be reported manually via a special report until reporting can be automated under and consistent with existing change control management procedures.

9. That this Stipulation resolves the pending Petition filed by Covad/Rhythms relative to DSL and line sharing.

This Stipulation may be signed in counterpart and shall be effective as of January 1, 2001, regardless of when signed. The signatures below indicate the parties' agreement with the general terms (§§ 2—8) of this Stipulation and a particular designation as to ¶ 1. If no

⁶ The February 6, 2001 Guidelines change the existing metrics adopted in the *PMO* Proceeding only to the extent of adding DSL linesharing metrics and recognizing Verizon PA's name change from Bell Atlantic-Pennsylvania, Inc.

communication relative to this Stipulation is received from an active party, that party's position will be represented to the Commission as "nonopposition with no preference regarding 1(a) or 1(b)."

Discussion

For the purposes of the Commercial Availability Period, in the absence of any opposition to the DSL Stipulation, we find that it is appropriate to authorize use of the metrics circulated on February 6, 2001, effective as of January 1, 2001, which date marks the start of the Commercial Availability Period herein.

For the on-going commercial operations, we shall publish this Order in the *Pennsylvania Bulletin* in as notice of our intention to adopt the DSL metrics circulated on February 6, 2001, for on-going commercial operations. This is to give those parties who are not participating in the 271 process but who did participate in the *PMO* Proceeding an opportunity to comment. The comment period shall be 10 days. Comments shall be filed at Docket No. P-00991643.

Several of the stipulating parties herein are the participants in the pending Commonwealth Court appeals in *Verizon PA v. PaPUC*, No. 1902 C.D. 2000; *WorldCom, Inc. v. PaPUC*, No. 2011 C.D. 2000; *AT&T v. PaPUC*, No. 2028 C.D. 2000; and *AT&T v. PaPUC*, No. 2797 C.D. 2000, and they agree that said appeals do not preclude the Commission from entering an order adopting the February 6, 2001, Guidelines for the use as described herein.

It is expressly noted that the on-going use of the DSL metrics will be subject to the reviews contemplated by the *PMO* Proceeding, or such other Commission processes as may be appropriate. Further, inasmuch as linesharing was not part of the *PMO* Proceeding, by expressing no objection or by agreeing as described herein to the use of these February 6, 2001, Guidelines, no party relinquishes its position relative to the pending Commonwealth Court appeals in *Verizon PA v. PaPUC*, No. 1902 C.D. 2000; *WorldCom, Inc. v. PaPUC*, No. 2011 C.D. 2000; *AT&T v. PaPUC*, No. 2028 C.D. 2000; and *AT&T v. PaPUC*, No. 2797 C.D. 2000.

Accordingly, the DSL Stipulation is approved, and the Covad/Rhythms Petition is deemed moot.

Conclusion

This Order shall become effective as of the date of entry with respect to the Commercial Availability Period except that this Order is tentative as to the use of the DSL metrics for on-going operations at P-00991643. For on-going, post-commercial availability operations, this Order shall be effective 10 days after publication without further action by the Commission. A copy of this Order shall be served on all the parties at this docket and the *PMO* Proceeding docket. We emphasize that the performance measures and standards as well as the remedies provisions established in our *PMO* Proceeding constitute the final dispositive action on the compliance issues until changed by subsequent Commission directive;

Therefore, it is Ordered That:

1. The Petition of Covad Communications, Inc., and Rhythms Links, Inc., filed on December 28, 2000, relative to DSL and UNE line sharing is deemed moot.

2. The DSL Stipulation of the signatory parties is approved.

3. The Pennsylvania Carrier-to-Carrier Guidelines Performance Standards and Reports circulated by Verizon PA

on February 6, 2001, shall be used for the purposes of the Commercial Availability Period analysis at this docket.

4. These February 6, 2001, Guidelines shall be used for on-going commercial operations after completion or termination of the Commercial Availability Period analysis at this docket, subject to the reviews contemplated by the Performance Metrics Order, Docket No. P-00991643 (December 31, 1999), or such other Commission processes as may be appropriate.

5. The February 6, 2001, Guidelines do not include metrics regarding line splitting, and that by expressing no objection or by agreeing to the use of the February 6, 2001, Guidelines, no party relinquishes its position concerning whether Verizon PA is in compliance with its obligations relative to line splitting.

6. A copy of this Order shall be served on all the parties at this docket and the *PMO* Proceeding, Docket No. P-00991643. This Order shall also be filed of record at the *PMO* Proceeding. Notice of this Order shall be published in the *Pennsylvania Bulletin*.

7. February 6, 2001, Guidelines shall be effective as of January 1, 2001, for the Commercial Availability Period except that this Order is tentative as to the use of the DSL metrics for on-going operations at P-00991643. For on-going, post-commercial availability operations, this Order shall be effective 10 days after publication without further action by the Commission.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-425. Filed for public inspection March 9, 2001, 9:00 a.m.]

Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order Released July 20, 2000—NXX Code Sharing; M-00001427F0002

Public Meeting held
February 21, 2001

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Order

By the Commission:

Legislation from both Congress and the Pennsylvania General Assembly has created an environment in this Commonwealth where new telephone companies can compete against existing telephone companies in the provisioning of local telephone service.¹ These statutes were designed to foster competition in the telecommunications marketplace with the hope of ultimately increasing customer choice, lowering prices and improving service quality. Unfortunately, the proliferation of fax machines, computer modems, cellular phones and competitive carriers in the local telephone service market have created an unprecedented demand for NXX codes.² Consequently,

¹ See The Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. § 251(e)(1), and Chapter 30 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 3001—3009.

² NXX codes are the three digits following the area code in a 10-digit telephone number. Under the current infrastructure, telephone numbers are assigned to carriers by NXX code (which contains 10,000 numbers). Consequently, even if a carrier has only 10 customers, 10,000 numbers are still assigned in that area code causing 9,990 numbers to remain unused and unavailable. The result of this is that the amount of

area codes are rapidly exhausting in this Commonwealth and nationwide.

For the past several years, the Commission, in addition to other State and Federal regulators as well as the telecommunications industry itself, has been dedicated to finding solutions to this complex numbering problem. NXX code sharing, which permits NXX codes associated with a specific rate center to be distributed among the various service providers serving that rate center, may be a number conservation measure with the potential of slowing the depletion of numbering resources.

On December 23, 1999, the Commission filed a petition with the Federal Communications Commission (FCC) requesting authority to implement numerous number conservation measures including NXX code sharing. On July 20, 2000, the FCC issued an order (*Delegation Order*) granting the Commission's request.³ The *Delegation Order* provided the Commission with the authority to implement NXX code sharing on an interim trial basis in this Commonwealth if the Commission finds that NXX code sharing is technically feasible and economically viable. The FCC views NXX code sharing as a possible means to enable non-LNP-capable carriers to participate in or approximate the effect of 1,000-block number pooling without requiring them to develop LNP capability.⁴

The Commission is anxious to investigate NXX code sharing in this Commonwealth as a potential number conservation measure. The Commission is committed to having adequate numbering resources available to all telecommunications providers while being mindful of the impact that new area codes have on Commonwealth citizens. By implementing NXX code sharing in combination with other number conservation measures,⁵ the Commission will better ensure that telecommunications carriers have adequate numbering resources without

NXX codes in an area code exhaust so that a new area code needs to be instituted to generate new NXX codes, and hence, new numbers available for assignment.

³ *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (released July 20, 2000) (*Delegation Order*). Besides the authority to implement NXX code sharing, the order grants the Commission authority to implement 1,000-block number pooling, which is the process by which a 10,000 block of NXX numbers is separated into ten sequential blocks of 1,000 numbers and allocated separately to service providers within a rate center. This order also grants the Commission the authority to maintain rationing procedures for 6 months following implementation of NPA relief and to hear and address claims for an extraordinary need for numbering resources in an NPA subject to a rationing plan.

⁴ To be able to participate in 1,000-block pooling a carrier must be LNP-capable. See *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574, paragraph 116 (2000). Although the telephone network is designed to route traffic based on the assignment of an NXX code to one specific carrier, the introduction of local number portability (LNP) has begun to make the network more flexible. Because LNP enables the switch-specific restriction of telephone number assignments to be removed, any telephone number can be assigned to any switch offering service in the telephone number's rate center. Thus, all LNP-capable providers who service a particular rate area can share all telephone number resources. Consequently, an end user can switch local telephone carriers, services, or physical locations without having to change his phone number. By making the entire spare number inventory available to many providers, telephone number utilization can also be improved and NPA lives extended.

⁵ See *Relief Plan for the 570 NPA*, Docket No. P-00961071F0002 (Order entered September 15, 2000), 30 Pa. B. 5108 (September 30, 2000) (Commission seeking comments about industry consensus plan to institute an all services distributed overlay for the geographic area currently covered by the 570 area code.); *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released March 31, 2000—NXX Code Reclamation*, Docket No. M-00001373 (Order entered August 22, 2000), 30 Pa. B. 4701 (September 2, 2000) (Commission established process for reclaiming NXX codes from carriers who have failed to activate them within 6 months of their availability for assignment to customers.); *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released July 20, 2000—Thousands-Block Number Pooling*, Docket Nos. M-00001427 and P-00961061F0002 (Final Order entered December 27, 2000), (Commission ordered that its first interim 1,000-block pooling trial would commence on April 2, 2001 in the 610/484 area codes); *Implementation of Number Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released July 20, 2000 - NXX Code Rationing*, Docket Nos. M-00001427 and P-00961027F0002 (Order entered December 27, 2000) (Commission ordered that NXX code rationing would continue in the 412 and 878 area codes at a rate of six per month until February 17, 2002); *Rate Center Consolidation*, Docket No. M-00011452 (Order adopted February 8, 2001) (Commission creates subcommittee charged with the responsibility of creating a plan for implementing rate center consolidation in Pennsylvania and submitting that plan to the Commission by August 21, 2001).

needing to resort to adding new area codes. Before implementing NXX code sharing on a trial basis, however, the Commission is requesting comments from consumers, the telecommunications industry and other interested parties as discussed below.

Under paragraph 61 of the *Delegation Order*, the Commission seeks comment on the following aspects of NXX code sharing:

1. *What is NXX Code Sharing?*

As previously mentioned, the Commission defined NXX code sharing as a number conservation method that permits NXX codes associated with a specific rate center to be distributed among various providers serving that rate center. In order to determine whether our definition of NXX code sharing is sufficient, the Commission wants comment on the following specific questions:

A. What types of service providers are able to participate in NXX code sharing? Are wireless and wireline carriers only able to participate in NXX code sharing or can other types of carriers participate as well?

B. Is there a specific limit to the number of carriers per rate center who can participate in NXX code sharing?

C. Does NXX code sharing occur primarily with non-LNP-capable carriers? If that is the case, should the definition of NXX code sharing reflect this fact?

2. *How does NXX Code Sharing Differ from Number Pooling?*

In addition, the Commission wants to adequately distinguish NXX code sharing from number pooling. As previously mentioned, number pooling is the process by which an entire NXX code (a 10,000 block of numbers) is shared by service providers in sequential blocks of 1,000 within a rate center. To aid in our distinction, the Commission requests comment on the following specific questions:

A. What are the similarities and differences, technical or otherwise, between NXX code sharing and number pooling?

B. Is the Commission correct that the extent of any similarity between number pooling and NXX code sharing is that both are number conservation measures allowing multiple carriers to share NXX codes?

C. Are we also correct that the technology used to accomplish both measures is what primarily distinguishes the two?

3. *Is NXX Code Sharing Technically Feasible and Economically Viable?*

Pursuant to the *Delegation Order*, the Commission is authorized to implement NXX code sharing in Pennsylvania on a trial basis if the Commission finds that NXX code sharing is technically feasible and economically viable. Therefore, we ask for comment on whether NXX code sharing is technically feasible and economically viable in Pennsylvania.

4. *How will NXX Code Sharing Impact the Delivery of Emergency Services in this Commonwealth?*

Under the *Delegation Order*, the FCC encourages this Commonwealth to assess the implications of NXX code sharing on the delivery of emergency services. To that end, the Commission requests comment on what impact NXX code sharing will have on the delivery of emergency services in this Commonwealth. If there are negative impacts on the delivery of emergency services in this

Commonwealth, is it technically feasible and economically viable to resolve them? If so, how?

5. *What are the Network Impacts of NXX Code Sharing in this Commonwealth?*

Under the *Delegation Order*, the FCC encourages this Commonwealth to evaluate the network impacts of NXX code sharing. To that end, the Commission requests comment on the network impacts of NXX code sharing in this Commonwealth. If there are negative network impacts in this Commonwealth, is it technically feasible and economically viable to resolve them? If so, how?

6. *Is NXX Code Sharing an Appropriate Means to Enable Non-LNP-Capable Carriers to Participate in or Approximate the Effects of 1,000-Block Number Pooling?*

Under the *Delegation Order*, we inquire as to whether NXX code sharing is an efficient and effective means to enable non-LNP-capable carriers to participate in or approximate the effects of 1,000-block number pooling without requiring these carriers to develop LNP capability. Will NXX code sharing provide significant numbering resources for non-LNP-capable carriers such that NXX code sharing is worth implementing?

7. *If the Commission Authorizes NXX Code Sharing on a Trial Basis, How Should NXX Code Sharing be Implemented?*

The Commission requests comment on the most efficient means to implement NXX code sharing on a trial basis in this Commonwealth should we find that it is technically feasible and economically viable. Specifically, we seek comment on the following questions:

A. Whether NXX code sharing should be implemented in the form of 1,000-block assignments or greater.

B. Whether these block assignments can and should occur with new NXX code assignments as well as for presently assigned but unused NXX codes.

C. Whether it is technically feasible and economically viable to NXX code share with contaminated blocks of numbers.

D. Whether there is a contamination threshold where NXX code sharing is not technically feasible. Is there a maximum level of contamination where blocks cannot be returned to the Code Administrator for reassignment?

8. *If the Commission Authorizes NXX Code Sharing on a Trial Basis, Where Should the NXX Code Sharing Trials be Implemented?*

The Commission seeks comment on where NXX code sharing trials will offer the greatest benefit in the form of increasing valuable numbering resources for all carriers. Specifically, we ask for comment on the following questions:

A. Should NXX code sharing trials be implemented first in area codes where there is no imminent threat of NXX code exhaustion or, alternatively, in area codes where exhaustion is more imminent?

B. Where are the most appropriate locations, in order of priority, to implement NXX code sharing trials in this Commonwealth?

We request that any comments be written in plain English. Particularly with technical issues, explanations should be sufficiently detailed to adequately explain the relevant concepts, and should be written in a manner that allows individuals with nontechnical backgrounds to comprehend. Furthermore, we request that commentators

reference their responses so as to correspond with the specific questions posed in this Order.

In addition, the Commission invites comment on any issues relevant to this proceeding not specifically addressed in the numbered interrogatories contained in this Order.

Because the Commission is concerned about the current availability and usage of numbering resources and the impact of proliferating new area codes on consumers as well as telecommunications carriers, we feel that it is important to thoroughly review any and all number conservation methods. The Commission is eager to assess the prospects of NXX code sharing as a potential number conservation initiative, especially for non-LNP capable carriers that will be unable to participate in number pooling; *Therefore,*

It Is Ordered That:

1. Comments regarding this Order be filed with the Commission no later than 30 days after this Order is published in the *Pennsylvania Bulletin*. Reply comments are due 15 days thereafter.

2. A copy of this Order be served on all jurisdictional telecommunications carriers, wireless carriers, the Office of Consumer Advocate, the Office of Small Business Advocate, and the North American Number Plan Administrator and be published in both the *Pennsylvania Bulletin* and on the Commission's website.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-426. Filed for public inspection March 9, 2001, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 2, 2001, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons as described under each application.

A-00117567. A-One Limo, Inc. (3706 Larkin Road, Boothwyn, Delaware County, PA 19061), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Bucks, Chester, Delaware, Montgomery, and the city and county of Philadelphia, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

Applications of the following for approval of the beginning of the exercise of the right and privilege

of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00117566. Valley Paratransit Service, Inc. (826 North Lewis Road, Limerick, Montgomery County, PA 19468), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand in the boroughs of Pennsburg, East Greenville, Red Hill and Green Lane, and the village of Palm, Montgomery County; which is to be a transfer of all of the rights authorized under the certificate at A-00106749 to Valley Cab Co., Inc., subject to the same limitations and conditions. *Attorney:* Thomas M. Keenan, 376 East Main Street, P. O. Box 26460, Collegetown, PA 19426-0460.

A-00117566, Folder 2. Valley Paratransit Service, Inc., (826 North Lewis Road, Limerick, Montgomery County, PA 19468), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the boroughs of Pennsburg, East Greenville, Redhill, Green Lane and the township of Upper Hanover, all located in Montgomery County, and from the said boroughs and township, to points within an airline distance of 50 statute miles of the limits of the borough of Pennsburg, and return; which is to be a transfer of all of the right authorized under the certificate issued at A-00106749, F. 2 to Valley Cab Co., Inc., subject to the same limitations and conditions. *Attorney:* Thomas M. Keenan, 376 East Main Street, P. O. Box 26460, Collegetown, PA 19426-0460.

A-00117577. A Philadelphia Airport Connection, Inc. (5 Carre Avenue, Essington, Delaware County, PA 19029), a corporation of the Commonwealth of Pennsylvania—transfer—persons in limousine service between points in the counties of Chester, Delaware, Montgomery and Philadelphia, and from points in said counties to points in Pennsylvania, and return, subject to the following condition: that no transportation originate in the counties of Chester and Delaware west of Pennsylvania Traffic Route 252 to its intersection with Pennsylvania Traffic Route 3, south of said Route 3 to its intersection with Pennsylvania Traffic Route 100, west of said Route 100 to its intersection with the Chester County border; which is to be a transfer of the rights authorized under the certificate issued at A-00108504 to Richard Harvitz, t/d/b/a Richard's Executive Limousine Service, subject to the same limitations and conditions. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

A-00117578. T. J. McGeehan Limousine Service, Inc. (R.R. #1, Box 11D, White Haven, Luzerne County, PA 18661), a corporation of the Commonwealth of Pennsylvania—transfer—persons in limousine service, between points in the counties of Carbon and Luzerne, and from points in said counties, to points in Pennsylvania, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00115452, F. 2, to T. J. McGeehan Sales & Services, Ltd., subject to the same limitations and conditions. *Attorney:* James V. Senape, Jr., P. O. Box 179, Freeland, PA 18224-0179.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00116499, Folder 1, Am-A. Dee Dee Cab, Inc., t/d/b/a Penn-Del Cab (306 East Baltimore Pike, Suite A,

Media, Delaware County, PA 19063), a corporation of the Commonwealth of Pennsylvania, inter alia—persons, upon call or demand, within that area of the city of Philadelphia bounded on the north by Lancaster Avenue, on the east by 56th Street, on the south by Grays Avenue (Grays Ferry Avenue), and on the west by the city limits: *So as to permit* the transportation of persons, upon call or demand in (1) the boroughs of Darby, East Lansdowne, Sharon Hill, Norwood, and Collingdale, and the township of Tinicum, all in Delaware County; and (2) that portion of the city and county of Philadelphia bounded as follows: Beginning at the intersection of 54th Street and Elmwood Avenue, thence south on 54th Street to Lindbergh Boulevard, thence on Lindbergh Boulevard to 70th Street, thence on 70th Street to Essington Avenue, thence on Essington Avenue to Bartram Avenue, thence on Bartram Avenue to Hog Island Road, thence on Hog Island Road to its end, thence from that point southwesterly to the Delaware County Line, thence along the Delaware County Line to Cobbs Creek, thence along Cobbs Creek to Elmwood Avenue, thence on Elmwood Avenue to 54th Street, the point of beginning. *Attorney:* Michael S. Henry, 11 Penn Center, Suite 515, 1835 Market Street, Philadelphia, PA 19103.

Application of the following for the approval of the transfer of stock as described under each application.

A-00107481, Folder 5000. Kotlyar & Son, Inc. (802 Durham Place, Bensalem, Bucks County, PA 19020), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 75 shares of the issued and outstanding 100 shares of stock from Olga Nielsen to Mikhail Kotlyar involving 13 Philadelphia Medallions at A-00107481, F. 1, P-1022 & P-1023; F. 2, P-593 & P-594; F. 3, P-1119; F. 4, P-1416, P-537, P-251, & P-230; F. 5, P-1097; F. 6, P-209 & P-484 and F. 7, P-080.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. Box 3265, HARRISBURG, PA 17105-3265

A-00105887C0001
A-00105887
F. 1

Mike Fox Inc
123 Bryan Drive
Sarver, PA 16055

Re: Mike Fox, Inc.

Dear Respondent:

On July 31, 2000, the Bureau of Transportation and Safety instituted a Complaint against Mike Fox, Inc., respondent, alleging failure to pay outstanding assessments of \$151, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Notice of the Complaint notified respondent that it must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty (20) days, the Bureau of Transportation and Safety would request the Commission to cancel respondent's Certificate of Public Convenience, direct the Pennsylvania Department of Transportation to put an administrative hold on respondent's motor vehicle registrations and notify the Pennsylvania Department of Revenue and respondent's insurance carrier that respondent's Certificate is revoked.

The Complaint was published in the *Pennsylvania Bulletin*, Volume 31, No. 1, January 6, 2001. To date,

more than twenty (20) days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the Certificate of Public Convenience, issued to respondent at A-00105887, is hereby canceled.

Furthermore, respondent will NOT be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

and on respondent's insurance carrier:

National Surety Corporation
777 San Marin Drive
Novato, CA 94998

Additionally, Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 1.1 *et seq.* and the regulations of the Commission, 52 Pa. Code §§ 1.1 *et seq.* In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Very truly yours,
James J. McNulty
Secretary

pc: Department of Revenue
National Surety Corporation

Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety Advanced Life Care, Inc.;
Doc. No. A-00109402C0001

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 Advanced Life Care, Inc., respondent, maintains its principal place of business at 501 Baily Road, Yeadon, PA 19050.

2. That respondent was issued a certificate of public convenience by this Commission on October 10, 1990, at Docket No. A-00104902.

3. That, as of February 1999, respondent had a prior assessment balance due of \$628. On June 14, 1999, respondent's account was credited the amount of \$628. A revised assessment was issued of \$622. and then an offset was issued in the amount of \$6., leaving a balance due of \$628.

4. That, on September 28, 1999, respondent was sent an initial 1999-2000 assessment of \$769. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$1,397.

5. That respondent has an outstanding assessment of \$1,397.

6. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S.A. § 510(c).

7. That respondent, by failing to pay the assessment, is in violation of the Public Utility Code at 66 Pa.C.S.A. § 510(c).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission cancel the certificate of public convenience issued to respondent, direct the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, notify the Pennsylvania Department of Revenue that respondent's certificate of public convenience has been revoked and notify respondent's insurance carrier that respondent's certificate of public convenience has been revoked.

Respectfully submitted,
George T. Mahan, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

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 publication date of this issue of the *Pennsylvania Bulletin*, 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 (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to file an answer within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission impose the penalty set forth in the complaint.

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,
Attention: Steve Reed
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 that the Commission impose the penalty set forth in the complaint.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services at (717) 783-6190.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-427. Filed for public inspection March 9, 2001, 9:00 a.m.]

Telecommunications

A-311066. Verizon North Inc. and Direct2Internet Corporation. Joint Application of Verizon North Inc. and Direct2Internet Corporation for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Direct2Internet Corporation filed on February 21, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Direct2Internet Corporation joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-428. Filed for public inspection March 9, 2001, 9:00 a.m.]

Telecommunications

A-310204F0002. Verizon North Inc. and Full Service Computing Corporation t/a Full Service Network. Joint Petition of Verizon North Inc. and Full Service Computing Corporation t/a Full Service Network for adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Full Service Computing Corporation t/a Full Service Network filed on February 22, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Full Service Computing Corporation t/a Full Service Network joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-429. Filed for public inspection March 9, 2001, 9:00 a.m.]

The PRPA will consider only those bids received from parties who attended the prebid meeting.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 01-431. Filed for public inspection March 9, 2001, 9:00 a.m.]

Telecommunications

A-311064. The United Telephone Company of Pennsylvania d/b/a Sprint and Max-Tel Communications Inc. Joint Application of The United Telephone Company of Pennsylvania d/b/a Sprint and Max-Tel Communications, Inc. for approval of a master resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Max-Tel Communications, Inc. filed on February 26, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Max-Tel Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-430. Filed for public inspection March 9, 2001, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Invitation to Bid

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Tuesday, March 20, 2001, for Project #0110.P (HVAC Maintenance at Tioga Administration Building), 3460 N. Delaware Ave., Philadelphia, PA 19134.

The bid documents can be obtained from the Director of Procurement, 3460 N. Delaware Ave., 2nd Flr., Philadelphia, PA 19134, (215) 426-2600 and will be available March 13, 2001. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid meeting will be held Thursday, March 15, 2001, 10 a.m. at the Tioga Administration Bldg., 3460 N. Delaware Ave., Philadelphia, PA 19134.

STATE BOARD OF VOCATIONAL REHABILITATION

Public Meeting

The State Board of Vocational Rehabilitation will hold its next public meeting in Harrisburg, PA.

Location: Marriott Hotel, 4650 Lindle Road,
Harrisburg, PA 17111.

Date: March 13, 2001

Time: 10:30 a.m.—12 noon (Executive Session—
closed to the public) 1 p.m.—3 p.m. (Public Session)

Persons who require special arrangements (including a sign language interpreter or alternate format), should call Marji Coover at (717) 787-5365 or (800) 442-6351.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 01-432. Filed for public inspection March 9, 2001, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Information Systems Intergrator/ Engineering Firm

Phase III of the Advanced Travelers Information System (ATIS)

The Turnpike Commission (Commission) requests information for Systems Integration services for the Commission's Advanced Travelers Information System (ATIS) Project.

This system will become the focal point for distribution of past, present and future Turnpike conditions to customers, for the Commission's internal utilization, as well as a source of information for other state and local agencies. The primary goal of this project will be to use the existing Intelligent Transportation Systems (ITS) technology to monitor traffic flow and keep motorists informed of traffic conditions, and allow the Commission's Duty Officers to efficiently and effectively manage the Commission's assets.

The ATIS is expected to evolve over time in a very modular fashion. A task order contract is expected to be the principal development vehicle through which this system will evolve. The rules outlined in a request for proposals (RFP) will guide the process by which the tasks will be undertaken. Following are the guiding principles for the development of the system:

- The initial focus of the ATIS will be to build an operational system with a selected subset of information collection and dissemination capability.

- The designs for the ATIS will provide access to the diverse clients for the information that ATIS will collect and store.

- The ATIS will be modular in fashion such that new systems and technologies can be added with little to no affect on the existing components.

The short-term services to be provided include the design and development of the central software, detailed specification of computer hardware needs, and implementation. In addition, the Commission foresees significant future effort in systems integration. As future devices and functionality are added, the Commission may require services to integrate new devices and enhanced capability.

This systems integration effort will be Federally funded. The Commission is committed to the inclusion of disadvantaged, minority and woman firms in these services. The minimum participation level for DBE/MBE/WBEs in this contract is expected to be 10%.

This request for Information (RFI) is being issued to firms that may be interested in performing these systems integration services. The goal of the RFI is to obtain comments from interested firms that will be used to clarify ambiguities in the documents that describe the services to be performed. The Commission and its consultant staff will review comments that are received and will incorporate responses into the RFP.

Two additional documents are associated with this RFI. The "Phase III ATIS Systems Integration Systems Integrator RFP Sections" contains the following materials:

- Introduction
- Initial Task Assignments
- Future Tasks
- Procurement Process
- Evaluation and Award Criteria

The "Phase III Systems Integration Functional Require-

ments" provides an overview of the requirements of the various subsystems associated with the project. It is anticipated that these requirements will be further detailed as part of a Requirements Walk-Through conducted by the Commission, its representatives, and the firm selected to perform these services.

Firms interested in obtaining these documents or have additional questions can request them through Timothy M. Scanlon at tscanlonpaturnpike.com. These documents may also be requested electronically through Al Kazickas at akazickas@hntb.com. Please submit these questions in MSWord format clearly indicating the document and section numbers to which they apply. Please do not call.

Firms interested in performing these systems integration services are invited to submit their comments (RFI), in electronic form or by mail to Timothy M. Scanlon at the Turnpike Commission Administration Building located at 176 Kost Road, Carlisle, PA 17013-0779. (FedEx address: 176 Kost Road, Carlisle, PA 17013-0779)

Comments on the "Phase III ATIS Systems Integration Systems Integrator RFP Sections", and the Phase III Systems Integration Functional Requirements" must be received by 12 p.m. (noon), Friday, March 30, 2001 to ensure that they will be considered by the Commission. Any comments received after this date and time will not be considered.

Based on an evaluation of acceptable comments received in response to these solicitations, a Request for Proposal (RFP) or request for Letters of Interest will be published in this circulation for selection.

The Commission reserves the right to reject all comments, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 01-433. Filed for public inspection March 9, 2001, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center

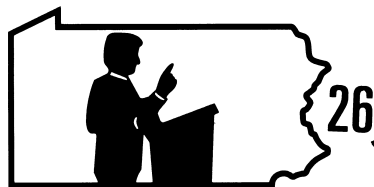
PA Department of Community and Economic Development

374 Forum Building

Harrisburg, PA 17120

800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

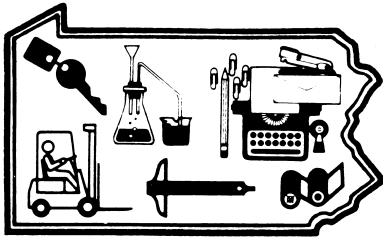
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

Bid # 495 Audio recorders w/adaptive accessories.

Department: Public Welfare
Location: White Haven Center, R. R. #2, Box 2195, White Haven, Pa 18661
Duration: N/A
Contact: Sandra A. Repak, PA, (570) 443-4232

SP810140026 One each—Media Form CD-3706P. (Multiple CD Burner and Printer)

Department: Office of Administration/Executive Offices
Location: JNET, PSP Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110
Duration: From date of final approved contract through June 30, 2001
Contact: Susan Rojas, (717) 787-8767

1376210 Furnish & Install Fire Alarm System. Spectronics—No Substitute.

Department: Public Welfare
Location: Torrance, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1391200 Breath Testing Device. Intoximeters Inc.—No Substitute.

Department: State Police
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

6350-03 Surveillance & Security Equipment & Supplies. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Surveillance & Security Equipment & Supplies, 6350-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

6350-01 Security System Services. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Security System Services, 6350-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 6350-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

5850-01 Microcomputer, LAN Hardware & Peripherals. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Hardware & Peripherals, 5850-01. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5850-01 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

P & S 13,000 EACH—CUFFS, DOUBLE, WHITE PLASTIC, MONADNOCK #4200.

Department: State Police
Location: SUPPLY SECTION, 1800 ELMERTON AVENUE, HARRISBURG, PA.
Duration: JUNE 30, 2001
Contact: ROBERT D. STARE, (717) 705-5921

1419150 Fully Automatic In-Line "L" Sealer. For a copy of bid package fax request to (717) 787-0725.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

Bid #494 Communication devices/accessories.

Department: Public Welfare
Location: White Haven Center, R. R. #2, Box 2195, White Haven, PA 18661
Duration: N/A
Contact: Sandra A. Repak, PA, (570) 443-4232

1434350 API Model 400A Ozone Analyzer. For a copy of bid package fax request to (717) 787-0725.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1430110 Eccentric Slotter, Multi Headed and Corner Cutter

Department: Corrections
Location: Dallas, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8176770 Pa Dot Form MV-100, Optional Rear Window Registration Certificate for 1st Class Cities, Print, Process and Deliver.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

5810-03 Microcomputer & Local Area Network (LAN) Software. During each quarter of the current calendar year, new contractors may seek to be added to the list of qualified contractors for the Microcomputer & Local Area Network (LAN) Software, 5810-03. Also existing qualified contractors may seek to become qualified for additional categories of supplies or services. In order to be considered, contractors must submit a completed bid, 5810-03 to ensure receipt by the Commonwealth on or before 1:30 p.m. on the last Commonwealth business day of each quarter (the deadline). A "quarter" is defined as the three consecutive calendar months ending with the last business day of the months of March, June, September, and December of a calendar year. Those bids received before the deadline will be evaluated beginning the 1st business day of the month immediately following the deadline. The evaluation cycle will take an estimated 25 Commonwealth business days (subject to workload and holidays). Bids received after the deadline (but on or before the deadline for the next quarter) will be held and evaluated after the deadline for the next quarter. There will be no exceptions. To receive copy of bid package fax request to (717) 787-0725 or call our faxback system at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1418340 Multi Image Display System. For a copy of bid package fax request to (717) 787-0725.

Department: PA Public TV Network
Location: Hershey, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1415110 Furnish & Install Aluminum Doors. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Cambridge Springs, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8505610 Precast Concrete Box Culvert.

Department: Transportation
Location: Lancaster, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

00976023 Rebuilding of the isolation dampers and provide new fan inlet dampers at Polk Center's Boiler Plant.

Department: Public Welfare
Location: POLK CENTER, P. O. Box 94, Polk, PA 16342
Duration: April 15, 2001—June 30, 2001
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

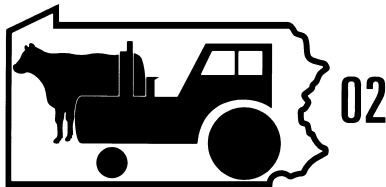
ADV #108 Indiana University of Pennsylvania (IUP), Indiana, Pa 15705 is seeking bids for a basic driving simulation system Acceptable; Manufacturer/Model—Doron Model L350 or approved equal. Requests for a bid package should be made, in writing, referencing Advertisement Number 108 and directed to Patty Bash, Purchasing Agent, IUP, 650 S. 13th Street, Indiana, PA 15705; Fax # (724) 357-2670; Phone # (724) 357-3077; or e-mail: PABash@grove.iup.edu. Requests for a bid package will be accepted until March 9, 2001 at 1 p.m. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: N/A
Contact: Patty Bash, (724) 357-3077

Bid #493 Adaptive switches/devices.

Department: Public Welfare
Location: White Haven Center, R. R. #2, Box 2195, White Haven, PA 18661
Duration: N/A
Contact: Sandra A. Repak, PA, (570) 443-4232

SERVICES

**Agricultural Services**

PGC-2694 Provide the equivalent of GAME BIRD PHEASANT STARTER FEED, for a total quantity of 180 Tons, which shall consist of the following: Mash—bagged in 100 lb. bags, delivered in lots of 1,200 lbs.; Crumbles—No whole pellets and 0% on a 10 mesh screen, and/or Pellets—Size 5/32". Together with the following additions: Amprolium 0.0175% or 1.4 lbs. of Amprol (25%)/Ton. (140 lbs.) AND Vitamin Stress Pack (e.g., AG Stress) 1 lb./Ton. (180 lbs.) Bulk Delivery To: Northcentral Game Farm, to begin on or about April 16, 2001, and end approximately August 15, 2001.

Department: Game Commission
Location: Pennsylvania Game Commission, Northcentral Game Farm, Bruce Guinter, Superintendent, 1609 Proctor Road, Williamsport, PA 17701
Duration: April 16, 2001 to August 15, 2001.
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2693 Provide the equivalent of GAME BIRD PHEASANT STARTER FEED, for a total quantity of 214 Tons, which shall consist of the following: Mash—bagged in 100 lb. bags, delivered in lots of 1,200 lbs. (Four Tons); Crumbles—No whole pellets and 0% on a 10 mesh screen, and/or Pellets—Size 5/32" (210 Tons). Together with the following additions: Amprolium 0.0175% or 1.4 lbs. of Amprol (25%)/Ton (299.6 lbs.) AND Vitamin Stress Pack (e.g., AG Stress) 1 lb./Ton. (100 lbs) Feed and medication quantities are only estimates. Actual amounts ordered may be greater or less than the estimated quantity. Bulk Delivery to: Western Game Farm, to begin on or about April 16, 2001 and end approximately July 15, 2001. Additional information in bid package through agency.

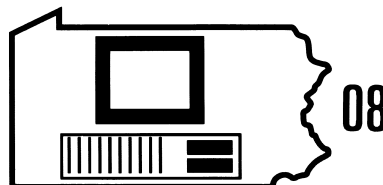
Department: Game Commission
Location: Pennsylvania Game Commission, Western Game Farm, Larry Mears, Superintendent, 25761 Highway 408, Cambridge Springs, PA 16403
Duration: From April 16, 2001, to July 15, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2691 Provide the equivalent of GAME BIRD PHEASANT STARTER FEED for a total quantity of 180 Tons which shall consist of the following: Mash—bagged in 100 lb. bags, delivered in lots of 1,200 lbs. Crumbles—no whole pellets and 0% on a 10 mesh screen, and/or Pellets - size 5/32". Together with the following additions: Amprolium 0.0175% or 1.4 lbs. of Amprol (25%)/ton. AND Vitamin Stress Pack (e.g., Ag Stress) 1 lb./Ton. Feed and medication quantities are only estimates. Actual amounts may be greater or less than estimated. Bulk Delivery to: Southwest Game Farm, to begin on or about April 16, 2001, and end approximately August 25, 2001. More information in bid package provided by agency.

Department: Game Commission
Location: Pennsylvania Game Commission Southwest Game Farm, Robert Hodge, Superintendent, R. D. 1, Box 51-A, New Bethlehem, PA 16242
Duration: From April 16, 2001 to August 25, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2692 Provide the equivalent of GAME BIRD PHEASANT STARTER FEED, for a total quantity of 185 Tons, which shall consist of the following: Mash—bagged in 100 lb. bags, delivered in lots of 1,200 lbs. (Two Tons) Crumbles—No whole pellets and 0% on a 10 mesh screen, and/or Pellets—Size 5/32" (183 Tons). Together with the following additions: Amprolium 0.0175% or 1.4 lbs. of Amprol (25%)/Ton. (259 lbs.) AND Vitamin Stress Pack (e.g., AG Stress) @ 1 lb./Ton. (100 lbs) Bulk Delivery to: Loyalsock Game Farm, to begin on or about April 16, 2001, and end approximately July 31, 2001. Additional information in bid package provided by agency.

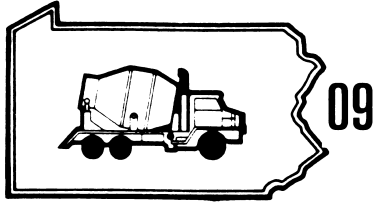
Department: Game Commission
Location: Pennsylvania Game Commission, Loyalsock Game Farm, C. Clair Souter, Superintendent, 136 Game Farm Road, Montoursville, PA 17754
Duration: From April 16, 2001 to July 31, 2001.
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

**Computer Related Services****02-A-01** Dual Tape Drive—Dual Mammoth Tape Unit of 40—80 GB capacity.

Department: Labor and Industry
Location: Department of Labor and Industry, Bureau of Disability Determination, 1171 S. Cameron Street, Room 104, Harrisburg, PA 17104
Duration: Delivery 30 days after approval
Contact: Cherianita Thomas/JB, (717) 787-2877

1009-001 Strategic communications consulting services.

Department: Corrections
Location: Correctional Industries, 75 Utley Drive/Suite 102, P. O. Box 47, Camp Hill, PA 17001-0047
Duration: 1 year
Contact: MaryAnn Ulrich, (717) 731-7134

**Construction & Construction Maintenance**

DGS 1103-60 REVISED REBID PROJECT TITLE: Sports Center Expansion. **BRIEF DESCRIPTION:** Construction of a new All Purpose Basketball Arena and a building to house a new swimming pool, locker areas and storage rooms. Also includes sport health facilities, physical education offices, sports coaches' offices and a dance studio. The new structure will be connected to the existing Physical Education building by a longitudinal corridor. New utilities will be connected and installed to serve the new construction. **ESTIMATED RANGE:** \$5,000,000.00 to \$10,000,000.00. General, HVAC, Plumbing and Electrical Construction. **PLANS DEPOSIT:** \$450.00 per set payable to: BURT HILL KOSAR RITTELMANN ASSOCIATES. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$25.00 per set or provide your express mail account number to the office listed below. Mail requests to: Burt Hill Kosar Rittelmänn Associates, 650 Smithfield Street, Suite 2600, Pittsburgh, PA 15222-3907, (412) 394-7000. Bid Date: WEDNESDAY, April 4, 2001, at 2 p.m. A Pre-Bid Conference has been scheduled for Wednesday, March 21, 2001, at 11 a.m. at University of Pittsburgh—Bradford Campus, Dorothy Lane and Campus Drive at the EX GYM, Bradford, PA. Contact: Peter Buchheit, (814) 362-7670. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

Department: General Services
Location: University of Pittsburgh—Bradford Campus, Bradford, McKean County, PA
Duration: 396 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS 1103-40ME9.4 REVISED REBID PROJECT TITLE: Construction of the Multi-Purpose Academic Complex. **BRIEF DESCRIPTION:** Construction of a building Telephone and Computer Data cabling system. Work will include pulling cabling through existing conduit and terminating the cabling at both ends. A computerized file with all labeling of every wire will also be included. The work also includes exterior site/landscape lighting, some line voltage work associated with the data cabling and some miscellaneous 110 voltage work as well. **ESTIMATED RANGE:** \$500,000.00 to \$1,000,000.00. Structured Cabling Construction. **PLANS DEPOSIT:** \$550.00 per set payable to: JSA. Refundable upon return of plans and specifications in reusable condition as construction documents within 30 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: JSA, 6450 Steubenville Pike, Pittsburgh, PA 15205-1004, (412) 788-1500. Bid Date: WEDNESDAY, March 21, 2001 at 11 a.m. A Pre-Bid Conference has been scheduled for Friday, March 9, 2001 at 1:30 p.m. Meet at Turner/ATS Site Office, 218 S. Oakland St., Pittsburgh, PA. Contact: Scott Womack, (412) 788-1500. All Contractors who have secured Contract Documents are invited and strongly urged to attend this Pre-Bid Conference. All Questions must be submitted in writing to Scott Womack, Via FAX (412) 787-5960 or email at swomack@jsa-architects.com., no later than 3 p.m., 4 complete days prior to the receipt of the Bids. Questions will not be answered after that time.

Department: General Services
Location: University of Pittsburgh, Pittsburgh, Allegheny County, PA
Duration: 190 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

SP382100010 Services needed to grout an existing PA DOT wall.

Department: Conservation and Natural Resources
Location: Delaware Canal State Park
Duration: 30 days after the notice to proceed
Contact: Sandra Lewis, (215) 453-5030

ME-00981024 Contractor is to supply all labor, tools, materials, equipment, services, and appurtenances to construct a new bituminous pavement basketball court with standards and painted lines.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: 120 days from effective date of contract. Work expected to be completed during the summer of 2001
Contact: Thomas E. Mateja, PA, (724) 656-7310

RFP 22-99 The object of this project is to provide a totally automated fixed location anti-icing/de-icing system integrated w/an advance electronic speed advisory/warning signing system to alert the motoring public of possible snow and icing conditions at the Anderson Creek Bridge on Interstate 80, Clearfield County. The proposals are to integrate the two systems to achieve the best practice to solve the problem outlined in the Request for Proposal (RFP). The "Fixed Automated System Technology" system is to be flush deck mounted, using anti-icing/de-icing solutions to depress the roadway surface freeze point. Additional information and RFP may be obtained by faxing a request for "RFP 22-99" to Denny Prestash at Fax# (814) 765-0487.

Department: Transportation
Location: Anderson Creek Bridge, Interstate 80, Clearfield County
Duration: Sixty (60) Days (Estimated)
Contact: Dennis Prestash, (814) 765-0402

FDC-215-777.1 Convert 12 plus miles of existing trail into a bituminous paved trail at M.K. Goddard State Park in Mercer County. Work includes clearing and grubbing; maintenance and protection of traffic; embankment; aggregates (41,200 tons); riprap (20,600 tons); geotextile (98,000 S.Y.); bituminous paving (14,000 tons); P.E. pipe (3,460 L.F.); line painting, signs (50); box beam separators (5,100 L.F.); 15 benches and trash receptacles; concrete (300 C.Y.); 8 Pratt Truss pedestrian bridges. **NOTE:** Requests for Bid Documents will be taken ON or AFTER March 12, 2001.

Department: Conservation and Natural Resources
Location: New Vernon, Mill Creek and Sandy Lake Townships
Duration: 335 Days
Contact: Construction Management Section, (717) 787-5055

BJ0201 2 Insulated overhead roll-up doors with electronic control openers

Department: Transportation
Location: 355 Dewart Street, Sunbury, PA, Northumberland Co.
Contact: Barbara Johnson, (570) 286-7178

DGS 581-10 PROJECT TITLE: Upgrade of Electrical Distribution System. **BRIEF DESCRIPTION:** Replace 35,000 FT of 5KV cable and 17 switches rated at 5KV. **ESTIMATED RANGE:** \$100,000.00 to \$500,000.00. Electrical Construction. **PLANS DEPOSIT:** \$135.00 per set payable to: ARRIS ENGINEERING GROUP, LTD./PHASOR. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: Arris Engineering Group, Ltd./Phasor Corporation (Joint Venture), Suite 500, 67 Public Square, Wilkes-Barre, PA 18701, (570) 825-7760. Bid Date: WEDNESDAY, April 4, 2001 at 1 p.m. A Pre-Bid Conference has been scheduled for Thursday, March 22, 2001 at 10 a.m. at White Haven Center at the Facility Maintenance Department, Building No. 15, Foster Township, Luzerne County, PA. Contact: Richard Szatkowski, (570) 825-7760. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

Department: General Services
Location: White Haven Center, Foster Township, Luzerne County, PA
Duration: 245 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS 944-2 PHASE 2 PROJECT TITLE: Office Renovations. **BRIEF DESCRIPTION:** Renovate office space for Board of Probation and Parole. Renovation shall include new architectural finishes, HVAC, electrical and specialized security provisions. **ESTIMATED RANGE:** \$100,000.00 to \$600,000.00. General, HVAC, Plumbing and Electrical Construction. **PLANS DEPOSIT:** \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. (717) 787-3923. Bid Date: WEDNESDAY, April 4, 2001 at 1 p.m. A Pre-Bid Conference has been scheduled for Wednesday, March 14, 2001 at 2 p.m. at the Reading State Office Building, Ground Floor in the Lobby, Reading, PA. Contact: Ronald Pontius, (717) 787-5598. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

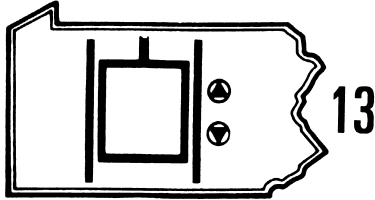
Department: General Services
Location: Reading State Office Building, Reading, Berks County, PA
Duration: 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

FDC-450-775 Restoration of lock, bridges, access ramps and buildings at the Theodore Roosevelt Recreation Area, Delaware Canal State Park in Northampton County. Work includes excavation, backfill, bituminous paving, signing, guide rail, landscaping, concrete work, masonry, metal work, carpentry, doors and windows, painting and staining, and sluice gate. **NOTE:** Requests for Bid Documents will be taken ON or AFTER March 12, 2001

Department: Conservation and Natural Resources
Location: Williams Township
Duration: 180 Days
Contact: Construction Management Section, (717) 787-5055

DGS A251-557 PROJECT TITLE: Upgrade Restrooms. **BRIEF DESCRIPTION:** Renovation of existing restrooms and create new ADA accessible restroom as indicated on drawings A1 and P1. **ESTIMATED RANGE:** \$100,000.00 to \$500,000.00. General, Plumbing and Electrical Construction. **PLANS DEPOSIT:** \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: WEDNESDAY, March 28, 2001 at 1 p.m.

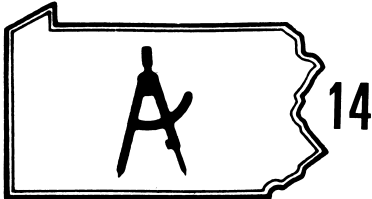
Department: General Services
Location: PennDOT Maintenance Building, Bortondale, Delaware County, PA
Duration: 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556



Elevator Maintenance

401-BL-638 Scranton Commons Elevator Modifications—Provide all labor, parts, and equipment necessary to renovate a 3,500 pound capacity Dover elevator including the installation of new doors and operator, microprocessor controller, infrared door detector, new flooring, machine room shut off valve, lighting circuit breaker, cab exhaust fan, and ADA compliant accessories. To obtain a copy of the bid documents contact Bloomsburg University, Waller Bldg., Room 38, Bloomsburg, Pa. 17815 Attn: Joe Quinn or Fax at (570) 389-2017 by March 22, 2001. Information on the bidding and prebid will be included in the package.

Department: State System of Higher Education
Location: Bloomsburg, Pa.
Duration: Two weeks
Contact: Joseph C. Quinn, (570) 389-4311



Engineering Services

SSHE-PA&QA-01-2001 The State System Of Higher Education is seeking to qualify firms capable of performing Project Administration and Quality Assurance Services (PA&QA Services) for projects to occur at the System's Universities and other related facilities. The projects will be identified by the 14 state owned universities located at Bloomsburg, California, Cheyney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Shippensburg, Slippery Rock, and West Chester, and including Dixon University Center in Harrisburg and the various branch campuses of the Universities. Universities will issue Requests for Proposal and qualified firms to provide services that may supplement the University's ability to provide similar services. The qualified firms will then have the opportunity to provide a price competitive proposal. Firms will be qualified for a period of 5 years. Services anticipated over the period could involve the installation of Fire Detection and Sprinkler Systems in approximately 100 residence halls and various other projects to be undertaken by the System and its Universities associated with the construction or renovation of buildings or infrastructure systems. These services may be provided by firms with expertise in the administration and quality assurance of facilities related construction projects. These services are not required to be provided by, but may be provided by, a Professional. The Invitation to Qualify (ITQ) is available at the following Web Address: <http://www.sshechan.edu/Procurement/bids.htm>. Interested and qualified firms can obtain an ITQ, preferably from the web site, or from Dixon University Center, 2986 North Second Street, Hughes Hall, Construction Support Office, Room 105, Harrisburg, PA 17110-1201. Requests for the ITQ can be sent to Rebecca Novak by fax (717) 720-7117 or fax (717) 720-4013, or e-mailed to rnovak@sshechan.edu. Responses to the ITQ are due on March 15, 2001 by 4 p.m. The System encourages responses from small firms, minority firms, women owned firms, and firms that have not previously worked for the System, and will consider joint ventures that enable these firms to participate in System contracts. Non-discrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

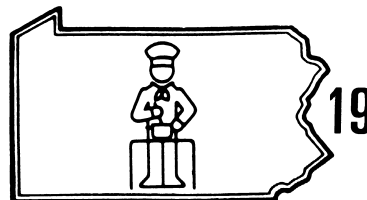
Department: State System of Higher Education
Location: Throughout Pennsylvania at State Owned Universities and Related Facilities
Duration: Qualified for 5-year term
Contact: James Barbush, Facilities Contracts Manager, (717) 720-4119



Financial and Insurance Consulting

9567-66 Cheyney University is seeking proposals from qualified public accounting firms to provide an independent audit of the Student Government Cooperative Association financial statements for the fiscal year ended June 30, 2000. Fax your request for a proposal to Antonia Williams (610) 399-2128.

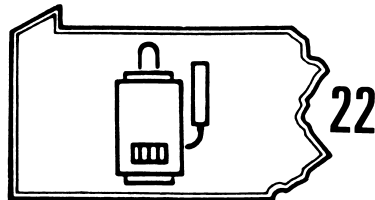
Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319
Duration: One-year with renewal options
Contact: Antonia Williams, (610) 399-2360



Food

20052 CHICKEN PATTIES—SOLID MUSCLE FILLET, 6 OZ. BONELESS-SKINLESS—CHICKEN PATTIES, SOLID MUSCLE 4 OZ., BONELESS, BREADED SOLID WHITE MEAT ONLY—POULTRY MEAT, CHICKEN—FULLY COOKED PULLED IQF CHUNK ONLY—TURKEY HAM—NON-EMULSIFIED, PROD. MADE FROM WHOLE THIGH MUSCLE. BAKED, CURED, SEASONED, SMOKED AND FORMED INTO OBLONG SHAPE. NO PORK OR PORK BY-PRODUCTS.

Department: Corrections
Location: SCI CHESTER, 500 E. 4TH ST., CHESTER, PA 19013
Duration: APR 10, 2001 THROUGH JUN 12, 2001
Contact: BEN JARETT, (610) 490-4370



HVAC Services

Plumbing01 Various types of plumbing supplies: bathroom sinks, faucets, shower modules, etc. For a copy of the bid package please fax a request to (717) 861-2932.

Department: Military Affairs
Location: State Armory Board, Bldg. 0-47, Ft. Indiantown Gap, Annville, PA 17003-5002
Duration: Fiscal Year 2001
Contact: Anita Sommer, (717) 861-2928

304-00000 Contractor shall provide full service which includes all materials, parts, (replacement and repair); labor, tools and equipment, also encompass requests for emergency repairs on the HVAC System at the Samter Building.

Department: General Services
Location: Scranton, PA., Samter Building
Duration: July 1, 2001 through June 30, 2003
Contact: Joseph G. Barrett, (570) 963-4817

HUN 356 Primary electrical feeder relocation. Eliminate a utility pole and replace with an underground vault. Project involves materials, specialized equipment and personnel.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 4/01/01 to 6/30/02
Contact: Robert Jessell, Purchasing Agent, (814) 643-2400

SPC#1114400005 THE CONTRACTOR SHALL PROVIDE ALL PARTS, LABOR AND MATERIALS NECESSARY FOR CERTIFIED INSPECTIONS OF FIVE HOOD AND DUCT FIRE SUPPRESSIONS SYSTEMS AT THE STATE CORRECTIONAL INSTITUTION AT HOUTZDALE.

Department: Corrections
Location: STATE CORRECTIONAL INSTITUTION AT HOUTZDALE STATE, ROUTE 2007, HOUTZDALE, PA. 16651
Duration: JULY 01, 2001 TO JUNE 30, 2004
Contact: DIANE K. DAVIS, P.A. II, (814) 378-1006



Janitorial Services

CLD00-129 Provide janitorial services, trash and recycling removal, and furnish all materials and equipment required to perform services per bid specifications.

Department: Attorney General
Location: Criminal Law/BNIDC, 105 Independence Drive, Butler, PA 16001
Duration: 7/01/01-6/30/03—two year contract with two one-year options to extend
Contact: Jean M. Kreiser, (717) 705-6559

CLD00-126 Provide janitorial services, recycling removal, and furnish all materials and equipment required to perform services per bid specifications.

Department: Attorney General
Location: Criminal Law/BNIDC, 2305 28th Street, S.W., Allentown, PA 18103
Duration: 7/1/01-6/30/03—two year contract with two one-year options to extend
Contact: Jean M. Kreiser, (717) 705-6559

CLD00-131 Provide janitorial services, and furnish all materials and equipment required to perform services per bid specifications.

Department: Attorney General
Location: Criminal Law/BNIDC, 680 Baltimore Drive, Wilkes-Barre, PA 18702
Duration: 7/1/01-6/30/03—two year contract with two one-year options to extend
Contact: Jean M. Kreiser, (717) 705-6559

CLD00-130 Provide janitorial services, trash and recycling removal, and furnish all materials and equipment required to perform services per bid specifications.

Department: Attorney General
Location: Criminal Law/BNIDC, 1959 East 36th Street, Erie, PA 16510
Duration: 7/1/01 - 6/30/03—two year contract with two one-year options to extend
Contact: Jean M. Kreiser, (717) 705-6559

SP-11742002 Contractor to perform the janitorial services as required in the Willow Oak Building, located on the grounds of the Harrisburg State Hospital. The Willow Oak Building consists of approximately 50,000 square feet. Normal cleaning hours will be 6 am to 2:30 pm. A complete bid package may be obtained by faxing a request to (717) 787-3560. A visit to the work site is required.

Department: Public Welfare
Location: Public Welfare—Division of Office Service, Willow Oak Bldg., Harrisburg State Hospital, Harrisburg, PA 17105
Duration: July 1, 2001 through June 30, 2002
Contact: Barry Malone, Purchasing Agent, (717) 705-3917

CLD00-128 Provide janitorial services, trash and recycling removal, and furnish all materials and equipment required to perform services per bid specifications.

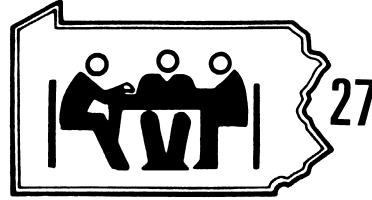
Department: Attorney General
Location: Criminal Law/BNIDC, 2515 Greentech Drive, State College, PA 16804
Duration: 7/1/01-6/30/03—two year contract with two one-year options to extend
Contact: Jean M. Kreiser, (717) 705-6559

CLD00-127 Provide janitorial services, trash & recycling removal, and furnish all materials and equipment required to perform services per bid specifications.

Department: Attorney General
Location: Criminal Law/BNIDC, 7801 Essington Avenue, Philadelphia, PA 19153
Duration: 7/1/01-6/30/03—Two year contract with two one-year options to extend.
Contact: Jean M. Kreiser, (717) 705-4655

SP 11742001 Contractor to perform the janitorial services as required in Building #33, Cherry Wood, located on the grounds of Harrisburg State Hospital. Building #33 consists of approximately 54,400 square feet. Normal cleaning hours will be 6:30 a.m. thru 5 p.m. A complete bid package may be obtained by faxing a request to (717) 787-3560. A visit to the work site is required.

Department: Public Welfare
Location: Public Welfare—Division of Office Services, Cherry Wood Bldg. #33, Harrisburg State Hospital Grounds, Harrisburg, PA 17105
Duration: July 1, 2001 through June 30, 2002
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883



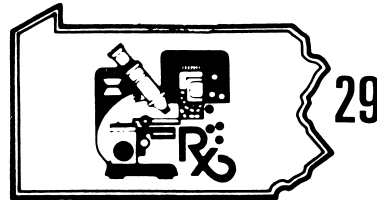
Lodging/Meeting Facilities

461904 A facility in Pennsylvania within 5 miles of Erie, PA, Sept 16—21, 2001. With "Classroom Style" Room for 125 attendees, two "Breakout" Rooms for 35 attendees each and "Hospitality Style" Room for 50 attendees, as specified. Meeting and Breakout Rooms to be equipped with required A/V Equipment, Telephones, Personal Computers, etc., as specified. Breakfast, Lunch and Breaks (am & pm) for 125 attendees, as specified. Provide Lodging (on site), 25 Single Rooms (early arrivals) Sept 16, 2001 and 125 Single Rooms Sept 17—20, 2001, with 1 pm checkout. Free On-site parking for all attendees. Fax request for Bid Package to Wendy Heberlig (717) 783-4438, include Proper Business Name, Mailing Address with Contact Person and Telephone Number.

Department: Transportation
Location: In Pennsylvania, Erie, PA
Duration: Sept 16 through 21, 2001
Contact: Wendy Heberlig, (717) 787-4299

SP-22010000 Provide lodging and meals for Waterways Conservation Officer Trainees within a 5 mile radius of the PA State Police Northwest Training Center.

Department: Fish and Boat Commission
Location: Five mile radius of the PA State Police Northwest Training Center, 195 Valley View Drive, Meadville, PA 16335
Duration: July 25, 2001 to December 21, 2001 (Week Days only)
Contact: Dennis Grove, (717) 705-7915



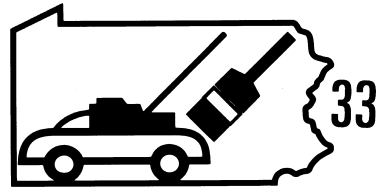
Medical Services

DENT 01 THE CONTRACTOR SHALL PROVIDE SUPPLEMENTAL DENTAL LABORATORY SERVICES FOR INMATE DENTAL PROSTHESIS REQUIREMENTS

Department: Corrections
Location: SCI HOUTZDALE, STATE ROUTE 2007, HOUTZDALE, PA 16651
Duration: 36 MONTHS (JULY 01, 2001 TO JUNE 30, 2004)
Contact: DIANE K. DAVIS, P.A.II, (814) 378-7848

RFA 00-07-12 Requests for Applications: The Department of Health announces the availability of Community Primary Care Challenge Grants to develop and implement programs to improve access or availability of comprehensive primary medical and dental care to residents of underserved areas. If interested, please write or call Barbara Bloom to request copy of the RFA; Bureau of Health Planning, Room 1033, Health & Welfare Building, P. O. Box 90, Harrisburg, PA 17108, (717) 772-5298.

Department: Health
Location: Various underserved areas throughout Pennsylvania
Duration: Sept. 1, 2001 through August 31, 2003
Contact: Barbara Bloom, (717) 772-5298



Property Maintenance

SP382100004 Services required to clean and paint steel outlet conduit and gate valve (approximately 2,300 square foot) at the Marsh Creek Dam.

Department: Conservation and Natural Resources
Location: Marsh Creek State Park
Duration: Service must be performed between October 9 and November 9
Contact: Sandra Lewis, (215) 453-5030

SP 00781030 Exterior painting of Building #1. For detailed specifications, contact the Purchasing Office at (610) 670-4129.

Department: Public Welfare
Location: Wernersville State Hospital Route 422 West—Berks County, P. O. Box 300, Wernersville, PA 19565-0300
Duration: Anticipated Start Date: May 1, 2001
Contact: Nancy Deininger, Purchasing Agent, (610) 670-4129

403-57 Exterior renovation/restoration of an 18th century stone farm house to include site work, utilities, selected demolition, masonry repair and restoration; replacement and restoration of exterior wood; new exterior porches, stairs and ramps, roof replacement; window and door replacement, painting and electrical work. Pre-bid Conference will be held March 19, 2001 at 2 p.m. Plans cost \$100.00 and are non-refundable.

Department: State System of Higher Education
Location: Cheyney University, Cheyney, PA 19319
Duration: 240 calendar days from date of Notice to Proceed.
Contact: Antonia Williams, (610) 399-2360

304-07516 Contractor will furnish all labor, equipment, materials and supervision to pile, load and haul snow away from the Capitol Complex to a dumpsite provided by the Commonwealth.

Department: General Services
Location: Capitol Complex, Harrisburg, PA.
Duration: July 1, 2001 through June 30, 2004.
Contact: Carlos Ramos, (717) 787-2155

ME-00981022 Contractor is to furnish all labor and materials to repair stress cracks that are located in the walls of the gymnasium, which is located in building #3 on the grounds of the institutional grounds.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: Unspecified. Work is expected to be started during the summer of 2001.
Contact: Thomas E. Mateja, PA, (724) 656-7310

110055 This service is to provide graffiti removal from Department maintained facilities on, and adjacent to, various State highways in Allegheny, Beaver and Lawrence Counties. The majority of the work sites are associated with bridge structures in Allegheny County. The graffiti may be located on metal, concrete, stone or other types of materials.

Department: Transportation
Location: Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4956
Duration: The contract will be for an original period of 2 years from the effective date. The contract will be renewable by mutual consent for one additional two-year period.
Contact: Brad Saxton, (412) 429-4948

SP 00781031 Repair retaining wall. For detailed specifications, contact the Purchasing Office at (610) 670-4129.

Department: Public Welfare
Location: Wernersville State Hospital, Route 422 West—Berks County, P. O. Box 300, Wernersville, PA 19565-0300
Duration: Anticipated Start Date: May 1, 2001
Contact: Nancy Deininger, Purchasing Agent, (610) 670-4129

ME-00981025 Contractor is to furnish all labor and materials to repair cracks in the swimming pool, which is located in building #3 on the institutional grounds.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: Unspecified. Work is expected to be started during the summer of 2001.
Contact: Thomas E. Mateja, PA, (724) 656-7310

ME-00981023 Contractor is to furnish all labor and materials for the removal to replace the floor in the walk-in cooler, which is located in building #4 of the institutional grounds.

Department: Public Welfare
Location: Youth Development Center, Frew Mill Road, R. R. 6, Box 21A, New Castle, PA 16101
Duration: Unspecified. Work is expected to be started during the summer of 2001.
Contact: Thomas E. Mateja, PA, (724) 656-7310



Railroad/Airline Related Services

3810001 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 1. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at a DCNR approved airport within a 40-mile radius of Chambersburg, PA.

Department: Conservation and Natural Resources
Location: Forest District 1
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810007 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 15. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at Cherry Springs or Bradford Airport OR if the contractor is based outside of Potter and McKean counties, will be upon entering and exiting Potter and McKean counties.

Department: Conservation and Natural Resources
Location: Forest District 15, Coudersport
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810002 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 3. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at Carlisle Airport, Carlisle, PA.

Department: Conservation and Natural Resources
Location: Forest District 3, Blain
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810012 Services required of an Aircraft Operations Advisor to provide the Dept. of Conservation & Natural Resources, Bureau of Forestry, Division of Forest Fire Protection with direct operational and technical assistance in the administration of various contracted aircraft utilized in wildland fire protection, forest pest management and forest culture work.

Department: Conservation and Natural Resources
Location: Throughout the Commonwealth of Pennsylvania
Duration: July 1, 2001 through June 30, 2002
Contact: Pamela Stouffer, (717) 783-0760

SP 3810004 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 6. A 4-place, single engine, high OR low wing aircraft with 150 horsepower or greater is required. All flights will begin and end at Ebensburg Airport.

Department: Conservation and Natural Resources
Location: Forest District 6, Ebensburg, PA
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810005 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 8. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at Greenville, Newcastle or Clarion.

Department: Conservation and Natural Resources
Location: Forest District 8, Clarion
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810006 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 14. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at the Titusville Airport.

Department: Conservation and Natural Resources
Location: Forest District 14, North Warren
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810010 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 19. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at Mt. Pocono Airport.

Department: Conservation and Natural Resources
Location: Forest District 19, Swiftwater
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810009 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 17. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at a DCNR approved airport within a 14-mile radius of Forest District 17's office in French Creek State Park.

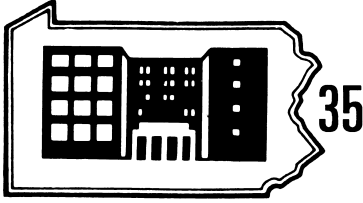
Department: Conservation and Natural Resources
Location: Forest District 17, Elverson
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810003 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 4. A 4-place, single engine, high OR low wing aircraft with 145 horsepower or greater is required. All flights will begin and end at a DCNR approved airport within a 25 mile radius of the District Office in Laughlinton.

Department: Conservation and Natural Resources
Location: Forest District 4, Laughlinton
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760

SP 3810008 Rental of aircraft with pilot for forest fire prevention and detection including forest pest management work in PA Forest District 16. A 4-place, single engine, high wing aircraft with 150 horsepower or greater OR a 4-place, single engine, high wing aircraft with 230 horsepower or greater is required. All flights will begin and end at Grand Canyon State Airport unless otherwise specified by the Bureau.

Department: Conservation and Natural Resources
Location: Forest District 16, Wellsboro
Duration: July 1, 2001 through June 30, 2004
Contact: Pamela Stouffer, (717) 783-0760



Real Estate Services

93192 LEASE SPACE TO THE COMMONWEALTH OF PA Proposals are invited to provide the Department of Revenue with 7,781 useable square feet of office space in Delaware County, PA, with a minimum parking for 30 vehicles. For more information on SFP #93192 which is due on April 23, 2001, visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Revenue
Location: 505 North Office Building, Harrisburg, Pa 17125
Contact: Jennings Ward, (717) 787-7412

93193 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA 8,863 sq. ft. of office space with 19 parking spaces, within a 3 mile radius of the Wellsboro Courthouse, Wellsboro, Tioga County, PA. The Department of Public Welfare, Tioga County Assistance Office will occupy the space. Downtown locations will be considered. For more information on Solicitation #93193 which is due on April 16, 2001 visit www.dgs.state.pa.us or call (717) 787-4394.

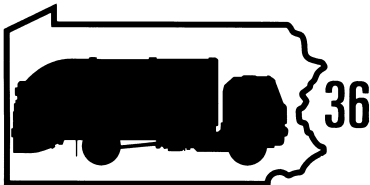
Department: Public Welfare
Location: 505 North Office Building Harrisburg, PA 17125
Contact: Cynthia T. Lentz, (717) 787-0952

BMR-00-02 Notice is given that the Department of Environmental Protection will retain a contractor to study the impacts that longwall mining has had on the fair market value of overlaying real property and on tax assessments and revenues of both surface and mineral interests for affected properties located in Washington and Greene Counties, Pennsylvania. Valuation methods used in this study shall conform to appraisal industry standards. A Pennsylvania State Certified General Real Estate Appraiser or a Temporary Pennsylvania State Certified General Real Estate Appraiser must certify the report that will result from this study. For a copy of the Request for Proposal for Professional Services, contact Lawrence Ruane, Bureau of Mining and Reclamation, P.O. Box 8461, Harrisburg, PA 17105-8461. Faxed requests will be accepted at (717) 783-4675. Questions may be directed to Lawrence Ruane at (717) 783-9590, during the hours of 9 a.m. and 4:30 p.m., Monday through Friday.

Department: Environmental Protection
Location: Greene and/or Washington Counties
Duration: 8 months after the Notice to Proceed.
Contact: Lawrence Ruane, (717) 783-9590

93115 LEASE OFFICE/MAINTENANCE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Conservation and Natural Resources with 24,316 net useable sq. ft. of office/maintenance space in Lycoming County, PA, with a minimum parking for 148 vehicles, within the following boundaries: South; State Rt. 220 West; State Rt. 287 North; State Rt. 973 East; State Rt. 87. The space will be occupied by the DCNR, Forest District 12 Office. For more information on SFP #93115 which is due on April 9, 2001 call (717) 787-7419, or you can download a complete SFP package at www.dgs.state.pa.us.

Department: Conservation and Natural Resources
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Robert Kleimenhagen, Jr., (717) 787-7419



Sanitation

10671006 Removal of solid waste from the grounds of Norristown State Hospital. For specification, request bid packet #10671006.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere St., Norristown, PA 19401
Duration: 7/1/01—6/30/04 with 2 one year renewal options
Contact: Sue Brown, Purchasing Agent, (610) 313-1026



Security Services

SP-260112 Provide all labor, parts, materials, tools, supervision and equipment necessary to perform Preventive Maintenance Inspections once a year and repairs when requested by the PA Liquor Control Board on Closed Circuit Television Surveillance Systems.

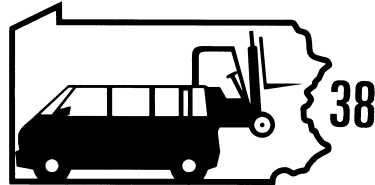
Department: Liquor Control Board
Location: Bucks, Chester, Delaware, Montgomery and Philadelphia County.
Duration: Upon notification to proceed and terminate March 31, 2006
Contact: Lisa A. Vega, (717) 705-2238

00671041 Supply all labor, equipment & material for security fence around building #10. For specifications, request bid packet #00671041.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere St., Norristown, PA 19401
Duration: 120 days a.r.o.
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

SP-260111 Provide armed and/or unarmed security guard service to designated Pennsylvania Wine & Spirits Shoppes located in Allegheny and surrounding counties.

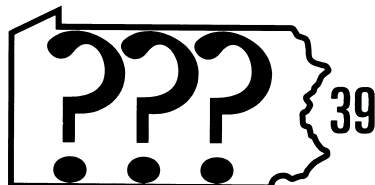
Department: Liquor Control Board
Location: Allegheny and surrounding counties
Duration: 5 years
Contact: Debbie Brinser, (717) 772-2043



Vehicle, Heavy Equipment and Powered Machinery Services

4420-21 Vendor to provide maintenance on Addressograph Multigraph equipment located at 110 S. 17th Street, Harrisburg, Pa. Maintenance is to be done quarterly. Billing is to be semi-annually.

Department: General Services
Location: 110 S. 17th Street, Harrisburg, PA. 17104
Duration: Contract is being requested for 3 years beginning July 1, 2001 and ending June 30, 2004.
Contact: Dan Gilham, 787-8884



Miscellaneous

SP-00879012 Service—recoating of EPDM roof areas, Central Building

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Contact: Arletta K. Ney, Purch.Agt., (570) 372-5670

SP-00879011 Service—Partial seam repair of EPDM roof, Central Building

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

SP-10879006 Service repair/rewind/replace electric motors

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: July 1, 2001 through June 30, 2006
Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

SP-10879005 Service Automatic Doors (including operators, electric strikes, etc.)

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: July 1, 2001 through June 30, 2006
Contact: Arletta K. Ney, Purch. Agt., (570) 372-5670

5401-00-02 Five floating vinyl baffles (approximately 295 linear feet) and ten 12" diameter by 36" deep concrete pads with stainless steel eyebolts in each pad. Purchase will include installation of these baffles and pads in an existing clarifying pond at the Toby Creek AMD Treatment Plant. Also required are the stainless steel cable and accessories for each baffle installation.

Department: Environmental Protection
Location: Horton Township
Duration: August 31, 2001
Contact: Phyllis Cocco, (814) 472-1811

2010010001 The PA State Police will be issuing a Request for Proposal to award a contract for a Member Assistance Program (MAP) trainer whose primary responsibility would be to provide training sessions to new and existing Peer Contacts. The trainer provides supplemental training to Management personnel in MAP. These subjects are: Current trends and topics in police work as they relate to Peer Support; Current trends and information on Police Employee Assistance Programs; Current trends on Mental Health Assessments and Treatment; and Management and Supervisory training concerning the concepts of Peer Assistance. IT IS MANDATORY THAT THE TRAINER POSSESS NOT ONLY PROFESSIONAL CREDENTIALS (I.E. PH.D.) BUT ALSO HAVE A PROFESSIONAL AND PERSONAL KNOWLEDGE OF POLICE WORK. The trainer must be knowledgeable in current federal and state laws that may affect MAP. The trainer must have credentials in clinical, instructional and communication skills. The MAP trainer must be able to train in Psychodynamics, Reflective and Emotive listening. The trainer must have prior experience training Law Enforcement Peer based settings. Lastly, the trainer must have practical experience in Critical Incident Stress Management with Law Enforcement Officers.

Department: State Police
Location: PA State Police Academy, Hershey, PA
Duration: July 1, 2001 through June 30, 2006
Contact: Corporal Govan Martin, MAP, (717) 533-5434

SU-00-14 Shippensburg University is seeking vendors interested in submitting bids for Fax maintenance & repair services. Services to be provided on various brands of machines at different locations on campus, July 1, 2001 through June 30, 2002. Maintenance to be provided on the following types of machines: Sharp, Hewlett Packard, Monroe, Minolta, Lanier, Panasonic, Cannon, Ricoh. Interested bidders must be authorized service representatives for each brand of machine they bid on. Please fax your request to Pam King, Administrative Services Office at (717) 477-4004 to be added to the Bidders List. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Dr, Shippensburg, PA 17257-2299
Duration: July 1, 2001 through June 30, 2002
Contact: Pamela A. King, (717) 477-1121

1101200010 Contractor to provide labor & parts for maintenance and servicing of the Cerberus Pyrotechnics MXL Fire Alarm System at the State Correctional Institution at Albion.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Rt 18, Albion, PA 16475
Duration: July 1, 2001 through June 30, 2004, Anticipated
Contact: Lesley S. Jarrett, Purchasing Agent II, (814) 756-5778

SU-00-13 Shippensburg University is seeking vendors interested in submitting bids for copier maintenance & repair services. Services to be provided on various brands of machines at different locations on campus, July 1, 2001 through June 30, 2002. Maintenance to be provided on the following types of machines: Konica, Minolta, Mita, Pitney Bowes, Ricoh, Risograph, Sharp, Toshiba, Xerox. Interested bidders must be authorized service representatives for each brand of machine they bid on. Please fax your request to Pam King, Administrative Services Office at (717) 477-4004 to be added to the bidders list. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299
Duration: July 1, 2001 to June 30, 2002
Contact: Pamela A. King, (717) 477-1121

8000-03952 Asphalt paving approximately 1,256.6 square yards.

Department: Corrections
Location: SCI-Waynesburg, 373 Prison Road, Waynesburg, PA 15370
Duration: March 1, 2001—June 30, 2001
Contact: Judith Cook, (724) 852-5609

SP-260114 Furnish, install and maintain a leased digital music and announcement system in approximately twenty-three Pennsylvania Wine & Spirits Shoppes.

Department: Liquor Control Board
Location: Pennsylvania Wine & Spirits Shoppes
Duration: 3 years with 3 one-year options
Contact: Robert L Isenberg, (717) 787-9855

518-66 Cheyney University is seeking proposals from qualified firms for restructuring our web site. Fax your request for a proposal to Antonia Williams (610) 399-2128.

Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319
Duration: One-year with renewal options
Contact: Antonia Williams, (610) 399-2360

SU12200-27 Shippensburg University is seeking vendors interested in providing 2200 copies of a book published by Penguin, USA to be used for Academic Day. Bid due date will be 3-16-01 by 4 p.m. Bid Opening will be held at 2 p.m. on 3-19-01. Vendors interested in receiving a bid package should fax their request to Janet Neidigh, Purchasing Agent at (717) 477-1350, or email jneid@ship.edu. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Contact: Janet Neidigh, (717) 477-1386

1047 Contractor will supply 7 compartment serving trays molded of polycarbonate to be used in serving of meals to the inmate population at the State Correctional Institution—Frackville. Detailed specifications will be available in a bid package from the institution. Approximate purchase will be 1,200 Trays.

Department: Corrections
Location: STATE CORRECTIONAL INSTITUTION—FRACKVILLE, 1111 ALTAMONT BOULEVARD, FRACKVILLE, PA 17931
Duration: TO BE AVAILABLE FOR DELIVERY BY APPROXIMATELY 4/15/01 OR SOONER.
Contact: MARY LOU NEVEROSKY, PURCHASING AGENT, (570) 874-4516, EXT. 112

92541 Preventive maintenance and repair to specific photographic lab equipment by factory authorized and qualified service personnel. Vendor must be located within a 50 mile radius of Harrisburg.

Department: General Services
Location: Commonwealth Media Services, 22nd & Forster Streets, 2nd Floor, Harrisburg, PA 17125
Duration: July 1, 2001—June 30, 2002
Contact: Ron Armstrong, (717) 787-2095

SP0882018 This Certified Music Therapist will provide music therapy services to the residents of South Mountain Restoration Center. These services will be provided to staff, individuals and groups of residents throughout the facility. The contractor will work both independently and in conjunction with the Therapeutic Activities Staff in providing music programs for the residents. The main focus of the job will be to provide additional residential music therapy activities at the center. However, the therapist's skills will also be used to provide periodic in-service training for center staff, especially activities staff. Contractor will also be available to treatment teams to provide recommendations related to certain Care Plan needs. The music/therapist/contractor is to be certified by the American Music Therapy Association. South Mountain Restoration Center is a state owned and operated Long Term Care Facility located in the southeastern corner of Franklin County. Contractor will provide 3 to 4 sessions per week. Each session will consist of 4 hours of music therapy services.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 S. Mt. Road, South Mountain, PA 17261
Duration: 1 year
Contact: Sherry Wenger/Purchasing Dept., (717) 749-4031

SP10882106 The contractor agrees to provide non-emergency ambulance service for routine medically necessary trips, and transportation service for residents for non-medically necessary trips. Contractor's ambulance company must meet all Medicare regulations for proper staffing and medical equipment. The ambulance company must meet voluntary ambulance service certification as regulated by the Department of Health PA Code Title 28—Chapter 10.005. The contractor shall be available via direct telephone contact on a 24 hour basis for prompt response for ambulance service for non-emergency medically necessary trips. The contractor must supply appropriate transport vehicle for pre-scheduled visits depending on resident's condition. Transport vehicles will include stretcher vans and wheelchair vans equipped with basic life support equipment. Mode of transportation will be mutually agreed upon by the contractor and the facility contact. Additional conditions and specifications can be obtained by contacting the Center.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: Three-year contract
Contact: Sherry C. Wenger, Purchasing Department, (717) 749-4031

517-46 Cheyney University is seeking proposals from qualified firms for the provision of Grant acquisition services. Fax your request for a proposal to Antonia Williams (610) 399-2128.

Department: State System of Higher Education
Location: Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319
Duration: One-year with renewal options
Contact: Antonia Williams, (610) 399-2360

PGC-2690 Agency is seeking vendor to provide 50,000, Pennsylvania Game Commission official patches as follows: To be four inches in diameter, round, nine colors; design and color of patches illustrated in copy provided by agency. (Artwork to be provided at time of award.) To be fully embroidered, all thread to be first quality 100/2 rayon, colorfast to light and machine washable. Have twill backing to be 65% cotton, 35% polyester. Have merrow overlapped, ravel-proof border, rayon threads. To be backed with plastic to prevent shrinkage. Workmanship throughout shall include sharp, neat identification. More information is included in bid package provided by agency.

Department: Game Commission
Location: Pennsylvania Game Commission, Bureau of Administrative Services, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Duration: From award through June 1, 2001.
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

[Pa.B. Doc. No. 01-434. Filed for public inspection March 9, 2001, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
0014-08	02/14/01	Boyer Printing & Binding Co	200,000.00
0014-08	02/14/01	K-B Offset Printing Inc	200,00.00
0014-08	02/14/01	Pemcor Sowers LLC	200,000.00
0019-09	02/13/01	Dupli Envelope & Graphics	377,363.14
0050-08	02/14/01	David A Smith Printing Inc	60,995.66
3610-01 RIP#5/SUP/#2	02/14/01	Panasonic Document of Matsushita Elect Corp of America	50,000.00
3610-01 RIP#5/SUP/#2	02/14/01	Muratec America Inc	50,000.00
6840-02	02/23/01	Arborchem Products Ci	1,544,920.10
6840-02	02/23/01	Chemi-Trol Chemical co/dba Cadco	6,690.00
6840-02	02/23/01	CWC Chemical	310,367.00
6840-02	02/23/01	Cygnnet Enterprises Inc	47,442.50
6840-02	02/23/01	J.C. Ehrlich Chemical Co Inc	500,664.50
6840-02	02/23/01	Timberland Enterprises Inc	224,908.00
7350-05	02/14/01	Aladdin Temp-Rite LLC	53,000.00
7350-05	02/14/01	Legion Industries	24,200.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
7350-05	02/14/01	Singer Equipment Co	999,100.00
7350-05	02/14/01	SW Food Service Equipment Co	51,800.00
7350-05	02/14/01	Todd Devin Food Equipment	139,900.00
7350-05	02/14/01	United Restaurant Equipment Inc	103,600.00
7350-05	02/14/01	W S Lee & Sons Inc	6,900.00
8415-01 RB#1	02/23/01	Stauffer Glove & Safety	1,749.00
9985-15 SUP #1	02/21/01	Natural Pest Control Co Inc	50,000.00
9985-15 SUP #1	02/21/01	Chemtech Exterminating d/b/a Orkin Pest Control	50,000.00
9985-15 SUP #1	02/21/01	Koss Pest Control Inc	50,000.00
9985-15 SUP #1	02/21/01	Clearfield County Exterminating	50,000.00
9985-15 SUP #1	02/21/01	Rentokil Inc Pest Control Division	50,000.00
9985-15 SUP #1	02/21/01	Wargo's Pest Control	50,000.00
9985-15 SUP #1	02/21/01	Hi-Tech Exterminators Inc	50,000.00
1243230-01	02/21/01	Lehigh AG Equipment	140,748.70
1327200-01	02/21/01	Mark Supply Co	34,580.70

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 01-435. Filed for public inspection March 9, 2001, 9:00 a.m.]

