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PENNSYLVANIA BULLETIN

Volume 31

Number 20

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Pages 2537—2660

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The Courts

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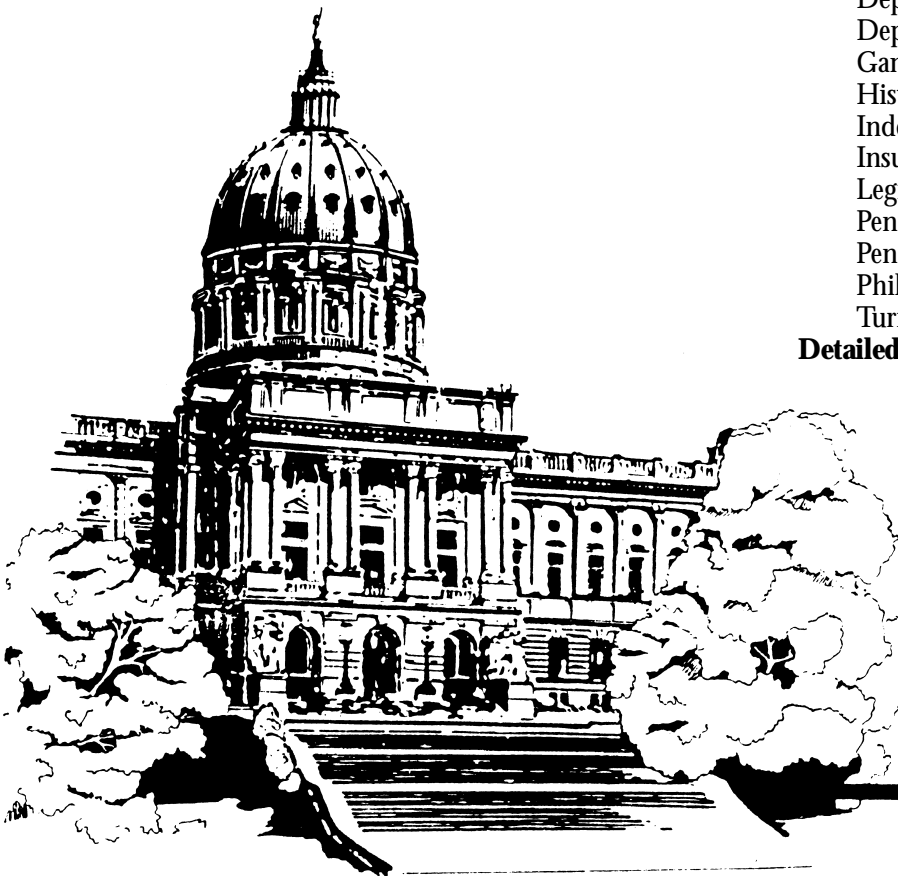
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Pennsylvania Public Utility Commission

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Turnpike Commission

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No. 318, May 2001

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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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THE GOVERNOR

Title 4—GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2001-3]

Voting Modernization Task Force

April 25, 2001

Whereas, National events in the 2000 General Election have created an environment replete with opportunities and challenges to improve the means by which elections are conducted throughout this Commonwealth; and

Whereas, Article I, Section 5 of the Pennsylvania Constitution states "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage"; and

Whereas, recent developments in technology provide opportunities to improve this Commonwealth's voting systems; and

Whereas, each of Pennsylvania's 67 counties has significant authority in the administration of the Commonwealth's elections; and

Whereas, each county selects and maintains its own voting equipment and conducts elections; and

Whereas, the Secretary of the Commonwealth, by law, serves as Pennsylvania's chief election officer; and

Whereas, the laws of the Commonwealth of Pennsylvania provide that elections are the shared responsibility of the county Boards of Election and the Secretary of the Commonwealth.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and the Laws of the Commonwealth, do hereby establish the Voting Modernization Task Force (Task Force).



Governor

Fiscal Note: GOV 01-03. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

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6.37.	Executive agencies.
6.38.	Termination date.

§ 6.31. Mission.

The mission of the Voting Modernization Task Force shall be to make recommendations to modernize the voting systems and machinery throughout this Commonwealth.

§ 6.32. Functions.

The functions of the Voter Modernization Task Force shall be to:

(1) Evaluate the voting systems available in this Commonwealth, including:

- (i) The merits of various types of voting machinery and technology.
- (ii) The speed and accuracy of vote counting.
- (iii) The integrity and security of voting systems, including ballot secrecy.
- (iv) The feasibility of establishing uniform guidelines for vote tabulations on various voting systems and associated standards for recounts.
- (v) Recommendations regarding effective ballot design.
- (vi) The accessibility of voting machines to elderly and disabled Pennsylvanians.
- (vii) The methods by which the Internet can add value to elections.
- (viii) The viability of a standardized voting system to be utilized throughout this Commonwealth.

(2) Recommend changes, if necessary, to the current approval process in this Commonwealth for voting systems.

§ 6.33. Composition.

The Voting Modernization Task Force includes the following members:

- (1) The Secretary of the Commonwealth, who serves as the chairperson.
- (2) The Commissioner of Elections for the Department of State.
- (3) The Chairperson of the Western Pennsylvania Election Personnel Association and the Chairperson of the Association of Eastern Pennsylvania County Election Personnel, or their designees.
- (4) Two representatives of the County Commissioners Association of Pennsylvania.
- (5) A representative from the Office of Administration's Office of Information Technology.
- (6) The Governor's Director of Policy or a designee.
- (7) At least three members from the public at large.
- (8) Additional representatives, appointed by the Governor as deemed necessary, as nonvoting exofficio members.

§ 6.34. Terms of membership.

The terms of membership shall be as follows:

- (1) The members serve at the pleasure of the Governor.
- (2) If a vacancy occurs on the Voting Modernization Task Force due to resignation, disability or death of a member, the Governor will appoint a successor as expeditiously as possible.

§ 6.35. Compensation.

The members of the Voting Modernization Task Force receive no compensation for their service, except that the members may be reimbursed for actual travel and related expenses in accordance with the Commonwealth Travel and Subsistence Regulations. (See Chapter 40 (relating to travel and subsistence).)

§ 6.36. Reports.

The Task Force shall present a final report to the Governor by November 30, 2001.

§ 6.37. Executive agencies.

The agencies under the Governor's jurisdiction shall cooperate with and provide assistance as needed by the Voting Modernization Task Force (Task Force) in performing its functions. The Task Force will receive administrative services from the Department of State.

§ 6.38. Termination date.

This subchapter will terminate on December 31, 2001, unless reestablished or sooner rescinded.

[Pa.B. Doc. No. 01-848. Filed for public inspection May 18, 2001, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 5 AND 11]

Examination of Defendant by Commonwealth's Mental Health Experts

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Pa.R.Crim.P. 567 (Examination of Defendant by Commonwealth's Mental Health Expert), and make correlative changes to Rules 573 (Pretrial Discovery and Inspection) and 1101 (Suspension of Acts of Assembly). New Rule 567 would establish the procedures for the examination of a defendant by a mental health expert retained by the Commonwealth either by agreement of the parties, or by court order when the court determines the defendant intends to introduce evidence concerning his or her mental condition. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed rule changes precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 or criminal.rules@supreme.court.state.pa.us, no later than Monday, June 18, 2001.

By the Criminal Procedural Rules Committee

JOSEPH P. CONTI,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART E. INFORMATION

(Editor's Note: Rule 567 is new and is printed in regular type to enhance its readability.)

Rule 567. Examination of Defendant by Commonwealth's Mental Health Expert.

(A) EXAMINATION OF DEFENDANT

(1) BY AGREEMENT

(a) The defendant, defendant's counsel, and the attorney for the Commonwealth may agree to an examination of the defendant by the mental health expert(s) designated in the agreement.

(b) The agreement shall be in writing and signed by the defendant, defendant's counsel, and the attorney for the Commonwealth, or made orally on the record.

(c) Unless otherwise agreed, the mental health expert(s) promptly shall prepare a written report stating the subject matter, the substance of the facts relied upon, and a summary of the expert's opinions and the grounds for each opinion.

(2) BY COURT ORDER

(a) Upon motion of the attorney for the Commonwealth, and after notice to the defendant and an opportunity to be heard, if the court determines at any stage of the proceedings that the defendant intends to introduce evidence concerning his or her mental condition, the court shall order that the defendant submit to an examination by one or more mental health experts selected by the Commonwealth for the purpose of determining the mental condition put in issue by the defendant.

(b) When the court orders an examination pursuant to this paragraph, the court shall advise the defendant on the record:

(i) of the purpose of the examination and the contents of the court's order;

(ii) that the information obtained from the examination may be used at trial; and

(iii) the potential consequences of the defendant's refusal to cooperate with the Commonwealth's mental health expert(s).

(c) The court's order shall:

(i) specify the time, place, and conditions of the examination;

(ii) provide that the examination be recorded, and that copies be made available to the parties;

(iii) specify who may be present at the examination; and

(iv) specify the time within which the mental health expert(s) must submit the written report of the examination.

(d) Upon completion of the examination of the defendant, the mental health expert(s), within the time specified by the court as provided in paragraph (A)(2)(c)(iv), shall prepare a written report stating the subject matter, the substance of the facts relied upon, and a summary of the expert's opinions and the grounds for each opinion.

(B) DISCLOSURE OF REPORTS

(1) The mental health experts' reports and the recordings of the examination of the defendant shall be confidential, and not of public record.

(2) Any mental health expert whom either party intends to call to testify concerning the defendant's mental condition must prepare a written report. No mental health expert may be called to testify concerning the defendant's mental condition until the expert's report has been disclosed as provided herein.

(3) The court shall set a reasonable time after the Commonwealth's expert's examination for the disclosure of the reports of the mental health experts.

(4) Upon a sufficient showing, the court may at any time order that the disclosure of a report or reports be

restricted or deferred for a specified time, or make such other order as is appropriate. Upon motion of any party, the court may permit the showing to be made, in whole or in part, in the form of a written statement to be inspected by the court in camera. If the court enters an order granting relief following a showing in camera, the entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.

(C) SANCTIONS FOR NON-COMPLIANCE

At any time during the course of the proceedings, upon motion or sua sponte, if the court determines there has been a failure to comply with this rule, the court may order compliance, may grant a continuance, or may grant other appropriate relief. Upon motion, any hearing to determine if there has been a failure to comply may be held in camera and the record sealed until after disposition of the case.

Comment

This rule establishes the procedures for the examination of the defendant by a mental health expert(s) retained by the prosecution pursuant to an agreement by the parties, see paragraph (A)(1), or a court order, see paragraph (A)(2).

"Mental Health Expert," as used in this rule, includes a psychiatrist, a licensed psychologist, a physician, or any other expert in the field of mental health who will be of substantial value in the determination of the issues raised by the defendant concerning his or her mental condition.

Examination of Defendant

Paragraph (A)(1) is intended to encourage the defendant, defendant's counsel, and the attorney for the Commonwealth to agree to an examination of the defendant by the Commonwealth's mental health expert(s).

When the defendant, defendant's attorney, and the attorney for the Commonwealth agree that the defendant will be examined under this rule, at a minimum, the agreement should specify the time, place, and conditions of the examination, who may be present during the examination, how the examination will be recorded, and the time within which the parties will disclose the reports of their experts.

Paragraph (A)(2) provides for the examination of a defendant by order of the court upon motion of the Commonwealth. The purpose of providing notice to the defendant and an opportunity to be heard in paragraph (A)(2)(a) is so the defendant may challenge the Commonwealth's selected mental health expert(s) when, for example, there is a conflict of interest, or for some other appropriate reason.

It is intended that the examining mental health expert(s), whether appointed pursuant to the agreement of the parties or a Commonwealth's motion, have substantial discretion in how to conduct an examination. The conduct of the examination, however, must conform to generally recognized and accepted practices in that profession. Therefore, the examination of the defendant may consist of such interviewing, clinical evaluation, and psychological testing as the examining mental health expert(s) considers appropriate, within the limits of non-experimental, generally accepted medical, psychiatric, or psychological practices.

Nothing in this rule is intended to limit the number of examining experts the defense may use, nor is it to be

construed as a limitation on any party with regard to the number of other expert or lay witnesses they may call to testify concerning the defendant's mental condition.

The court is required in paragraph (A)(2)(b) to inform the defendant, on the record, about the request for a compelled examination. The court is to explain that the examination is being conducted at the request of the attorney for the Commonwealth and that the purpose of the examination is to obtain information about defendant's mental condition. In addition, the court should explain the procedures for the examination that are included in the court's order as set forth in paragraph (A)(2)(b), and explain the potential consequences of the defendant's failure to cooperate with the examination.

As part of the court's order, the judge is required to include a provision for the recording of the examination. The judge also must determine the type of recording, such as audio- or video-tape recordings.

Paragraph (A)(2)(d) requires that the examining mental health expert(s) promptly prepare a written report and sets forth the minimum contents of that report. It is intended that the scope of the mental health expert's report be limited in the court's order to matters related to the defendant's mental condition at the time put into issue by the defendant.

Disclosure of Reports

After the examination of the defendant by the Commonwealth's mental health expert(s) is completed and the mental health expert's report has been prepared, the defendant and the Commonwealth are required in paragraph (B) to disclose the reports that are made by any experts either party intends to call to testify concerning the defendant's mental condition. The reports must be in writing, and should comply with the content requirements in paragraph (A)(2)(d). An expert witness cannot testify until the report is disclosed as provided in paragraph (B)(2) and (3). There may be situations in which the court would have to call a short recess to permit the expert to complete a written report and to give the parties an opportunity to review the report, such as when a mental health expert(s) is observing the defendant during the trial and will be called to testify on these observations.

When the parties agree to the examination, the time for the disclosure of the reports should be set by the agreement of the parties. The agreement should permit adequate time to review the reports and prepare for the proceeding. If the parties cannot agree, in cases proceeding pursuant to court order under paragraph (A)(2), the court should set the time for the disclosure of reports, which should afford the parties adequate time to review the reports and prepare for the proceeding.

In no case should the disclosure occur until after the defendant has been examined by the Commonwealth's mental health expert(s) and the mental health expert(s) has prepared and submitted a written report. Establishing a reasonable time frame and providing for the reciprocal disclosure are intended to further promote the fair handling of these cases. There may be cases in which, although proceeding pursuant to a court order, the parties, with the court's approval, agree to an earlier time for disclosure consistent with the purposes of this rule. This rule would not preclude such an agreement.

Paragraph (B)(4) recognizes that there may be situations in which the disclosure of an expert's report should be restricted in some way, and gives the court discretion to determine the appropriate action. For example, the court could redact a portion of the report, limit the use of

the report, limit to whom the report may be shown, delay the delivery of the report, or seal the report for a specified period of time.

Examples of situations in which the court might limit disclosure of a report include when there is a need to protect confidential relationships and privileges recognized by law, when there is irrelevant information contained in the report that might be used to develop a case against the defendant, or when the information is so inherently prejudicial that it requires special handling by the judge.

Use of Information Obtained Under This Rule

Information obtained from the examination of a defendant by a Commonwealth's expert is not to be disclosed or used except as permitted by case law, which is evolving. See, e.g., *Commonwealth v. Santiago*, 662 A.2d 610 (Pa. 1995), *Commonwealth v. Morley*, 681 A.2d 1254 (Pa. 1996), *Commonwealth v. Szuchon*, 693 A.2d 959 (Pa. 1997), *Commonwealth v. Karenbauer*, 715 A.2d 1086 (Pa. 1998), and *Commonwealth v. Sartin*, 751 A.2d 1140 (Pa. 2000).

See the Pennsylvania Rules of Evidence concerning the admissibility of the experts' reports and information from any examinations of the defendant by an expert.

Sanctions

Paragraph (C) authorizes the court to impose sanctions on any person who has failed to comply with any of the provisions of this rule, including the attorney for the Commonwealth, the defendant, defendant's counsel, or an expert. The type of sanction is left to the court's discretion.

When the defendant has refused to cooperate in the examination by the Commonwealth's mental health expert(s), before imposing a sanction, the court should consider whether the defendant's failure to cooperate (1) was intentional, (2) was the result of the defendant's mental illness, and (3) will have an adverse and unfair impact on the Commonwealth's ability to respond to the defendant's claim. The court also should consider whether ordering the defendant to resubmit to the examination would result in the defendant's cooperation. See ABA Standards, supra, Std. 7-3.4(c) for examples of possible sanctions to impose on a defendant.

Mental Health Procedures Act

Section 7402 (Incompetence to Proceed on Criminal Charges and Lack of Criminal Responsibility as Defense) of the Mental Health Procedures Act, 50 P. S. § 7402, prescribes procedures for conducting court-ordered examinations of a defendant when the defendant's competency is an issue. The procedures in Section 7402 are distinct from the procedures set forth in this rule. However, to the extent that the statutory procedures conflict with the procedures in this rule, this rule takes precedence. See Rule 1101 for suspensions.

Official Note: Adopted _____, effective _____.

Committee Explanatory Reports:

Report explaining the proposed new rule governing the examination of the defendant by the Commonwealth's expert published at 31 Pa.B. 2552 (May 19, 2001).

PART F. PROCEDURES FOLLOWING FILING OF INFORMATION

Rule 573. Pretrial Discovery and Inspection.

* * * * *

(C) DISCLOSURE BY THE DEFENDANT

(1) MANDATORY:

(a) Notice of Alibi Defense:

A defendant who intends to offer the defense of alibi at trial shall, at the time required for filing the omnibus pretrial motion under Rule [578] 579, file of record notice signed by the defendant or the attorney for the defendant, with proof of service upon the attorney for the Commonwealth, specifying intention to claim such defense. Such notice shall contain specific information as to the place or places where the defendant claims to have been at the time of the alleged offense and the names and addresses of witnesses whom the defendant intends to call in support of such claim.

(b) Notice of Insanity Defense or Mental Infirmity Defense:

A defendant who intends to offer at trial the defense of insanity, or a claim of mental infirmity, shall, at the time required for filing an omnibus pretrial motion under Rule [578] 579, file of record notice, signed by the defendant or the attorney for the defendant, with proof of service upon the attorney for the Commonwealth, specifying intention to claim such defense. Such notice shall contain specific available information as to the nature and extent of the alleged insanity or claim of mental infirmity, the period of time that the defendant allegedly suffered from such insanity or mental infirmity, and the names and addresses of witnesses, expert or otherwise, whom the defendant intends to call at trial to establish such defense.

* * * * *

Comment

This rule is intended to apply only to court cases. However, the constitutional guarantees mandated in *Brady v. Maryland*, 373 U.S. 83 (1963), and the refinements of the Brady standards embodied in subsequent judicial decisions, apply to all cases, including court cases and summary cases, and nothing to the contrary is intended. For definitions of "court case" and "summary case," see Rule 103.

See Rule 567 (Examination of Defendant by Commonwealth's Mental Health Expert) for the procedures for the examination of the defendant by the Commonwealth's expert when the defendant intends to introduce evidence concerning his or her mental condition in any proceeding.

* * * * *

Official Note: Present Rule 305 replaces former Rules 310 and 312 in their entirety. Former Rules 310 and 312 adopted June 30, 1964, effective January 1, 1965. Former Rule 312 suspended June 29, 1973, effective immediately. Present Rule 305 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised April 24, 1981, effective June 1, 1981; amended October 22, 1981, effective January 1, 1982; amended September 3, 1993, effective January 1, 1994; amended May 13, 1996, effective July 1, 1996; Comment revised July 28, 1997, effective immediately; Comment revised August 28, 1998, effective January 1, 1999; renumbered Rule 573 and amended March 1, 2000, effective April 1, 2001; **Comment revised _____, 2001, effective _____, 2001.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining the proposed Comment revision published at 31 Pa.B. 2552 (May 19, 2001).

CHAPTER 11. ABOLITIONS AND SUSPENSIONS

Rule 1101. Suspension of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly:

* * * * *

(6) Section 7402 of the Mental Health Procedures Act, Act of July 9, 1976, P. L. 817, No. 143, 50 P. S. § 7402, only insofar as it is inconsistent with Rule 567.

[(6)] (7) * * *

[(7)] (8) * * *

* * * * *

Official Note: Former Rule 39 adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 159 adopted September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; amended April 10, 1989, effective July 1, 1989; amended January 31, 1991, effective July 1, 1991; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 340 combined previous Rules 321 and 322, which were the prior suspension rules, and was adopted June 29, 1977, effective September 1, 1977; amended April 24, 1981, effective June 1, 1981; amended January 28, 1983, effective July 1, 1983; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 1415 adopted July 23, 1973, effective 90 days hence; paragraph (g) added March 21, 1975, effective March 31, 1975; amended August 14, 1995, effective January 1, 1996; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. Former Rule 2020 adopted September 3, 1993, effective January 1, 1994; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 1101. New Rule 1101 adopted March 1, 2000, effective April 1, 2001; **amended _____, 2001, effective _____, 2001.**

Committee Explanatory Reports:

* * * * *

Report explaining the addition of new paragraph (6) published at 31 Pa.B. 2552 (May 19, 2001).

REPORT

Proposed New Rule of Criminal Procedure 567 and Correlative Changes to Rules 573 and 1101

EXAMINATION OF DEFENDANT BY COMMONWEALTH'S MENTAL HEALTH EXPERT(S)¹

I. Introduction

In 1996, the Supreme Court decided *Commonwealth v. Morley*, 681 A.2d 1254 (Pa. 1996), holding, inter alia, that

¹ As explained in the Comment to proposed new Rule 567, "mental health expert," as used in this rule, is intended to include a psychiatrist, a licensed psychologist, a physician, or any other expert in the field of mental health who will be of substantial value in the determination of the issues raised by the defendant concerning his or her mental condition. It is intended that, in the appropriate case, either by agreement of the parties or by court order, the defendant may be examined by more than one mental health expert.

"where the defendant has raised a defense based on mental infirmity, the defendant may not refuse to allow the Commonwealth psychiatrist to examine him or her on the basis that it violates the defendant's privilege against self-incrimination." In view of this opinion and several other similar cases,² the Committee agreed that the Rules of Criminal Procedure should provide uniform procedures for a defendant's examination by the Commonwealth's mental health expert(s).

The Committee agreed that these new examination procedures should be set forth in a separate rule, and as explained more fully in the Discussion Section below, should apply at any stage of the proceedings when the defendant intends to introduce evidence concerning his or her mental condition.³ The Committee is proposing the new rule be numbered Rule 567, the first rule in Chapter 5, Part F (Procedures Following the Filing of Information). New Rule 567 would provide for the examination of the defendant either by agreement of the parties or by order of the court.⁴

II. Discussion

A. Scope of Rule

The first issue tackled by the Committee was the scope of the rule. After considerable discussion, the Committee concluded that the examination of the defendant by the Commonwealth's mental health expert would be triggered whenever the defendant is going to introduce any evidence of his or her mental condition at any stage in the proceedings. This would include not only trials, but, for example, proceedings such as sentencing or juvenile decertification hearings. Thus the application of Rule 567 would not be limited to cases in which the defendant is raising an insanity or mental infirmity defense, nor would it be limited to the use of expert testimony or to the time of trial.

B. Examination of Defendant by Agreement

Recognizing the benefits to the system of a less adversarial process for determining whether a case is appropriate for the examination of the defendant by the Commonwealth's mental health expert and of encouraging cooperation among legal professionals and mental health professionals in these cases,⁵ the Committee agreed to incorporate into the new rule a procedure for an examination by the agreement of the parties. Because we wanted to make it clear that obtaining the agreement of the parties was the preferable procedure, the Committee has set forth these procedures first. See paragraph (A)(1).

Paragraph (A)(1)(a) provides that the agreement designate the mental health expert. The Committee concluded that since the decision to have the defendant examined was by agreement, the parties should designate the examining mental health expert, rather than leave that decision to the judge. Because this is an agreement, other than requiring the parties to designate the mental health expert in the agreement, the Committee did not want to mandate in the rule all of the contents of the agreement, preferring to give the parties discretion about how much

² See, e.g., *Commonwealth v. Santiago*, 662 A.2d 610 (Pa. 1995), *Commonwealth v. Karenbauer*, 715 A.2d 1086 (Pa. 1998), and *Commonwealth v. Sartin*, 751 A.2d 1140 (Pa. 2000).

³ To accommodate the broad application of the rule, the Committee agreed that a term with a more expansive application than "insanity" should be used. After examining the rules in other states, as well as case law, we found that "mental condition" is a generally accepted term and suited the rule's purposes.

⁴ Because the Rule 567 examination would be triggered either by agreement or by court order, the Committee agreed that the rule would not require any form of formal notice by the defendant.

⁵ The Committee also note that this is consistent with what appears to be the approach being followed in some judicial districts in Pennsylvania as well as in other jurisdictions.

detail they want in the agreement. The Committee has included in the Comment the minimum contents we believe should be provided in the agreement as an aid to the parties in preparing their agreement.

Paragraph (A)(1)(b) requires the agreement to be in writing, and signed by the defendant, defendant's counsel, and the attorney for the Commonwealth, or made orally on the record. The Committee used "defendant, defendant's counsel, and the attorney for the Commonwealth" instead of "parties" to emphasize that the defendant and the defendant's attorney have to agree. Some members expressed concern about the requirement that the defendant sign the agreement, pointing out that when mental condition is the issue, some defendants would not understand the nature of the agreement, or would not sign the agreement because of their mental condition. Ultimately, the Committee agreed to retain the signature requirement, noting if a defendant is so mentally ill that he or she does not know what they are doing, then you would not have an agreement, and the parties would have to proceed by obtaining a court order. It also was noted that if the attorneys agree, but the defendant does not have the capacity to agree, then the attorneys could file a stipulated motion explaining to the court the reasons for the defendant's failure to sign the agreement.

Paragraph (A)(1)(c) requires the mental health expert to promptly prepare a report of the examination unless the parties otherwise agree. The Committee agreed the parties should have the option in the agreement to provide for the time for the report to be prepared, the contents of the report, and any other report-related matters. However, the rule makes it clear that, unless the agreement provides otherwise, the expert must prepare a standard report and that this must be done promptly after the completion of the examination. We used language comparable to Rule 573(B)(2)(b) to outline what should be included in the report.

C. Examination of Defendant By Court Order

When the parties do not agree to the examination of the defendant by the Commonwealth's mental health expert(s), the court may order the examination. See paragraph (A)(2). Paragraph (A)(2)(a) requires the attorney for the Commonwealth to file a motion requesting an order for the examination and to designate in the motion the mental health expert(s) he or she has selected for the examination. One of the issues the Committee debated at length was whether the judge should have any discretion with regard to (1) ordering the defendant to submit to an examination when requested by the Commonwealth and (2) accepting the mental health expert designated by the Commonwealth. Although the Committee did not think the order would be automatic upon the request of the attorney for the Commonwealth, if the court determines that the defendant intends to introduce evidence concerning his or her mental condition, the judge must order the examination. However, concerning the judge's acceptance of the Commonwealth's designated expert, because of possible conflicts, the Committee thought the judge should have discretion to appoint a different expert in the appropriate case. To facilitate the judge's ability to exercise his or her discretion under this provision, the rule requires that the defendant be given notice of the motion and an opportunity to be heard on the motion. See paragraph (A)(2)(a).

Paragraph (A)(2)(b) requires the judge to advise the defendant on the record about the examination, that the information may be used at trial, and the potential consequences for failing to cooperate in the examination.

The Committee agreed that having the judge speak to the defendant in person would emphasize the nature of the examination and the importance of cooperation. These requirements are further explained in the eighth paragraph of the Comment.

Paragraph (A)(2)(c) sets forth the required contents of the court's order. There was an extensive discussion concerning the recording of the examination and access to the recording. The Committee agreed all examinations would be recorded and copies of the recording would be given to all parties, and that the judge must include this in the order.⁶ See paragraph (A)(2)(c)(ii). In addition, as explained in the Comment, the judge must provide in the order the type of recording, such as audio- or video-tape recordings.

The judge also must specify in the order who may be present. The Committee agreed this was the judge's decision, rather than the decision of one of the parties or the mental health expert. By leaving the decision to the judge on a case-by-case basis, we intend to accommodate other persons besides counsel, such as a parent if the issue is a juvenile decertification hearing. See paragraph (A)(2)(c)(iii). Finally, the judge must specify in the order the time within which the mental health expert(s) must submit the written report of the examination.

Paragraph (A)(2)(d), which is similar to paragraph (A)(1)(c) with regard to what the expert must include in the report, requires the expert to prepare a written report within the time specified in the order.

D. Disclosure of Reports

Paragraph (B) sets forth the procedures governing the disclosure of all reports of all mental health experts either party intends to call to testify. The Committee debated at length the issues related to the public's access to the experts' reports and any tape recordings of the examination. We concluded that the reports and recordings are confidential and should not be public records, and have provided this in paragraph (B)(1).

Paragraph (B)(2) and the Comment make it clear that any mental health expert who will be called to testify must prepare a written report. The rule also prohibits an expert who has not prepared a report as required by the rule from being called to testify. As pointed out in the Comment, there may be situations in which the court would have to call a short recess to permit an expert to complete a report such as when the expert is observing the defendant during the trial.

Paragraph (B)(3) makes it clear that the court must set the time for the disclosure of reports and that time must be a reasonable time after the Commonwealth's experts examination. The Comment explains that the parties in their agreement may set the time for disclosure, but if they cannot agree to the time, the court should set the time. In setting the time for disclosure, the parties or court should afford adequate time for the parties to review the reports and prepare for the proceeding. The Comment also notes that even when proceeding pursuant to a court order, the parties may agree to an earlier time for disclosure consistent with the rule.

Another issue considered by the Committee was the Commonwealth's expert's access to information other than the defendant's experts' reports, such as school records or certain test results. The Committee agreed to not address this in the rule, observing that the Common-

⁶ The members noted although a party could not object to the recording of the examination, he or she could object to the admissibility of the recording if the other party wanted to introduce it into evidence at a proceeding.

wealth may ask the defendant to provide this information, and if the defendant does not comply, the Commonwealth may request the court to order the defendant to comply.

Paragraph (B)(4) is similar to the provisions in Rule 573(F) (Protective Orders). After a lengthy discussion concerning public access to the reports and whether portions of the reports could be sealed or the hearing held in camera, the Committee agreed to retain the in camera provision comparable to that provided in Rule 573(F). The Comment sets forth examples of situations when the court might consider limiting disclosure pursuant to paragraph (B)(4).

E. *Sanctions for Non-compliance*

Paragraph (C) (Sanctions for Non-compliance) is similar to Rule 573(E) (Remedy). The Committee modified the provision to make it clear that the court may impose sanctions on counsel, the defendant, or an expert for non-compliance with any provisions of Rule 567. The rule permits the court to hear a motion on sanctions in camera, and requires that the hearing be on the record. The Comment further explains this provision, and specifically addresses the special circumstances when a defendant fails to cooperate in the examination. The court should consider whether the defendant's failure to cooperate is due to his or her mental condition or was intentional, and what impact the failure to cooperate will have on the Commonwealth's ability to respond to the defendant's claim.

F. *Use of Information Obtained Under the Rule*

The Committee considered at length how to address the use of information obtained under the rule. We noted that the law addressing the use of information obtained from the Commonwealth's mental health expert's examination of the defendant is evolving and the permitted uses are not fully defined. In view of this, the Committee agreed to cite the relevant case law in the Comment.

G. *Mental Health Procedures Act*

As the Committee developed new Rule 567, we considered the provisions of the Mental Health Procedures Act, 50 P. S. § 7101 et seq. The Act sets forth the procedures for determining competency issues, as well as limited procedures concerning the lack of criminal responsibility as a defense. The Committee concluded that new Rule 567 does not apply in the context of competency proceedings under the Act. However, to avoid any confusion concerning the application of the Act to examinations governed by Rule 567, the Comment makes it clear that the rule and Act are distinct. In addition, the Committee is proposing that Section 7402 of the Act be suspended "only insofar as it is inconsistent with Rule 567." See Rule 1101 (Suspension of Acts of Assembly).

H. *Correlative Revisions of the Comment to Rule 573 (Pretrial Discovery and Inspection)*

The Committee is proposing that the Rule 573 Comment be revised by the addition of a cross-reference to new Rule 567.

[Pa.B. Doc. No. 01-849. Filed for public inspection May 18, 2001, 9:00 a.m.]

[234 PA. CODE CH. 5]

Notice of Alibi Defense and Defense of Insanity or Mental Infirmity

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Pa.Rs.Crim.P. 568 (Notice of Alibi Defense) and 569 (Notice of Defense of Insanity or Mental Infirmity), and make conforming changes to Rule 573 (Pretrial Discovery and Inspection). These rule changes move the notice of the defenses of alibi, insanity, and mental infirmity from Rule 573 (Pretrial Discovery and Inspection) into separate rules, thereby making the notice of alibi and notice of insanity or mental infirmity procedures distinct from the discovery procedures. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed rule changes precedes the Report. Additions are shown in bold and are underlined; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 or criminal.rules@supreme.court.state.pa.us, no later than Monday, June 18, 2001.

By the Criminal Procedural Rules Committee

JOSEPH P. CONTI,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURE IN COURT CASES

PART E. INFORMATION

(Editor's Note: Rules 568 and 569 are new and are printed in regular type to enhance their readability.)

Rule 568. Notice of Alibi Defense.

(A) NOTICE BY DEFENDANT

A defendant who intends to offer the defense of alibi at trial shall file a notice specifying an intention to offer an alibi defense no later than the time required for filing the omnibus pretrial motion provided in Rule 579.

(1) The notice shall be signed by the attorney for the defendant, or the defendant if unrepresented. The notice shall be filed with the clerk of courts with proof of service upon the attorney for the Commonwealth.

(2) The notice shall contain specific information as to the place or places where the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses whom the defendant intends to call in support of the claim.

(B) FAILURE TO FILE NOTICE

(1) If the defendant fails to file and serve the notice of alibi as required by this rule, the court may exclude entirely any evidence offered by the defendant for the purpose of proving the defense, except testimony by the defendant, may grant a continuance to enable the Commonwealth to investigate such evidence, or may make such other order as the interests of justice require.

(2) If the defendant omits any witness from the notice of alibi, the court at trial may exclude the testimony of the omitted witness, may grant a continuance to enable the Commonwealth to investigate the witness, or may make such other order as the interests of justice require.

(C) RECIPROCAL NOTICE OF WITNESSES

Within 10 days after receipt of the defendant's notice of defense of alibi, or within such other time as allowed by the court upon cause shown, the attorney for the Commonwealth shall serve upon defendant's attorney, or the defendant if unrepresented, written notice of the names and addresses of all witnesses the attorney for the Commonwealth intends to call to disprove or discredit the defendant's claim of alibi.

(D) FAILURE TO FILE RECIPROCAL NOTICE

(1) If the attorney for the Commonwealth fails to file and serve a list of its witnesses required by this rule, the court may exclude any evidence offered by the Commonwealth for the purpose of disproving the alibi defense, may grant a continuance to enable the defense to investigate such evidence, or may make such other order as the interests of justice require.

(2) If the attorney for the Commonwealth omits a witness from the list of its witnesses required by paragraph (C), the court at trial may exclude the testimony of the omitted witness, may grant a continuance to enable the defense to investigate the witness, or may make such other order as the interests of justice require.

(E) CONTINUING DUTY TO DISCLOSE

If prior to or during trial a party learns of an additional witness whose identity, if known, should have been included in the notice furnished under paragraphs (A) or (C), the party promptly shall notify the other party or the other party's attorney of the existence and identity of such additional witness.

(F) FAILURE TO CALL WITNESSES

No adverse inference may be drawn against the defendant, nor may any comment be made concerning the defendant's failure to call available alibi witnesses, when such witnesses have been prevented from testifying by reason of this rule, unless the defendant or the defendant's attorney shall attempt to explain such failure to the jury.

(G) IMPEACHMENT

A defendant may testify concerning an alibi notwithstanding that the defendant has not filed notice, but if the defendant has filed notice and testifies concerning his or her presence at the time of the offense at a place or time different from that specified in the notice, the defendant may be cross-examined concerning such notice.

Comment

This rule, which is derived from paragraphs (C)(1)(a), (c)—(g), and (D) of Rule 573 (Pretrial Discovery and Inspection) and was made a separate rule in 2001, sets forth the notice procedures when a defendant intends to raise an alibi defense at trial.

The reference in paragraph (A) to Rule 579 (Time for Omnibus Pretrial Motion and Service) contemplates consideration of the exceptions to the time for filing set forth in Rule 579(A).

The notice-of-alibi provision is intended to comply with the requirement of *Wardius v. Oregon*, 412 U.S. 470 (1973), by the inclusion of reciprocal disclosure responsibilities placed upon the Commonwealth in paragraph (C). See also *Commonwealth v. Contakos*, 314 A.2d 259 (Pa. 1974).

Official Note: Adopted _____, 2001, effective _____, 2001.

Committee Explanatory Reports:

Report explaining the proposed new rule governing notice of alibi defense published at 31 Pa.B. 2557 (May 19, 2001).

Rule 569. Notice of Defense of Insanity or Mental Infirmary.

(A) NOTICE BY DEFENDANT

A defendant who intends to offer at trial the defense of insanity or mental infirmity shall file a notice of the intention to offer the defense of insanity or mental infirmity not later than the time required for filing an omnibus pretrial motion provided in Rule 579.

(1) The notice shall be signed by the attorney for the defendant, or the defendant if unrepresented. The notice shall be filed with the clerk of courts with proof of service upon the attorney for the Commonwealth.

(2) The notice shall contain specific available information as to the nature and extent of the alleged insanity or mental infirmity, the period of time that the defendant allegedly suffered from such insanity or mental infirmity, and the names and addresses of witnesses, expert or otherwise, whom the defendant intends to call to establish such defense.

(B) FAILURE TO FILE NOTICE

(1) If the defendant fails to file and serve a notice of insanity or mental infirmity defense as required by this rule, the court may exclude entirely any evidence offered by the defendant for the purpose of proving the defense, except testimony by the defendant, may grant a continuance to enable the Commonwealth to investigate such evidence, or may make any other order as the interests of justice require.

(2) If the defendant omits a witness from the notice of insanity or mental infirmity defense, the court at trial may exclude the testimony of the omitted witness, may grant a continuance to enable the Commonwealth to investigate such evidence, may grant a continuance to enable the Commonwealth to investigate the witness, or may make any other order as the interests of justice require.

(C) RECIPROCAL NOTICE OF WITNESSES

Within 10 days after receipt of the defendant's notice of the insanity or mental infirmity defense, or within such other time as allowed by the court upon cause shown, the attorney for the Commonwealth shall serve upon defen-

dant's attorney, or the defendant if unrepresented, written notice of the names and addresses of all witnesses the attorney for the Commonwealth intends to call to disprove or discredit the defendant's claim of insanity or mental infirmity.

(D) FAILURE TO SUPPLY RECIPROCAL NOTICE

(1) If the attorney for the Commonwealth fails to file and serve a list of its witnesses as required by this rule, the court may exclude any evidence offered by the Commonwealth for the purpose of disproving the insanity or mental infirmity defense, may grant a continuance to enable the defense to investigate such evidence, or may make such other order as the interests of justice require.

(2) If the attorney for the Commonwealth omits a witness from the list of its witnesses required by this rule, the court at trial may exclude the testimony of the omitted witness, may grant a continuance to enable the defense to investigate the witness, or may make such other order as the interests of justice require.

(E) CONTINUING DUTY TO DISCLOSE

If prior to or during trial a party learns of an additional witness whose identity, if known, should have been included in the notice furnished under paragraphs (A) or (C), the party shall promptly notify the other party or the other party's attorney of the existence and identity of such additional witness.

(F) FAILURE TO CALL WITNESSES

No adverse inference may be drawn against the defendant, nor may any comment be made concerning the defendant's failure to call available witnesses with regard to the insanity or mental infirmity defense, when such witnesses have been prevented from testifying by reason of this rule, unless the defendant or the defendant's attorney shall attempt to explain such failure to the jury.

Comment

This rule, which is derived from paragraphs (C)(1)(b), (c)—(f), and (D) Rule 573 (Pretrial Discovery and Inspection) and was made a separate rule in 2001, sets forth the notice procedures when a defendant intends to raise a defense of insanity or mental infirmity at trial.

The reference in paragraph (A) to Rule 579 (Time for Omnibus Pretrial Motion and Service) contemplates consideration of the exceptions to the time for filing set forth in Rule 579(A).

See Rule 567 (Examination of Defendant by Commonwealth's Mental Health Expert) for the procedures for the examination of the defendant by the Commonwealth's expert when the defendant intends to introduce evidence concerning his or her mental condition in any proceeding.

Official Note: Adopted _____, 2001, effective _____, 2001.

Committee Explanatory Reports:

Report explaining the proposed new rule governing notice of insanity or mental infirmity defense published at 31 Pa.B. 2557 (May 19, 2001).

PART F. PROCEDURES FOLLOWING FILING OF INFORMATION

Rule 573. Pretrial Discovery and Inspection.

* * * * *

(C) DISCLOSURE BY THE DEFENDANT

[(1) MANDATORY:

(a) Notice of Alibi Defense:

A defendant who intends to offer the defense of alibi at trial shall, at the time required for filing the omnibus pretrial motion under Rule 578, file of record notice, signed by the defendant or the attorney for the defendant, with proof of service upon the attorney for the Commonwealth, specifying intention to claim such defense. Such notice shall contain specific information as to the place or places where the defendant claims to have been at the time of the alleged offense and the names and addresses of witnesses whom the defendant intends to call in support of such claim.

(b) Notice of Insanity Defense or Mental Infirmity Defense:

A defendant who intends to offer at trial the defense of insanity, or a claim of mental infirmity, shall, at the time required for filing an omnibus pretrial motion under Rule 578, file of record notice, signed by the defendant or the attorney for the defendant, with proof of service upon the attorney for the Commonwealth, specifying intention to claim such defense. Such notice shall contain specific available information as to the nature and extent of the alleged insanity or claim of mental infirmity, the period of time that the defendant allegedly suffered from such insanity or mental infirmity, and the names and addresses of witnesses, expert or otherwise, whom the defendant intends to call at trial to establish such defense.

(c) Disclosure of Reciprocal Witnesses:

Within 7 days after service of notice of alibi defense or of insanity or claim of mental infirmity defense, or within such other time as allowed by the court upon cause shown, the attorney for the Commonwealth shall disclose to the defendant the names and addresses of all persons the Commonwealth intends to call as witnesses to disprove or discredit the defendant's claim of alibi or of insanity or mental infirmity.

(d) Failure to File Notice:

If the defendant fails to file and serve notice of alibi defense or insanity, or mental infirmity defense as required by this rule, or omits any witness from such notice, the court at trial may exclude the testimony of any omitted witness, or may exclude entirely any evidence offered by the defendant for the purpose of proving the defense, except testimony by the defendant, or may grant a continuance to enable the Commonwealth to investigate such evidence, or may make such other order as the interests of justice require.

(e) Failure to Supply Reciprocal Notice:

If the attorney for the Commonwealth fails to file and serve a list of its witnesses as required by this rule, or omits any witness therefrom, the court at trial may exclude the testimony of any omitted witness, or may exclude any evidence offered by the Commonwealth for the purpose of disproving the alibi, insanity, or mental infirmity defense, or may grant a continuance to enable the defense to investigate such evidence, or may make such other order as the interests of justice require.

(f) Failure to Call Witnesses:

No adverse inference may be drawn against the defendant, nor may any comment be made concern-

ing the defendant's failure to call available alibi, insanity, or mental infirmity witnesses, when such witnesses have been prevented from testifying by reason of this rule unless the defendant or the defendant's attorney shall attempt to explain such failure to the jury.

(g) Impeachment:

A defendant may testify concerning an alibi notwithstanding that the defendant has not filed notice, but if the defendant has filed notice and testifies concerning his or her presence at the time of the offense at a place or time different from that specified in the notice, the defendant may be cross-examined concerning such notice.

(2) DISCRETIONARY WITH THE COURT:

- (a)] (1) * * *
- [(i)] (a) * * *
- [(ii)] (b) * * *
- [(b)] (2) * * *

* * * * *

Comment

* * * * *

Pursuant to paragraphs (B)(2)(b) and (C)(2)[(b)], the trial judge has discretion, upon motion, to order an expert who is expected to testify at trial to prepare a report. However, these provisions are not intended to require a prepared report in every case. The judge should determine, on a case-by-case basis, whether a report should be prepared. For example, a prepared report ordinarily would not be necessary when the expert is known to the parties and testifies about the same subject on a regular basis. On the other hand, a report might be necessary if the expert is not known to the parties or is going to testify about a new or controversial technique.

* * * * *

[The notice-of-alibi provision of this rule contained in paragraph (C)(1)(a) is intended to comply with the requirement of *Wardius v. Oregon*, 412 U. S. 470 (1973), by the inclusion of reciprocal disclosure responsibilities placed upon the Commonwealth in paragraph (C)(1)(c). See also *Commonwealth v. Contakos*, 314 A.2d 259 (Pa. 1974). The provision requiring a notice of insanity defense, paragraph (C)(1)(b), has not previously been included in these rules, but the safeguards surrounding them have been made identical to those protecting the defendant under the notice-of-alibi provision.]

Paragraph (C)(1), which provided the requirements for notice of the defenses of alibi, insanity, and mental infirmity, was deleted in 2001 and moved to Rules 568 (Notice of Alibi Defense) and 569 (Notice of Defense of Insanity or Mental Infirmity).

* * * * *

Official Note: Present Rule 305 replaces former Rules 310 and 312 in their entirety. Former Rules 310 and 312 adopted June 30, 1964, effective January 1, 1965. Former Rule 312 suspended June 29, 1973, effective immediately. Present Rule 305 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment

revised April 24, 1981, effective June 1, 1981; amended October 22, 1981, effective January 1, 1982; amended September 3, 1993, effective January 1, 1994; amended May 13, 1996, effective July 1, 1996; Comment revised July 28, 1997, effective immediately; Comment revised August 28, 1998, effective January 1, 1999; renumbered Rule 573 and amended March 1, 2000, effective April 1, 2001; **amended _____, 2001, effective _____, 2001.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining the proposed changes to paragraph (C) deleting the notice of defenses of alibi, insanity, and mental infirmity published at 31 Pa.B. 2557 (May 19, 2001).

REPORT

Proposed New Rules 568 and 569, and Amendments to Rule 573

NOTICE OF ALIBI DEFENSE AND NOTICE OF DEFENSE OF INSANITY OR MENTAL INFIRMITY

I. Introduction

When developing proposed new Rule 567 (Examination of Defendant by Commonwealth's Mental Health Expert), which would establish uniform procedures for the examination of a defendant by a mental health expert employed by the Commonwealth,¹ the Committee examined Rule 573 (Pretrial Discovery and Inspection), as well as the Federal Rules of Criminal Procedure and similar rules in other jurisdictions. As part of that examination, we noted that, unlike the Pennsylvania Rules, the Federal Rules and many other jurisdictions have separate rules setting forth the defendant's requirements for giving notice of defenses, in particular alibi and insanity, rather than combining the notices in the discovery rule. The Committee concluded from its review of F.Rs.Crim.P. 12.1 (Notice of Alibi) and 12.2 (Notice of Insanity Defense or Expert Testimony of Defendant's Mental Condition) and the other jurisdictions' rules that the federal approach makes sense and provides a clearer distinction between discovery procedures and notice procedures.

Agreeing the notice rules should be separate from Rule 573, the Committee discussed the placement of the new rules. Having previously decided that the new examination rule should be Rule 567, which would be the first rule in Chapter 5, Part F, the Committee agreed the notice rules should follow the examination rule and are proposing that the notice rules be Rules 568 and 569.

II. Discussion

A. New Rules 568 and 569

Except as otherwise noted below, new Rules 568 and 569 carry over verbatim the text of Rule 573(C)(1). The Committee used the opportunity of moving this text into separate rules to make some editorial and technical changes, as well as some changes we believe will make the notice rules clearer.

Rules 568(A) and 569(A) carry over the provisions from Rule 573(C)(1)(a) and (b) respectively. The Committee has

¹ The Committee's Report explaining the development of new Rule 567 has been published for comment together with this Report.

reorganized the wording and broken the paragraph into subparagraphs dealing with (1) signing and filing the notice, and (2) the contents of the notice. In addition, because we agreed the defendant should give this notice as early as possible, we modified the rules to provide for the filing of the notices to be "no later than the time required for filing the omnibus pretrial motion provided in Rule 579." In response to some members' concerns whether the exceptions to the time for filing the omnibus pretrial motion enumerated in Rule 579 applied to the notice rules' time limits, we agreed to explain in both Comments that the reference in paragraph (A) to the Rule 579 time requirements contemplates consideration of the exceptions to the time for filing set forth in Rule 579.

For purposes of organizational clarity, the Committee agreed to reverse the order of paragraphs (C)(1)(c) and (d) when moved from Rule 573. Therefore, in the new notice rules, the defendant's notice requirement is followed by the procedures governing the defendant's failure to give the notice. See Rules 568(B) and 569(B). Similarly, the provisions for the Commonwealth to give notice of the names of witnesses he or she intends to call to disprove or discredit the defendant's claim, Rules 568(C) and 569(C), will be followed by the procedures governing the Commonwealth's failure to give the notice, Rules 568(D) and 569(D).

In addition to the reorganization of these paragraphs, paragraph (C) concerning the Commonwealth's obligation to give notice has been modified. First, the Committee has changed the title of the paragraph from "Disclosure of Reciprocal Witnesses," Rule 573(C)(1)(c), to "Reciprocal Notice of Witnesses." We think this more accurately represents the content of the provision and ties it to the purpose of the rule. The Committee also has increased the time within which the Commonwealth must give the notice from 7 days to 10 days, which is in conformity with other time limits in the Criminal Rules and is more realistic. Finally, the Committee has changed the provision in Rule 573(C)(1)(c) from "disclosure to the defendant" to "shall serve . . . written notice of the names and addresses . . ." The Committee agreed that it is important to have these notices in writing to avoid the confusion that sometimes arises when there is only oral notice.

The provisions in Rule 573(C)(1)(d) and (e), now Rules 568(B) and (D) and 569(B) and (D), have been reorganized into subparagraphs. The first subparagraph sets forth the sanctions for failing to file and serve the notice. The second subparagraph sets forth the sanctions for omitting a witness' name from the notice. Although many of the suggested sanctions are the same for both types of failure to comply, the Committee thought the rules would be clearer if the provisions were separated.

Rules 568(E) and 569(E) are taken from Rule 573(D). Although Rule 573(D) is not specifically included in the notice section of Rule 573, the Committee agreed that there would be a continuing duty to disclose witnesses whom the party intends to call in the notice context, and therefore included this provision in the new rules.

The first paragraph of the Comments to Rules 568 and 569 provide a history of the source of the new rules, cross-referencing Rule 573. In addition, the Rule 568 Comment carries over the Rule 573 Comment provision citing *Wardius v. Oregon*, 412 U. S. 470 (1973), and the Rule 569 Comment includes a cross-reference to the new examination rule, Rule 567.

B. Correlative Changes: Rule 573

Rule 573 would be amended by deleting the alibi and insanity notice provisions in Rule 573(C)(1)(a)—(g) and the corresponding Comment provision concerning notice of alibi. The paragraph (C)(2) caption "Discretionary with the Court" would be deleted as unnecessary now that all of the mandatory section under paragraph (C) has been deleted. Thus, paragraph (C) would begin with paragraph (1) "In all court cases. . . ."

[Pa.B. Doc. No. 01-850. Filed for public inspection May 18, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rule of Civil Procedure L1915.4-1, Revision of Local Rules of Civil Procedure L1915.1, L1915.3, L1915.4, L1915.5 and L1915.7, Rescission of Local Rules of Civil Procedure L1915.2, L1915.8, L1915.10, L1915.11, L1915.12, L1915.13, L1915.17, L1915.18, L1915.19 and L1915.20; No. 01-1115

Administrative Order 14-2001

And Now, this 4th day of May, 2001, it is hereby

Ordered and Decreed that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Court of Common Pleas of Carbon County *Adopts* Local Rule of Civil Procedure L1915.4-1 governing Alternative Hearing Procedures for Partial Custody or Visitation cases including Mandatory Education Program for Patents, *Revises* Local Rules of Civil Procedure L1915.1 governing Scope—Definitions in custody cases, L1915.3 governing Prosecution of Action in custody cases, L1915.4 governing prompt dispositions of custody cases including Mandatory Education Program for Parents, L1915.5 governing discovery motion practice in custody cases, and L1915.7 governing the Consent Order in custody cases, and *Rescinds* Local Rules of Civil Procedure L1915.2 governing Venue in custody cases, Local Rule of Civil Procedure L1915.8 governing Physical and Mental Examination of Person in custody cases, L1915.10 governing the Decision in custody cases, L1915.11 governing the presence of the child at custody hearings, L1915.12 governing Civil Contempt for Disobedience of Custody Order, L1915.13 governing Special Relief in custody cases, L1915.17 governing Pre-Hearing Conference and Consent Order in custody cases, L1915.18 governing Notice of Final Hearing and Order in custody cases, L1915.19 governing the Appointment of Hearing Officer and Report in custody cases, and L1915.20 governing Exceptions to Hearing Officer's Report, De Novo Hearings and Final Hearings in custody cases.

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 Civil 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 Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule L1915.1. Scope—Definitions.

(1) (A) These rules govern local practice and procedure in all actions for custody, partial custody, visitation, modification of existing orders and contempt of court, including all actions heretofore commenced by petition for writ of habeas corpus and all claims for custody, partial custody or visitation asserted in an action of divorce or support.

(B) If a claim for custody, partial custody, visitation or modification of an existing order is raised during the course of an action for divorce or for support, the court shall enter an order directing that the determination of the claim shall be referred to a hearing officer appointed by the Court for an expeditious resolution of the claim.

(2) As used in these Rules, unless the context of a Rule indicates otherwise,

“Conference” means a pre-hearing negotiating session conducted under the auspices of the Court by a hearing officer appointed by the court.

“Court,” shall mean the Court of Common Pleas of Carbon County.

“De novo hearing,” means a hearing before a judge of the Court of Common Pleas of Carbon County.

“Hearing Officer,” means an attorney employed by a judicial district who is engaged in the practice of law and is duly licensed to practice law in the Commonwealth of Pennsylvania

“Program,” means the mandatory “Education Program for Divided Families” in custody and divorce matters.

“Provider,” means the qualified educators, counselors, and trainers selected by the Court of Common Pleas to present the “Education Program for Divided Families”.

Rule L1915.3. Prosecution of Action.

When a claim for custody, partial custody or visitation is made in a complaint, petition, or counterclaim, such pleading shall comply with Pa.R.C.P. 1915.15(a) or (b) and shall have attached an Order of the Court referring the claim to the Hearing Officer for a conference, a Conciliation Conference Notice and a Pre-trial Conciliation Information Form which will be substantially in the same form as “Form A” and “Form B” following this rule. A second order shall be attached to the front of the complaint/petition as required by Local Rule L1915.4 Form—“B” and L1915.4-1—Form “A”. The moving party shall follow the Motion practice as set forth in L206.1(2) in the filing and service of the custody pleading.

“FORM A”

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

:
:
vs. : NO.
: CUSTODY
:

ORDER OF COURT

You, _____, Defendant, have been sued in Court to obtain custody, partial custody or visitation of the child(ren), _____

Pursuant to Carbon County Rule L1915.4 and L1915.4-1, you are ordered to appear in person at the First Floor Conference Room, Carbon County Courthouse, Jim Thorpe, Pennsylvania, 18229, on _____, 20 __, at _____, _____.m., prevailing time, for a CONCILIATION or MEDIATION CONFERENCE before Carbon County Custody Conference Officer _____.

If you fail to appear as provided by this Order, the Court or Custody Conference Officer may grant leave to the party who appears to present testimony and the Court may proceed to enter an Order for Custody, Partial Custody or Visitation based solely upon such testimony or the Court may issue a warrant for your arrest. No stenographic record shall be made of this conference.

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

Legal Services of Northeastern Pennsylvania, Inc.
122 Iron Street
Lehighton, PA 18235
(610) 377-5400

BY THE COURT:

DATED: _____ J.

“FORM B”

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

:
:
vs. : NO.
: CUSTODY
:

PRE-TRIAL CONCILIATION INFORMATION
(To be submitted at conciliation conference)

GENERAL INFORMATION:

1. Names, addresses, ages and employment of parents:
FATHER MOTHER

2. Names and ages of all children involved; state with whom living:

3. Names and addresses of other parties involved (if any - children's services, grandparents, foster parents, etc.)

4. Status of current custody orders or custody arrangements:

5. Addresses of children for past 5 years; state who had custody at each location:

Position of Party Submitting Memorandum:

1. State what living arrangements you consider to be in child(ren)'s best interests (i.e. where children should spend weekdays, weekends, holidays, vacation, attend school, matters of that sort):

2. State kind of environment you can provide under above arrangement (home, school, other children in neighborhood, your availability at various times):

3. Other factors you consider relevant to resolution of dispute:

4. Efforts at mediation, conciliation, counseling:

TRIAL INFORMATION:

1. List of witnesses you would intend to call:

Fact Witnesses: _____

Experts: (attach copies of any reports currently available to the memorandum):

2. Issues for resolution: (e.g., suitability of physical environment, suitability of parent, unusual opportunities for enrichment, particular skills of availability of one parent as opposed to another):

3. Remarks: _____

Counsel for _____

COPIES TO BE SENT TO: Court
Opposing Counsel

Rule L1915.4. Prompt Disposition of Custody Cases. Mandatory Education Program for Parents in Custody Matters.

1. Upon the filing of any claim for custody, the moving party shall deposit with the Prothonotary the sum of \$300.00 unless excused by the Court.
2. All actions commenced under these rules shall be scheduled for a pre-hearing conference. The pre-hearing conference shall be held to focus on issues of fact and law and to explore the possibility of a negotiated settlement and consent order.
3. A continuance of the pre-hearing conference may be granted by the Court upon good cause shown.
4. If the parties agree on a custodial arrangement, two hundred dollars shall be refunded to the depositing party and a consent order shall be entered in substantially the same form as set forth in "Form A" following Carbon County Local Rule L1915.7.
5. If the parties are unable to agree, the hearing officer shall immediately contact Court Administration for a hearing date, insert this date on a Hearing Notice as set forth in "Form A," file the original with the Prothonotary, and deliver a copy of same forthwith to the parties, counsel, and Court Administration.
6. At the conclusion of the pre-hearing conference, the hearing officer shall prepare a recommended Interim Order which said officer believes is in the best interest of the child(ren) and forward it to the Court within 10 days of the pre-hearing conference. The Interim Order shall require the parties to file a Pre-Trial Memorandum with the Prothonotary's Office within five (5) days prior to hearing, and shall contain the following:
 - (A) A clear concise statement of the principal custody issues to be resolved by the Court;
 - (B) Principles of law to be applied;
 - (C) List of witnesses to be called and exhibits;
 - (D) Listing of any evidentiary disputes; and Legal Argument.
 - (E) Proposed Findings of Fact
 - (F) Proposed Custody Order.
7. In all custody proceedings where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete one 4-hour session

entitled "Education Program for Divided Families," referred to in these local rules as "Program".

8. In all custody proceedings, each complaint or petition shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

9. At the time of the filing of the Complaint/Petition, the Prothonotary's Office shall provide all parties with the Court Order requiring attendance at the Program as set forth in Form "B," a registration form, and Program description.

10. The parties shall register for the Program within fifteen (15) days after he or she is served with the Court Order.

11. Every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete the Program shall be made to the Court.

12. The fee for the Program is \$25.00 per party and must be submitted with the registration form. Certified check or money order will be accepted for payment. Checks and money orders shall be made payable to the Kathryn James. NOTE: NO PERSONAL CHECKS WILL BE ACCEPTED.

13. No final hearing shall be held or final order entered until all parties have attended and completed the Program, unless the Court waives the requirement upon petition filed for good cause shown. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court. Failure to comply with the Order may result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

14. Upon filing of the Certificate of Completion, the Prothonotary shall provide a copy to Court Administration.

15. Copies of this Rule, Program Registration Form, and Program Description shall be available in the Prothonotary's Office of the Court of Common Pleas of Carbon County.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

Plaintiff vs. Defendant Attorney for Plaintiff Attorney for Defendant

NOTICE OF HEARING

You, Defendant, have been sued in court to obtain custody of the child(ren):

You are ordered to appear in person at Courtroom No. Carbon County Courthouse, Jim Thorpe, Pennsylvania, on 20 at A.M./P.M., prevailing time, for a hearing. If you fail to appear as provided by this order, an order for custody may be entered against you or the court may issue a warrant for your arrest.

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

LEGAL SERVICES OF NORTHEASTERN PENNSYLVANIA, INC. 122 IRON STREET LEHIGHTON, PA 18235 (610-377-5400)

COUNSEL IS ATTACHED FOR THESE PROCEEDINGS.

Dated: Esquire—Hearing Officer

I/We hereby acknowledge receipt of the Notice of Hearing.

Plaintiff Defendant Attorney for Plaintiff Attorney for Defendant

"FORM B"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

vs. NO. CUSTODY ACTION

ORDER OF COURT

You are ORDERED to attend a program entitled "Education Program for Divided Families" in connection with the above-captioned custody action. You must register for the Program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the Program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

No final hearing shall be held or final order entered where there are children under the age of eighteen (18) until all parties have attended the Program.

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

Legal Services of Northeastern Pennsylvania, Inc. 122 Iron Street Lehigh, PA 18235 (610) 377-5400

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Carbon County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator's Office at (570) 325-8556. All arrangements must be made at least

seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled Program.

BY THE COURT:

DATED: _____ J.

EDUCATION PROGRAM FOR DIVIDED FAMILIES

In cases involving custody of minor children, mandatory attendance at one 4-hour session entitled "Education Program for Divided Families" is required. **MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.**

PROGRAM CONTENT

The Program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

A. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

B. Identifying and dealing with feelings such as anger toward your children, from your children, and toward your ex-spouse, as well as the healing process.

C. Open Discussion: explaining divorce, visitation problems, new relationships, parents at war with co-parent, etc.

WHO

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheadsville, PA 18322
Telephone: (570) 992-2027

WHEN

The Program is offered every month on one (1) Saturday from 9:00 A.M. until 1:00 P.M.

WHERE

The Program will be presented at the Carbon County Conservation District building located at 5664 Interchange Road, Lehighton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North - building is between Gensis Day Care and the PA State Police Barracks). Directions: From the south (Palmerton, Lehighton), take 209 North (about 5 miles past the Turnpike entrance); From the northwest (Jim Thorpe, Lansford, Summit Hill) take 209 North; and from the north (Weatherly, Beaver Meadows) take 93 South to 209 North.

ATTENDANCE

Attendance at the Program is required of parties in a custody case where the interests of children under the age of eighteen (18) years are involved and is ordered by the Court. Additional interested persons may attend the seminar upon prior approval of the provider with the payment of ten (\$10.00) dollars.

PRESENTERS

A qualified counselor selected by the Court of Common Pleas of Carbon County will present the program.

NOTIFICATION

A copy of the Order requiring the parties to attend the Program, a Registration Form, and Program Description will be provided to the parties by the Prothonotary's Office upon filing of a custody action.

FEES

A fee of \$25.00 per party is required and will be used to cover all program costs. The fee must be submitted with the registration form directly to the Provider. Certified check or money order will be accepted as payment.

REGISTRATION

The provider must receive the registration form and program fee at least seven (7) days prior to the selected date. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through the provider.

VERIFICATION OF ATTENDANCE

Upon presentation of photo identification, the provider will record the party as "present" and shall provide to the Prothonotary of Carbon County a Certificate of Completion, which shall be filed of record. The Provider will give a Certificate of Attendance to each person who successfully completes the Program.

EVALUATION

Each participant shall complete a written evaluation of the Program upon the conclusion of the session. Said evaluation forms shall be presented to the Court upon request.

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheadsville, PA 18322
Telephone: (570) 992-2027

REGISTER BY MAIL: Choose the date you want to attend, complete the attached form, and send it with your certified check or bank money order payable to Kathryn James to:

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheadsville, PA 18322

If you have any questions regarding the program or scheduling, call: (570) 992-2027.

2001 Registration Form—Education Program for Divided Families
Carbon County, Pennsylvania

The Program is held at the Carbon County Conservation District building located at 5664 Interchange Road, Lehighton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North - building is between Gensis Day Care and the PA State Police Barracks).

You are required to attend one 4-hour Saturday session. The cost of the Program is \$25.00 per party.

Other guests can attend for an additional \$10.00 fee.

Photo identification is required.

Parking is available on site.

Register at least seven (7) days prior to the date you want. IF TEN (10) PARTICIPANTS ARE NOT REGISTERED, THE CLASS WILL BE CANCELLED AND YOU WILL NEED TO RE-SCHEDULE. CONFIRMATIONS ARE NOT SENT. Come to the program you choose, unless notified that the class is full. Class may be cancelled due to snow. You will be informed of this cancellation by telephone.

If you cannot attend the class you registered and paid for, you must call Kathryn James at (570) 992-2027 to let her know of the change in plans. If the cancellation is made a week prior to the scheduled date, you may attend the next scheduled class at no additional charge. IF NO NOTICE OF CANCELLATION IS GIVEN OR IT IS NOT MADE ONE WEEK PRIOR TO CLASS, YOU MUST PAY AN ADDITIONAL \$10.00 TO TAKE THE NEXT CLASS.

Children SHALL NOT be brought to the Program.

Please be prompt. Latecomers are not admitted and must reschedule.

In case of a snowstorm, listen to the radio and/or television for cancellations—WYNS 11.60 A.M., WLSH 14.10 A.M., or TV WYOU—News 22. Call (570) 992-2027 to reschedule.

Docket Number: of custody case _____ Docket Number MUST be filled in for attendance credit. Please indicate County of jurisdiction: _____

Your Name: _____

Guest: _____
(Name and Relationship to Child)

Your Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ (Home) _____ (Work)

SATURDAYS—9:00 A.M. TO 1:00 P.M.

Jan. 6, 2001	_____
Feb. 17, 2001	_____
March 10, 2001	_____
April 7, 2001	_____
May 5, 2001	_____
June 2, 2001	_____
July 7, 2001	_____
August 4, 2001	_____
Sept. 8, 2001	_____
Oct. 6, 2001	_____
Nov. 3, 2001	_____
Dec. 1, 2001	_____

Send completed registration form and fee by certified check or money order payable to Kathryn James to:

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads ville, PA 18322
Telephone: (570) 992-2027

Rule L1915.4-1. Alternative Hearing Procedures for Partial Custody or Visitation Cases.

1. Upon the filing of any claim for partial custody or visitation, the moving party shall deposit with the Prothonotary the sum of \$300.00 unless excused by the Court.

2. All actions commenced under these rules shall be scheduled for a pre-hearing conference. The pre-hearing conference shall be held to focus on issues of fact and law and to explore the possibility of a negotiated settlement and consent order.

3. A continuance of the pre-hearing conference may be granted by the Court upon good cause shown.

4. If the parties agree on a custodial arrangement, two hundred dollars shall be refunded to the depositing party and a consent order shall be entered in substantially the same form as set forth in "Form A" following Carbon County Local Rule L1915.7.

5. If the parties are unable to agree, the hearing officer shall immediately contact Court Administration for a hearing date, insert this date on a Hearing Notice as set forth in "Form A," file the original with the Prothonotary, and deliver a copy of same forthwith to the parties, counsel, and Court Administration.

6. Where no agreement is reached, the hearing officer shall prepare a recommended Interim Order which said officer believes is in the best interest of the child(ren) and forward it to the Court within 10 days of the pre-hearing conference. The Interim Order shall require the parties to file a Pre-Trial Memorandum with the Prothonotary's Office within five (5) days prior to hearing, and shall contain the following:

- (A) A clear concise statement of the principal custody issues to be resolved by the Court;
- (B) Principles of law to be applied;
- (C) List of witnesses to be called and exhibits;
- (D) Listing of any evidentiary disputes; and Legal Argument.
- (E) Proposed Findings of Fact
- (F) Proposed Custody Order

7. The moving party shall be responsible to secure the services/attendance of an outside court reporter for said hearing and shall be responsible for the payment of said outside court reporter unless the Court places the payment responsibility on the other party.

8. Within 10 days of the conclusion of the hearing, the hearing officer shall file and serve a copy upon all parties a report stating the reasons for the recommendation along with a proposed order including a specific schedule of partial custody or visitation.

9. If exceptions are filed, no exceptions shall be argued before the Court unless written briefs have been filed. The moving party shall file three (3) copies of a brief and exceptions with the Prothonotary's Office no later than ten (10) days after filing of the hearing officer's report, and forthwith serve one (1) copy of the brief upon each adverse party or counsel of record. Each adverse party or his counsel of record shall file in the appropriate filing office three (3) copies of a brief in answer, not later than five (5) days after receipt of moving party's brief and forthwith serve a copy thereof upon all opposing parties or their counsel of record. All briefs shall be prepared in conformity with Local Rule L210. Transcription of the proceedings shall be filed of record by the party raising the objections. The cost of transcription shall be borne by the party filing the original exceptions unless otherwise ordered by the Court.

10. Argument shall be held within 45 days of the date that the last party files exceptions.

11. In all custody proceedings where the interests of children under the age of eighteen (18) are involved, the parties shall attend and complete one 4-hour session entitled "Education Program for Divided Families," referred to in these local rules as "Program".

12. In all custody proceedings, each complaint or petition shall be in compliance with Local Rule L206.1 or Local Rule L205.3.

13. At the time of the filing of the Complaint/Petition, the Prothonotary's Office shall provide all parties with the Court Order requiring attendance at the Program as set forth in Form "B," a registration form, and Program description.

14. The parties shall register for the Program within fifteen (15) days after he or she is served with the Court Order.

15. Every party shall attend the Program within sixty (60) days from the date of the Order requiring attendance. Any request for an extension of time to complete the Program shall be made to the Court.

16. The fee for the Program is \$25.00 per party and must be submitted with the registration form. Certified check or money order will be accepted for payment. Checks and money orders shall be made payable to the Kathryn James. NOTE: NO PERSONAL CHECKS WILL BE ACCEPTED.

17. No final hearing shall be held or final order entered until all parties have attended and completed the Program, unless the Court waives the requirement upon petition filed for good cause shown. Refusal of the non-moving party to attend the Program shall be considered good cause by the Court. Failure to comply with the Order may result in the dismissal of the action, striking of pleadings, or other appropriate action, including sanctions for contempt.

18. Upon filing of the Certificate of Completion, the Prothonotary shall provide a copy to Court Administration.

19. Copies of this Rule, Program Registration Form, and Program Description shall be available in the Prothonotary's Office of the Court of Common Pleas of Carbon County.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

Plaintiff vs. NO. Defendant Attorney for Plaintiff Attorney for Defendant

NOTICE OF HEARING

You, Defendant, have been sued in court to obtain partial custody or visitation of the child(ren):

You are ordered to appear in person at the 1st floor Conference Room, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on

20 at A.M./P.M., prevailing time, for a hearing. If you fail to appear as provided by this order, an order for partial custody or visitation may be entered against you or the court may issue a warrant for your arrest.

PLAINTIFF SHALL DEPOSIT THE SUM OF (\$0.00) DOLLARS (\$0.00) WITH THE PROTHONOTARY OF CARBON COUNTY NO LATER THEN TEN (10) DAYS PRIOR TO DATE OF HEARING.

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

LEGAL SERVICES OF NORTHEASTERN PENNSYLVANIA, INC. 122 IRON STREET LEHIGHTON, PA 18235 (610-377-5400)

COUNSEL IS ATTACHED FOR THESE PROCEEDINGS.

Dated: 20 Esquire—Hearing Officer

I/We hereby acknowledge receipt of the Notice of Hearing.

Plaintiff Defendant Attorney for Plaintiff Attorney for Defendant

"FORM B"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA CIVIL ACTION—LAW

vs. NO. CUSTODY ACTION

ORDER OF COURT

You are ORDERED to attend a program entitled "Education Program for Divided Families" in connection with the above-captioned custody action. You must register for the Program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the Program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

No final hearing shall be held or final order entered where there are children under the age of eighteen (18) until all parties have attended the Program.

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

Legal Services of Northeastern Pennsylvania, Inc.
122 Iron Street
Lehighton, PA 18235
(610) 377-5400

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Carbon County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator's Office at (570) 325-8556. All arrangements must be made at least seventy-two (72) hours prior to any hearing or business before the Court. You must attend the scheduled Program.

BY THE COURT:

DATED: _____ J.

EDUCATION PROGRAM FOR DIVIDED FAMILIES

In cases involving custody of minor children, mandatory attendance at one 4-hour session entitled "Education Program for Divided Families" is required. MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.

PROGRAM CONTENT

The Program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

A. Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

B. Identifying and dealing with feelings such as anger toward your children, from your children, and toward your ex-spouse, as well as the healing process.

C. Open Discussion: explaining divorce, visitation problems, new relationships, parents at war with co-parent, etc.

WHO

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads ville, PA 18322
Telephone: (570) 992-2027

WHEN

The Program is offered every month on one (1) Saturday from 9:00 A.M. until 1:00 P.M.

WHERE

The Program will be presented at the Carbon County Conservation District building located at 5664 Interchange Road, Lehighton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North - building is between Gensis Day Care and the PA State Police Barracks). Directions: From the south (Palmerton, Lehighton), take 209 North (about 5 miles past the Turnpike entrance); From the northwest (Jim Thorpe,

Lansford, Summit Hill) take 209 North; and from the north (Weatherly, Beaver Meadows) take 93 South to 209 North.

ATTENDANCE

Attendance at the Program is required of parties in a custody case where the interests of children under the age of eighteen (18) years are involved and is ordered by the Court. Additional interested persons may attend the seminar upon prior approval of the provider with the payment of ten (\$10.00) dollars.

PRESENTERS

A qualified counselor selected by the Court of Common Pleas of Carbon County will present the program.

NOTIFICATION

A copy of the Order requiring the parties to attend the Program, a Registration Form, and Program Description will be provided to the parties by the Prothonotary's Office upon filing of a custody action.

FEES

A fee of \$25.00 per party is required and will be used to cover all program costs. The fee must be submitted with the registration form directly to the Provider. Certified check or money order will be accepted as payment.

REGISTRATION

The provider must receive the registration form and program fee at least seven (7) days prior to the selected date. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through the provider.

VERIFICATION OF ATTENDANCE

Upon presentation of photo identification, the provider will record the party as "present" and shall provide to the Prothonotary of Carbon County a Certificate of Completion, which shall be filed of record. The Provider will give a Certificate of Attendance to each person who successfully completes the Program.

EVALUATION

Each participant shall complete a written evaluation of the Program upon the conclusion of the session. Said evaluation forms shall be presented to the Court upon request.

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads ville, PA 18322
Telephone: (570) 992-2027

REGISTER BY MAIL: Choose the date you want to attend, complete the attached form, and send it with your certified check or bank money order payable to Kathryn James to:

Kathryn M. James
Masters In Education
Family Living Educator
P. O. Box 184
Brodheads ville, PA 18322

If you have any questions regarding the program or scheduling, call: (570) 992-2027.

2001 Registration Form—Education Program for Divided Families
Carbon County, Pennsylvania

The Program is held at the Carbon County Conservation District building located at 5664 Interchange Road,

Lehighton, PA 18235 (located next to the Pennsylvania State Police Barracks on Route 209 North—building is between Gensis Day Care and the PA State Police Barracks).

You are required to attend one 4-hour Saturday session. The cost of the Program is \$25.00 per party.

Other guests can attend for an additional \$10.00 fee.

Photo identification is required.

Parking is available on site.

Register at least seven (7) days prior to the date you want. IF TEN (10) PARTICIPANTS ARE NOT REGISTERED, THE CLASS WILL BE CANCELLED AND YOU WILL NEED TO RE-SCHEDULE. CONFIRMATIONS ARE NOT SENT. Come to the program you choose, unless notified that the class is full. Class may be cancelled due to snow. You will be informed of this cancellation by telephone.

If you cannot attend the class you registered and paid for, you must call Kathryn James at (570) 992-2027 to let her know of the change in plans. If the cancellation is made a week prior to the scheduled date, you may attend the next scheduled class at no additional charge. IF NO NOTICE OF CANCELLATION IS GIVEN OR IT IS NOT MADE ONE WEEK PRIOR TO CLASS, YOU MUST PAY AN ADDITIONAL \$10.00 TO TAKE THE NEXT CLASS.

Children SHALL NOT be brought to the Program.

Please be prompt. Latecomers are not admitted and must reschedule.

In case of a snowstorm, listen to the radio and/or television for cancellations - WYNS 11.60 A.M., WLSH 14.10 A.M., or TV WYOU—News 22. Call (570) 992-2027 to reschedule.

Docket Number: of custody case _____ Docket Number MUST be filled in for attendance credit. Please indicate County of jurisdiction: _____

Your Name: _____

Guest: _____ (Name and Relationship to Child)

Your Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ (Home) _____ (Work)

SATURDAYS—9:00 A.M. TO 1:00 P.M.

- Jan. 6, 2001 _____
- Feb. 17, 2001 _____
- March 10, 2001 _____
- April 7, 2001 _____
- May 5, 2001 _____
- June 2, 2001 _____
- July 7, 2001 _____
- August 4, 2001 _____
- Sept. 8, 2001 _____
- Oct. 6, 2001 _____
- Nov. 3, 2001 _____
- Dec. 1, 2001 _____

Send completed registration form and fee by certified check or money order payable to Kathryn James to:

Kathryn M. James
Masters In Education
Family Living Educator
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Brodheads ville, PA 18322
Telephone: (570) 992-2027

Rule L1915.5. Discovery Motion Practice.

(1) Discovery motions in custody actions shall only be authorized by special Order of Court and shall be filed in compliance with Local Rule of Civil Procedure L206.1.

Rule L1915.7. Consent Order.

(1) A proposed consent order substantially in the same form as Form "A" following this Rule shall be attached to the stipulation or agreement.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

Plaintiff
vs. NO. _____

Defendant

- Counsel for Plaintiff

- Counsel for Defendant

CUSTODY ORDER OF COURT

AND NOW this _____ day of _____, 20____, upon review of the attached Agreement between the parties regarding custody of the child(ren), it is hereby

ORDERED and DECREED that said Agreement is approved and shall be incorporated into this Order of Court as if more fully set forth herein.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

Plaintiff
vs. NO. _____

Defendant

- Counsel for Plaintiff

- Counsel for Defendant

AGREEMENT FOR ENTRY OF SHARED CUSTODY ORDER OF COURT

AND NOW, this _____ day of _____, 20____, the following agreement is entered into upon stipulation of the parties:

This Agreement and ensuing Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the

medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

- (a) During the week: _____;
- (b) Weekends: _____;
- (c) Major Holidays: _____;
- (d) Minor Holidays: _____;
- (e) Mother's Day and Mother's Birthday shall be with the Mother; Father's Day and Father's Birthday shall be with the Father.
- (f) Child(ren)'s Birthday(s): _____;
- (g) Vacation/Summers: _____;
- (h) Other times: _____.

7. All other periods of partial custody by either party shall be by mutual agreement of both party after reasonable request, and such agreement shall not be unreasonably withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

11. It is the intention of the parties that this agreement will be adopted into an Order of Court.

12. The filing fee for the stipulated order shall be paid by the _____ (Indicate Plaintiff or Defendant)

to the Prothonotary of Carbon County simultaneous with the filing of the stipulated order.

WITNESS AS TO PLAINTIFF PLAINTIFF

WITNESS AS TO DEFENDANT DEFENDANT

[Pa.B. Doc. No. 01-851. Filed for public inspection May 18, 2001, 9:00 a.m.]

CARBON COUNTY

Adoption of Local Rule of Civil Procedure L1920.12 Complaint in Divorce/Annulment Cases; No. 01-1097

Administrative Order 16-2001

And Now, this 4th day of May, 2001, it is hereby

Ordered and Decreed that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Adopts* Local Rule of Civil Procedure L1920.12 governing complaints filed in Divorce and Annulment cases.

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 Civil 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 Prothonotary's Office.

By the Court
RICHARD W. WEBB,
President Judge

Rule L1920.12. Complaint.

(a) In every divorce or annulment complaint, the plaintiff shall complete Form "A" as set forth below this rule with the Social Security Number of each party to said action as required by 23 Pa.C.S.A. 4304.1(a)(3). Said form shall not be attached to said complaint but shall remain separate from the complaint.

(1) The Prothonotary's Office shall record the Social Security Numbers in the Court Computer Database and, upon verification of proper entry, shall shred the form containing the Social Security Numbers. The Social Security Numbers shall remain confidential in that they will only be visible to internal personnel and cannot be accessed through the public access programs.

Form "A"

Docket Number of Divorce/Annulment Case _____

Plaintiff Name: _____

Plaintiff Social Security Number: _____

Defendant Name: _____

Defendant Social Security Number: _____

[Pa.B. Doc. No. 01-852. Filed for public inspection May 18, 2001, 9:00 a.m.]

SCHUYLKILL COUNTY**Amended Criminal Rules of Procedure; M 01-238***Order*

And Now, this 3rd day of May, 2001, at 1:30 p.m., Schuylkill County Criminal Rules of Procedure for the Court of Common Pleas and District Justice Courts are amended and/or adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

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

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

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

WILLIAM E. BALDWIN,
President Judge

Rules of Criminal Procedure**Rule 102. Citation of Rules.**

(a) These rules shall be known as Schuylkill Rules of Criminal Procedure. They may be cited as "Sch.R.Crim.P. No. _____."

Rule 106. Continuances.

(a) Motion by Defendant

Motions for Continuance by the defendant shall be in writing, upon forms approved by the Court, executed by the defendant and his attorney. At least twenty-four (24) hours advance notice of the presentation of said motions shall be given to the District Attorney. The motion shall be filed with the Clerk of Courts and contemporaneously a copy shall be served on the District Attorney by the defendant. The defendant will be obliged to appear in Court, with counsel, to waive the time requirements under Rule 600. The Clerk of Courts shall forward all

motions for continuance to the Court Administrator, who shall list the motion for hearing on the date when continuance requests shall be heard in accordance with the published Court Calendar.

Rule 120. Duties of Counsel.

Every counsel of record in a criminal case shall be timely present for each hearing, conference or other court proceeding involving his or her client as scheduled pursuant to the provision of these rules, or as the Court may otherwise direct. It shall further be the duty of counsel to promptly notify the client of the date, time, place and duty to be present at each proceeding involving the client's case until such time as the case has been disposed of by verdict, plea or Order of Court. Counsel who fail to comply with this rule may be held in Contempt of Court.

Unless otherwise relieved by Order of Court, counsel of record in a criminal proceeding shall be responsible for representing the defendant until disposition of post sentence procedures pursuant to Pa.R.Crim.P. 704 and 720. Thereafter, counsel shall notify his or her client in writing that his or her representation of the client has been concluded and that the client will have to make arrangements to continue representation for any appeal or seek other counsel. The obligation of counsel shall cease upon the mailing of said notice. In the event an appeal is taken from the judgment of sentence by counsel of record, record counsel shall remain as counsel for the defendant through the appellate process.

Rule 310. Motion for A.R.D. Disposition.

(a) In all cases in which a defendant charged with violation of 75 Pa.C.S.A. § 3731 (Driving Under the Influence) seeks a special handling by way of A.R.D., the District Attorney shall arrange with (1) the Drug and Alcohol Clinic at the Good Samaritan Hospital for examination and evaluation, and (2) the Adult Probation Department for an investigation of prior criminal history.

Reports prepared by the Drug and Alcohol Clinic and the Adult Probation Department shall be delivered to the District Attorney and shall be subject to inspection by the District Attorney and defense counsel. Such reports shall become part of the defendant's probation department file. All such reports shall be submitted along with the necessary A.R.D. forms to the Criminal Court Administrator on the cutoff date for submission of paperwork for negotiated pleas as established by the published Court Calendar.

(b) The A.R.D. motions for defendants who have been recommended by the District Attorney for the Fast Track A.R.D. Program shall be heard on the dates published for Fast Track A.R.D. in the Court Calendar.

Rule 319. Procedure for Obtaining Order Upon Successful Completion of A.R.D. Program.

(a) Whenever a defendant is placed under the Accelerated Rehabilitation Disposition Program and he shall have satisfactorily completed the program provided for him and complied with its conditions, the Probation Office of Schuylkill County, upon filing of an affidavit by the defendant, shall file a report with the Court Administrator and a copy with the District Attorney, the latter of whom shall within thirty (30) days if he has objection to the dismissal of the charges, file such objection with the Clerk of Courts, serving a copy thereof on the defendant and his attorney. If such objections are filed, the Court shall proceed to hear the case under Pa.R.Crim.P. No. 318.

If no objections are filed within the thirty (30) day period, the Clerk of Courts shall endorse upon the report of the Probation Office as follows: "No objection having been filed within thirty (30) days by the District Attorney, the charges contained in the information filed against the defendant, as a result of which he was placed under the A.R.D. Program on _____, are hereby dismissed." The Clerk shall present said report with its endorsement to the sentencing Judge for signature.

(b) The Clerk of Courts shall furnish the Probation Department with a list of the cases under A.R.D. where the probationary period has heretofore expired and where petitions to dismiss have not been filed. The Probation Office shall review its files and make the required reports as set forth under subsection (a) of this Rule, so that appropriate cases may be dismissed.

Rule 528. Types of Bail: Percentage Cash Bail.

(a) In the event the District Justice accepts a sum of U.S. Currency equal to ten percent (10%) of the full amount of the monetary condition, the sum of money furnished shall be receipted for, deposited, accounted for, forfeited or returned in accordance with Pa.R.Crim.P. No. 535.

(b) After the final disposition of the case, and provided there has been no forfeiture, the money constituting percentage cash bail shall be returned to the defendant, less a retention fee for administering the percentage cash bail program of ten percent (10%) of the money entered as bail, and in no event shall the retention fee be less than Ten Dollars (\$10.00). The retention fee withheld shall be for the use of the County and shall be received and accounted for by the Clerk of Courts.

(c) When a defendant or a third party surety has deposited a sum of money under the percentage cash bail program, then upon full and final disposition of the case, the deposit less the retention fee for administrative costs, shall be returned to the person who originally posted the deposit. Notice of the full and final disposition 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 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 Schuylkill.

Rule 542. Preliminary Hearing: Transcripts.

(a) Whenever a court stenographer prepares a transcript of the testimony of witnesses at a preliminary hearing, said stenographer shall furnish a copy of the transcript to the District Attorney.

Rule 560. Information: Filing, Contents, Functions.

(e) Promptly after receipt of transcripts in court cases, the Clerk of Courts shall forward copies of the same to the District Attorney. The District Attorney shall make such investigation as he deems appropriate and shall then prepare the informations for filing against the defendants. The District Attorney shall file with the Clerk of Courts on the second and last Mondays of each month the informations he has prepared by said dates.

(f) Whenever the District Attorney files a criminal information against a defendant alleging that the defendant committed murder as defined in 18 Pa.C.S.A. § 2502, the District Attorney shall contemporaneously forward a copy of the information to the Criminal Court Administrator. Upon receipt of the information, the Court Administrator shall assign the case to a member of the Court and shall notify the Clerk of Courts and counsel for

the parties as to which judge the case has been assigned. Thereafter, all pretrial and trial matters occurring in the case shall be referred to the assigned judge for disposition.

Rule 570.1. Report of Cases Ready for Trial/Pre-Trial Conference.

By 4:00 p.m. on the day after the District Attorney must transmit the plea paperwork to the Criminal Court Administrator, as published on the Court Calendar, the District Attorney shall prepare and submit to the Criminal Court Administrator a report listing all cases in which the District Attorney is prepared to go to trial during that term of Court (including those in which the defendant has indicated an intent to request a continuance). This list shall constitute the trial list for that term of Court. Thereafter no case may be removed from or added to the trial list without leave of Court.

Pretrial conferences with a member of the Court shall be conducted at 9:30 a.m. on the pretrial conference date as published in the Court Calendar for all cases remaining on the trial list by that date. The conference shall be attended by the assigned assistant district attorney and defense counsel. Pro se defendants must also attend. A victim may be present, if the victim desires to attend.

It shall be the duty of each party, prior to the pretrial conference, to verify the availability of all necessary witnesses for trial. The Court may decline to consider scheduling problems and requests which are not brought to the Court's attention at the pretrial conference.

Rule 571. Arraignment.

(a) 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 form by the District Justice. The form shall advise defendant of the time periods wherein he may commence discovery and file an omnibus pre-trial motion in Court. He shall further be given notice that he has the right to waive appearing for formal arraignment in the District Attorney's Office.

In the event he desires to waive formal arraignment, he and his attorney, if any, shall execute the form provided for that purpose by the District Justice, and said form shall be returned to Court with the transcript of the case by the District Justice. The date of arraignment will begin the running of the time for the exercise of defendant's pre-trial rights.

In the event the defendant does not waive his arraignment, the District Attorney, upon filing the information, shall give the defendant notice of arraignment by first class mail, addressed to defendant's last known address of record, arraignment to be held at the District Attorney's Office the following Monday morning at 9:30 a.m.

At the time the District Attorney mails the arraignment notices, he shall give the Public Defender a list of those defendants who are scheduled for arraignment. The Public Defender shall assign one of his attorneys to meet with the District Attorney on the day of arraignment to represent those defendants who are not represented by counsel. Such representation shall be solely for the purpose of arraignment and shall not constitute an entry of appearance.

If a defendant fails to appear for arraignment, the Court, upon motion of the District Attorney, may issue a bench warrant for the defendant.

Rule 573. Pre-Trial Discovery and Inspection.

Defense counsel desiring pre-trial discovery and inspection under Pa.R.Crim.P. No. 573 shall make an appointment and hold an informal conference with the District Attorney's Office within fourteen (14) days after arraignment for that purpose. The District Attorney's Office shall make available all information not in dispute to the defendant. Should the defendant request copies of any items of information, same shall be at the expense of the defendant. At that conference, in addition to discussing discovery sought, the parties may discuss possible plea negotiations.

Rule 578. Contents of Omnibus Pre-Trial Motions.

(a) All omnibus pre-trial motions shall state specifically and with particularity the following:

- (1) type of relief requested;
- (2) grounds for relief requested;
- (3) facts and events in support thereof; and
- (4) citations or law in support thereof.

All motions for pre-trial disclosure or discovery shall set forth the fact that an informal conference to discuss the requested material has taken place and proved unsuccessful.

Rule 579. Time for Omnibus Pre-Trial Motions.

All omnibus pre-trial motions shall be filed within thirty (30) days after arraignment in accordance with Pa.R.Crim.P. No. 579. The defendant shall file the original with the Clerk of Courts and contemporaneously serve a copy on the District Attorney. The Clerk of Courts shall forward all motions to the Court Administrator for assignment to a judge. In those cases where the defendant acquires new counsel, either through appointment or through the resignation of his original counsel, the new counsel shall have no more than thirty (30) days from his appointment or employment to file such omnibus pre-trial motion as he may deem necessary. Only one extension of time shall be permitted.

Rule 590.1. Pleas and Plea Agreements.

(a) The District Attorney shall prepare the sentencing guideline forms provided by the Court as soon as practicable after the informations are lodged, setting forth the sentences required by the guidelines if a plea of guilty is entered by the defendant, and shall forward this material to defense counsel. Counsel for defendants who wish to engage in plea negotiations shall promptly thereafter schedule a meeting with the District Attorney.

(b) In those cases where no plea agreement has been made, a plea negotiation conference shall be held. At said conference, the District Attorney assigned to the case and prosecuting officer or an officer from his department with authority to resolve the case shall meet with the defendant and defense counsel with the end in view to determine whether they can arrive at a plea agreement. The victim shall be notified and given an opportunity to attend and participate in the negotiations.

(c) If the parties arrive at a plea agreement, the defense counsel or defendant shall complete the form for entry of a written guilty plea available at the office of the District Attorney and promptly return it to that office. The District Attorney shall promptly forward the written guilty plea together with a copy of the information against the defendant, a report of the defendant's prior criminal record, and a list of maximum penalties and sentence guidelines for each charge to the Criminal Court

Administrator. When the charge is D.U.I., a copy of the CRN shall also be provided to the Court.

Each written guilty plea shall be accompanied by a "Guilty Plea Certification" completed and signed by the District Attorney and defense counsel, certifying to the Court that the defendant's guilty plea has not previously been presented to the Court, or specifying the date when the plea was presented and identifying the judge who rejected the plea. Counsel who fail to comply with this rule may be held in contempt of Court.

Only those negotiated pleas and motions for A.R.D. for which the required documents are received by the District Attorney before 4:00 p.m. on the "plea paperwork cutoff" date as published in the Court Calendar for a particular term of Court will be considered by the Court during that term of Court. A defendant whose paperwork is not received by the cutoff may proceed to trial, request a continuance to the next term of Court, or enter a general plea of guilty without agreement as to sentence.

The District Attorney must forward all paperwork for negotiated pleas and motions for A.R.D. to the Criminal Court Administrator on the date established for transmittal as published in the Court Calendar.

The Criminal Court Administrator shall assign all guilty pleas and motions for A.R.D. among the judges who will hear those cases. Except for a plea of guilty entered after commencement of trial, the Court shall accept no guilty plea or A.R.D. motion unless scheduled and assigned by the Criminal Court Administrator.

(d) All guilty pleas and motions for A.R.D. for which the paperwork has been timely submitted to the Criminal Court Administrator shall be heard on the date scheduled for guilty pleas in the published Court Calendar.

(1) The pleas of all defendants who are incarcerated at that time shall be heard on the published prisoner plea date at 9:30 a.m.

(2) The pleas of all defendants who are not incarcerated and are represented by the Public Defender or have no counsel shall be heard on the published guilty plea date at 9:30 a.m.

(3) The pleas of all defendants who are not incarcerated and have retained private counsel shall be heard on the published guilty plea date at 1:30 p.m.

(e) General pleas of guilty entered after the dates in subsection (d) shall be scheduled by the Criminal Court Administrator at the direction of the President Judge.

Rule 606. Judgment of Acquittal Motion.

(a) Any motion for judgment of acquittal shall follow the procedure set forth at Sch.R.Crim.P. 704.

Rule 704. Procedure at Sentencing.

(a) Motions for extraordinary relief.—Any defendant seeking to present an oral motion for extraordinary relief pursuant to Pa.R.Crim.P. 704(B) shall file of record and serve upon the Commonwealth a written request briefly setting forth the rationale for the relief including an explanation as to why immediate relief is essential. Only upon a prima facie showing that alleged errors are so manifest that immediate relief is essential will leave be granted to present the oral motion for judgment of acquittal/arrest of judgment/new trial. The application to the Court shall be captioned "Application for Leave to Argue Oral Motion for Extraordinary Relief" and shall ask for leave to present and argue the merits set forth in the application.

Rule 706. Fines or Costs or Restitution.

(a) If at the time of sentencing the Court determines the defendant is without the financial means to pay the fines or costs or restitution immediately or in a single remittance, the Court may provide for payment of said monies in such installments and over such period of time as is deemed just and practicable by the Adult Probation Office and/or Schuylkill Collection Bureau, taking into account the financial resources of the defendant and nature of the burden its payments will impose.

(b) In any case in which the court has ordered payment of a fine or cost or restitution in installments, the defendant may request a re-hearing on his payment schedule as established by the Adult Probation Office and/or Schuylkill Collection Bureau, or when he is in default of a payment, or when such default is imminent.

Rule 707. Applications for Parole.

(a) Upon serving the minimum sentence as ordered by the Court, a defendant may be considered for parole.

(b) The Warden, District Attorney and Adult Probation Department shall indicate on the application any objection to the defendant's parole.

(c) The Court may in its discretion, or in the event any of the above said parties object to the application schedule a hearing on the application for parole.

Rule 708. Post-Sentence Motions.

(a) Post-sentence motions shall be filed and served promptly on the Trial Judge and opposing counsel. The Trial Judge may schedule a conference to review the record and fix a briefing schedule.

(b) All motions requesting the appointment of a panel sitting as a court en banc shall be presented to the President Judge.

(1) Transcript of Court Trial. When directed by the Court, the transcript of the testimony of the trial of a criminal case shall be filed with the Clerk of Courts. The clerk shall make said transcript available to defense counsel and to the District Attorney, respectively, for a two (2) week period of time for preparation of briefs.

**Criminal Procedure
District Justice Courts**

Rule 102. Citation of Rules.

(a) These rules shall be known as Schuylkill Rules of Criminal Procedure for District Justice Courts. They may be cited as "Sch.R.Crim.P.D.J. No. ____."

Rule 141. Contempt Procedure in Protection from Abuse Cases.

(a)(1) Upon information received on a violation of a protection order, the defendant may be arrested without a warrant, provided that the information is sufficient to constitute probable cause.

(2) Upon arrest, defendant shall be taken before either the district justice who has jurisdiction or the district justice on call; the arresting officer shall file a criminal complaint charging the defendant with indirect criminal contempt per 23 Pa.C.S.A. § 6113 and § 6114; defendant shall at that time be arraigned and bail shall be set; defendant shall either be released on bail or taken to Schuylkill County Prison if bail cannot be posted.

(3) The District Justice shall immediately (next working day) provide the Court Administrator with the following information:

(a) name of defendant

(b) name of judge whose order was violated

(4) Court Administrator shall arrange with judge who issued original protection order for a hearing to be scheduled within ten (10) days.

Rule 506. Private Complaints.

(c) Private complaints shall be instituted in the manner set forth in Pa.R.Crim.P. No. 506. The affiant shall appear in the office of the District Attorney, who shall determine whether there is a probable cause and either approve or disapprove the complaint without unreasonable delay. If the complaint is approved, it shall be transmitted to the appropriate District Justice who shall act as the issuing authority.

Rule 517. Fugitives—Court Cases.

(c) In any court case in which a warrant of arrest has been issued, either upon the filing of the complaint or after the defendant fails to respond to a summons, if the officer to whom the warrant was issued is unable to serve such warrant after good faith effort within thirty (30) days, the said officer shall make a return of "NOT FOUND" to the District Justice.

Rule 518. Arrest Without a Warrant in Certain Cases.

(b) Pursuant to the authority granted by Pa.R.Crim.P. No. 518, police officers are hereby authorized, when making an arrest in Schuylkill County and when they deem it appropriate, to 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.

When a defendant is released pursuant to this Rule, a complaint shall be filed against the defendant within five (5) days of the defendant's release. Thereafter, a summons, not a warrant of arrest, shall be issued.

Rule 543. Continuances of Preliminary Hearings.

(a) Every request for continuance of a preliminary hearing shall be submitted in writing on a form obtained from the District Justice or Criminal Court Administrator and shall be signed by the defendant and his/her counsel if any. The form may be submitted to the District Justice by fax directly (or via the Criminal Court Administrator if the District Justice office does not have fax capability).

(b) Each party may be granted one continuance by the District Justice upon cause shown. Any such initial

continuance, made at the request of either party, shall not be for more than twenty-one (21) days. A continuance request submitted by the party not requesting the initial continuance, if granted by the District Justice, shall not be for more than fourteen (14) days. The District Justice is prohibited from granting more than one continuance to each party.

Any subsequent continuance by either party may be granted only by the President Judge, or his designee, upon completion and with just cause shown on the approved aforementioned continuance request form. This request for continuance form must be completed and signed by the defendant and his/her counsel if any. Upon refusal or approval of said request for continuance form, the Criminal Court Administrator shall file the signed form with the Clerk of Court's office and shall notify the District Justice who in turn shall notify the parties.

(1) Pre-Preliminary Hearing Line-Up

Defendants desiring a pre-preliminary hearing line-up shall make such request known to the District Attorney and the District Justice at least forty-eight (48) hours in advance of the scheduled preliminary hearing.

In the event the District Attorney opposes defendant's request for a line-up prior to his preliminary hearing, the District Attorney shall advise defendant of such opposition at least twenty-four (24) hours in advance of the scheduled preliminary hearing. Defendant may then request a line-up by filing an original petition with the Clerk of Courts. The Court Administrator shall then assign the matter to a criminal list Judge for disposition. Defendant shall give notice of such filing to the District Attorney and the District Justice.

When a District Justice has been notified of the filing of such petition, he shall continue the case for at least two (2) weeks to allow for the disposition of the petition.

(2) Scheduling of Preliminary Hearings

Unless there are compelling reasons, no preliminary hearing shall be scheduled for a court case by any District Justice during the first two days of jury selection or the first week of criminal court trials in Schuylkill County. If a preliminary hearing is required to be held within that week by the Pa.R.Crim.P., this local Rule of Court shall be cited by the District Justice as a reason for re-scheduling the case for as soon thereafter as possible.

Rule 547. Transcript of District Justice.

(c) In addition to the requirements under the Pa.R.Crim.P., the District Justice shall also list the defendant's date of birth in brackets following his name on the transcript, and shall list the names, addresses, and telephone numbers of all witnesses who testified at the preliminary hearing or who the parties request to be listed on the transcript.

(d) The District Justice shall prepare a transcript of the proceedings before him and return the same together with the documents required by Pa.R.Crim.P. No. 547 to the Office of the Clerk of Courts by first class mail or by hand delivery. In appeals from summary convictions, the District Justice shall return the transcript filed with the Office of the Clerk of Courts together with the documents required by Pa.R.Crim.P. No. 460 by certified mail, return

receipt requested, together with a letter of transmittal. The copy of the transmittal letter and return receipt card shall be retained by the District Justice.

[Pa.B. Doc. No. 01-853. Filed for public inspection May 18, 2001, 9:00 a.m.]

SCHUYLKILL COUNTY

Amended Civil Rules of Procedure; S-905-2001

Order

And Now, this 3rd day of May, 2001, at 1:30 p.m., the Court hereby amends Schuylkill County Rules of Civil Procedure 216, 217, 1910.11, 1910.12, 1915.17, 1920.53 and adopts Civil Rule 1012 and 1910.12(b)(1)(iii) for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). These rules shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is *Ordered* and *Directed* to the following:

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.

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

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

5) Keep continuously available for public inspection copies of this Order and Rule.

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

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 216. Application for Continuance.

Applications for continuance of any court scheduled proceeding shall be made to the scheduling judge in writing on the general continuance form available through the office of the Court Administrator. The movant shall comply with Pa.R.C.P. 216, state whether the request is opposed, indicate the number of times the case has been previously continued and specify the reason for the request. If the request is due to a prior attachment of counsel, a copy of the scheduling notice or attachment order shall accompany the continuance application. Each request for continuance shall include a certification by counsel that his/her client has been informed about the request for a continuance.

Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as soon as the conflict is, or should be known, or within

twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

Rule 217. Costs on Continuance.

When an application for the continuance of any proceeding scheduled by the Court, by a master appointed by the Court, by a custody conciliator appointed by the Court or by any officer of the Domestic Relations Section, is presented so close to the scheduled time for the proceeding as to cause undue inconvenience to the opposing party and/or their counsel, the Court may impose on the party making the application, or that party's counsel, the reasonable costs and expenses actually incurred by the opposing party which would not have been incurred if the application had been made more promptly. When determining the appropriateness of imposing costs and expenses, the Court shall consider the extent of notice to the parties when the proceeding was scheduled, the time when the applicant or counsel knew or should have known of the need for a continuance, how soon in advance of the scheduled proceeding the application for continuance was made and the inconvenience and expenses of opposing parties and their counsel.

Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as soon as the conflict is, or should be known, or within twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

Rule 1012. Duties of Counsel.

Every counsel of record in any civil proceeding shall be timely present for each hearing, conference or other court proceeding involving his or her client as scheduled pursuant to the provision of these rules, or as the Court may otherwise direct. It shall further be the duty of counsel to promptly notify the client of the date, time, place and duty to be present at each proceeding involving the client's case until such time as the case has been disposed of by final order or decree. Counsel who fail to comply with this rule may be held in Contempt of Court.

Unless otherwise relieved by Order of Court, counsel of record in any civil proceeding shall be responsible for representing his or her client until the entry of a final order or decree. Thereafter, counsel shall notify his or her client in writing that his or her representation of the client has been concluded and that the client will have to make arrangements to continue representation for any appeal or seek other counsel. Counsel shall certify by praecipe that such notice was given. The praecipe shall be filed within ten (10) days after notice is sent to the client, and a copy of the praecipe shall be served as any other pleading on all other parties. The obligation of counsel shall cease upon the filing and service of said praecipe unless counsel has filed an appeal for the client, thereby obligating counsel to continue representation through the appellate process.

Rule 1910.11. Office Conference. Request for Continuance.

A request for continuance of a support conference shall be made in writing to the Domestic Relations Director on

a form established by the Court. The request shall include a statement of the reasons for the request, whether the request is opposed or unopposed, the number of times the case has been previously continued, and a certification by counsel that his/her client has been informed about the request for continuance. The Domestic Relations Director shall have authority to approve only one continuance request from each party. If the Domestic Relations Director denies a request for a continuance, he/she shall state the reasons for the denial on the written request.

A party may appeal the denial of a request for continuance to the President Judge by submission of the denied continuance request to the President Judge.

Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as soon as the conflict is, or should be known, or within twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

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

(b) (1) If an agreement has not been reached by the parties, the court shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Pa.R.C.P. 1910.26(e). Within ten (10) days after the date of the order, either party may demand a hearing before a hearing officer. If a demand for hearing is filed, the matter shall be assigned to the Hearing Officer for hearing and further proceedings in accordance with Pa. R.C.P. 1910.12.(b)-(g) and these rules. If no hearing is requested, the order shall become final.

(i) A request for continuance of a support hearing shall be made in writing to the Hearing Officer on a form established by the Court. The request shall include a statement of the reasons for the request, whether the other party is opposed or unopposed, and the number of times the case has been previously continued. The Hearing Officer shall have authority to approve only one continuance request from each party. If the Hearing Officer denies a request for a continuance, he shall state the reasons for the denial on the written request.

(ii) A party may appeal the denial of a request for continuance to the President Judge by submission of the denied continuance request to the President Judge.

(iii) Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as soon as the conflict is, or should be known, or within twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

(c)(3) The order may also specify the time within which such discovery must be completed.

(d) Within five (5) business days following the taking of testimony, the Hearing Officer shall file with the court a report containing a recommendation with respect to the entry of an order of support.

(e)(1) In complex contested matters which require the hearing to be continued in progress, the Hearing Officer may assess additional fees of \$100.00 per each additional hearing day. Each additional conference, beyond the first, shall be considered for these purposes as a hearing.

(2) Where additional Hearing Officer's fees are assessed, the moving party shall deposit the fee with the Domestic Relations office and concurrently file a Praecipe substantially in the following form:

(CAPTION)

PRAECIPE FOR DEPOSIT OF ADDITIONAL HEARING OFFICER'S FEE

To the Prothonotary:

As directed by the Hearing Officer in the above captioned case, deposit the sum of \$ _____.00 for ____ additional hearing days in compliance with Sch.R.C.P. 1910.12(e).

Attorney for (Plaintiff/Defendant)

Received this day the sum of \$ _____.00, additional Hearing Officer's fees in the above captioned case.

Domestic Relations Office

(f)(1) Within five (5) days of filing Exceptions to the Report of the Hearing Officer, pursuant to Pa.R.C.P. 1910.12(f), the party raising exceptions shall request a transcript of all of the testimony, pursuant to Pa.R.J.A. 5000.5, and shall thereupon make a deposit with the court reporter for the cost of said transcript pursuant to Pa.R.J.A. 5000.6.

(2) If both parties file Exceptions to the Report of the Hearing Officer, they shall equally bear the cost of the transcript of the testimony.

(3) In the event of the failure of an excepting party within the time allowed either to order the transcript, or to pay for the same, or to file a memorandum of law, the exceptions may be deemed to have been withdrawn and may be dismissed by the Court.

(4) Upon filing of the transcript of testimony, the file shall be delivered to the Court for disposition pursuant to Pa.R.C.P. 1910.12(h). Within ten (10) days of receiving notice of such filing with the Court, the moving party shall file a memorandum of law related to the issues raised in the exceptions, and shall within three (3) days serve a copy of such memorandum upon counsel or upon the opposing party, if not represented by counsel. The opposing party may within ten (10) days file an opposing memorandum.

Rule 1915.17. Custody Conference Continuance.

A request for a continuance of a custody conference shall be made in writing to the Custody Conciliation Officer on a form established by the Court and available from the Court Administrator or the Custody Conciliation Section. The request shall include a statement of the reasons for the request, whether the request is opposed or unopposed, the number of times the case has been previously continued and a certification by counsel that his/her client has been informed about the request for continuance.

Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as soon as the conflict is, or should be known, or within twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

The Custody Conciliation Officer shall have the authority to approve only one continuance request from each party. If the Custody Conciliation Officer denies the request for a continuance for any reason, the Officer shall state the reasons for the denial on the written request.

A party may appeal the denial of a request for continuance to the President Judge by submission of the denied continuance request to the President Judge. It is that party's responsibility to advise the Custody Conciliation Officer of the appeal and of the President Judge's decision.

Rule 1920.53. Hearing by Master. Report. Continuance.

(d) The Master shall direct the examination of witnesses and the general course of the proceedings before him. Subpoenas for the attendance of witnesses before the Master shall be issued by the Prothonotary under the seal of Court. The Master shall cause a record to be kept of all proceedings before him. If objection is made to the admission of evidence, an offer and statement of purpose of said evidence, as well as the objection and its grounds, and the Master's ruling shall be noted in the record.

(e) The Master shall hold a hearing within sixty (60) days after the pre-hearing conference provided for in Sch.R.C.P. 1920.51(j); or, when he finds that counseling is required under Pa.R.C.P. 1920.45, within sixty (60) days after the expiration of the time for the completion of counseling under that Rule.

(f) The Master or Court Administrator may grant only one continuance of a hearing to a day certain to each party. However, the Master may continue any hearing in progress.

The motion for continuance shall be made in writing to the President Judge on a form established by the Court. The motion shall include a statement of the reasons for the request, whether the other party or the Master is opposed or unopposed to the request, the number of times the case has previously been continued and a certification by counsel that his/her client has been informed about the request for continuance. If the Master is opposed to the motion, he/she shall state his/her reasons for opposition on the written form.

Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as soon as the conflict is, or should be known, or within twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

(g)(1) In a contested case the testimony given at a Master's hearing shall be taken by an official court reporter who shall be paid an appearance fee by the party first moving for the appointment of the Master.

(2) Upon the closing of the record at the Master's Hearing the parties may agree to those portions of the record to be transcribed, or the Master may direct that all or a portion of the record shall be transcribed. The Master may make an interim allocation of the transcript fees which shall be paid pursuant to Pa.R.J.A. 5000.6.

(3) Within five (5) days after the filing of exceptions to the Master's report, the party raising exceptions shall request a transcript of all the testimony pursuant to Pa.R.J.A. 5000.5, and shall thereupon make a deposit with the court reporter for the cost of the transcript pursuant to Pa.R.J.A. 5000.6.

(i) If both parties file exceptions to the Master's report, they shall equally bear the cost of the transcript.

(4) In the event of the failure of an excepting party within the time allowed either to order the transcript, or to pay for the same, or to file a memorandum of law as required by these Rules or Order of Court, the exceptions may be deemed to have been withdrawn and may be dismissed by the court.

(5) Upon payment of all fees, the court reporter shall certify the transcript and shall give notice to the Master and to the parties that the transcript has been certified. All objections to the transcript shall be raised within ten (10) days after the date of the notice of the certification, or the objections are deemed to be waived.

(h)(1) The testimony in an uncontested case shall be transcribed in question and answer form, shall be read by the witness, and shall be sworn to and signed by the witness in the presence of the Master. Before the Master shall certify such testimony he may examine the witness as to any answers given in such testimony and may demand that the testimony be supplemented, in writing, by answers to other specific questions, or under oath before an official court reporter.

(2) The Master's report shall be filed:

(i) within thirty (30) days after the closing of the record; or

(ii) within thirty (30) days after the notice of the certification of the transcript by the court stenographer when a transcript has been requested; or,

(iii) within thirty (30) days after the final memorandum or brief is due, whichever last occurs.

(i) Should the Master fail to file his final report within the time specified in Sch.R.C.P. 1920.53(g) or 1920.53(h), there being no rule or other matter not disposed of, a party shall have the right to obtain a rule upon the Master to show cause why the final report should not be filed promptly. If no good cause is shown, and if no report is filed, the Court shall take appropriate action promptly. No action taken hereunder by a party shall adversely influence the Master against that party, and the willful violation of this admonition shall result in the removal of the Master from consideration for appointment as a Master thereafter, any other disciplinary and remedial action that the Court may feel appropriate under the circumstances, or both.

(j) The Master shall enclose the papers in the case in a strong paper backer arranged in the following order:

(1) Recommendation as to the form and content of the final decree as to the divorce or annulment and for the disposal of related claims;

(2) In an uncontested case, the Master's report in the form required by Pa.R.C.P. 1920.53(c) and in a contested matter, in the form required by Pa.R.C.P. 1920.53(b);

(3) Testimony; except that in a contested matter, the transcript by the court reporter may be separate from the other papers as long as it is filed at the same time;

(4) Exhibits, if any, which are not included with the transcript;

(5) Docket entries;

(6) Record papers in the case; and

(7) A certificate of service of the Notice required by "Sch.R.C.P. 1920.55."

[Pa.B. Doc. No. 01-854. Filed for public inspection May 18, 2001, 9:00 a.m.]

SCHUYLKILL COUNTY

Rules of Civil Procedure; S-892-2001

And Now, this 2nd day of May, 2001, at 11:30 a.m., the Court hereby amends Schuylkill County Rules of Civil Procedure 1910.12(e)(1) and (2) for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). The amended rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

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

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.

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

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

5) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 1910.12.

(e)(1) In complex contested matters which require the hearing to be continued in progress, the Hearing Officer may assess additional fees of \$100.00 per each additional hearing day. Each additional conference, beyond the first, shall be considered for these purposes as a hearing.

(2) Where additional Hearing Officer's fees are assessed, the moving party shall deposit the fee with the Domestic Relations office and concurrently file a Praeceptum substantially in the following form:

(CAPTION)

PRAECIPE FOR DEPOSIT OF ADDITIONAL HEARING
OFFICER'S FEE

To the Prothonotary:

As directed by the Hearing Officer in the above captioned case, deposit the sum of \$_____.00 for _____ additional hearing days in compliance with Sch.R.C.P.1910.12(e).

Attorney for (Plaintiff/Defendant)

Received this day the sum of \$_____.00, additional Hearing Officer's fee in the above captioned case.

Domestic Relations Office

[Pa.B. Doc. No. 01-855. Filed for public inspection May 18, 2001, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 30 Misc. 2001

Order

And Now, this 30th day of April, 2001, it is hereby *Ordered*:

1. The following designated Somerset County Rules of Civil Procedure (Som.R.C.P.) are rescinded, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 1910.52. Form Of Demand For Court Hearing.

Som.R.C.P. 1910.15. Paternity Case Procedure.

2. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order to

the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order with the Pennsylvania Civil Procedural Rules Committee and one (1) certified copy of this Order with the Pennsylvania Domestic Relations Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

[Pa.B. Doc. No. 01-856. Filed for public inspection May 18, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF
THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Kevin M. Howard, having been suspended from the practice of law in the State of Delaware for a period of three years, the Supreme Court of Pennsylvania issued an Order dated May 8, 2001 suspending Kevin M. Howard from the practice of law in this Commonwealth, for period of three years, retroactive to October 19, 2000. 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. 01-857. Filed for public inspection May 18, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 141] Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 10, 2001, meeting, adopted the following changes:

Amend § 141.1 (relating to special regulations areas) by prohibiting the use of a muzzleloading handgun to hunt deer, bear and elk, and by making a crossbow a lawful device to hunt deer in the special regulations areas; amend § 141.5 (relating to furbearer tagging requirements) by removing the fee for tags for beaver; and amend § 141.18 (relating to permitted devices) to allow the use of an electronic device to be worn on the ear.

Amend § 141.41 (relating to general) to add elk to existing language regarding daylight fluorescent orange-colored material and to prohibit the use of a muzzleloading handgun to hunt for deer, bear or elk; amend § 141.42 (relating to big game animal hunting roster) by adding elk; amend § 141.43 (relating to deer) by adding the word "crossbow" to mandate that persons using crossbows during the archery season comply with restrictions listed therein, and to change the name of the late muzzleloader season to flintlock muzzleloader season; amend § 141.45 (relating to turkey) by removing the unlawful use of a blind while hunting wild turkey and to remove area 9-A, § 141.46 (relating to the map of Pennsylvania turkey management areas) by changing the boundary lines that separate turkey management areas 9-A and 9-B to be consistent with the *Hunting and Trapping Digest*; amend §§ 141.47 and 141.48 (relating to elk; and elk management areas) by adding new language regarding hunting methods and license application requirements; and adding § 141.49 (relating to elk guide permits) to establish a fee for an elk guide permit.

Amend § 141.62 (relating to beaver trapping) to lessen restrictions on beaver trapping in Furbearer Management Area No. 3; and delete § 141.65 (relating to trapping restrictions on Pine Creek).

These amendments are 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 January 23, 2001, meeting proposed, and at its April 10, 2001, meeting finally adopted, changes to § 141.1 to allow the use of crossbows and muzzleloading long guns to kill deer. To be lawful, a crossbow must have a draw weight of not less than 125 pounds nor more than 200 pounds. These changes were adopted under section 2102 of the code (relating to regulations).

2. *Purpose and Authority*

At its October 12, 2000, meeting, the Commission adopted a change to § 141.1 to allow the use of all types of muzzleloading firearms to hunt deer in special regulation areas. Since that final adoption, some safety concerns

have arisen, so that the Commission has decided to allow only the use of muzzleloading long guns. In addition, the act of December 20, 2000 (P. L. 452, No. 111) (Act 111) amended section 2308(a) of the code (relating to unlawful devices and methods), to remove the crossbow from the list of unlawful devices. To provide more options for deer hunters in special regulation areas, the Commission decided to allow the use of crossbows with a draw weight of not less than 125 pounds nor more than 200 pounds during the regular firearms seasons.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning ... the ways, manner, methods, and means of hunting or furtaking" Section 2102(d) of the code also directs the Commission to promulgate regulations stipulating "... the type of firearms and ammunition and other devices which may be used" The change is adopted under this authority.

3. *Regulatory Requirements*

The adopted amendment will expand options for deer hunters in special regulations areas, however, they will limit the use of crossbows and the use of muzzleloading firearms to long guns.

4. *Persons Affected*

Individuals wishing to hunt deer in special regulations areas with muzzleloading firearms and crossbows will be affected by the change.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted changes.

6. *Cost and Paperwork Requirements*

The adopted change should not result in any additional cost or paperwork.

Amendments to §§ 141.5, 141.62 and 141.65

1. *Introduction*

The beaver population this Commonwealth has been increasing. There has been a corresponding increase in complaints about beavers and damage they may cause. As a result, the Commission at its January 23, 2001, meeting proposed, and at its April 10, 2001, meeting finally adopted, changes to §§ 141.5, 141.62 and 141.65 to expand opportunities to harvest beavers and simplify requirements to do so. These changes were adopted under section 2102(a) of the code.

2. *Purpose and Authority*

As was mentioned in the Introduction, the beaver population in this Commonwealth is increasing. With this increase comes more complaints of nuisance beavers, particularly flooding areas. The increasing population will allow for an increased harvest of beavers which would eliminate some of the conflicts.

The adopted change to § 141.5 will eliminate a 50¢ beaver tagging fee which trappers and wildlife conservation officers have found burdensome. The adopted change to § 141.62 will relax restrictions on placement of a trap or snare near a beaver dam or house in Furbearer Management Area No. 3 which encompasses the north-eastern area of this Commonwealth. Finally, the Commission has adopted striking and reserving § 141.65.

Section 2102(a) of the code directs the Commission to "... promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth . . ." This provision authorizes the adopted changes.

3. *Regulatory Requirements*

The adopted changes will relax current requirements.

4. *Persons Affected*

Individuals wishing to trap beavers in this Commonwealth will be affected by the changes.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted changes.

6. *Cost and Paperwork Requirements*

The adopted changes should not result in any additional cost or paperwork.

Amendment to § 141.18

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 23, 2001, proposed, and its meeting held on April 10, 2001, finally adopted, adding a new paragraph (2) to authorize the use of electronic sound amplification devices while hunting. This change is adopted under section 2102(d) of the code.

2. *Purpose and Authority*

Section 141.6(6) (relating to illegal devices) provides that it is unlawful to "hunt or take wildlife through the use of an electronic contrivance or device not permitted by Commission regulation." This provision could be construed as prohibiting hearing aids and other hearing assisting devices which do not give hunters an unfair advantage. The amendment will clearly permit the use of those devices.

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 amendment.

3. *Regulatory Requirements*

The amendment will clarify and potentially expand what is currently allowed.

4. *Persons Affected*

Individuals wishing to use hearing assisting devices to hunt will be allowed to do so.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted change.

6. *Cost and Paperwork Requirements*

The adopted change should not result in any additional cost or paperwork.

§§ 141.41, 141.42 and 141.47—141.49

1. *Introduction*

Act 111 added section 2705(15) of the code which provides for issuance by the Commission of elk hunting licenses. In addition, the Commission has proposed regulations providing for an elk hunting season in this Commonwealth in 2001. As a result, the Commission at its January 23, 2001, meeting proposed, and at its April

10, 2001, meeting finally adopted amendments to §§ 141.41 and 141.42, and adoption of §§ 141.47 and 141.48 to regulate elk hunting. These changes were adopted under section 2102 of the code.

2. *Purpose and Authority*

The elk population in this Commonwealth has been increasing in recent years. This has resulted in increased complaints of nuisance elk and a larger number of incidents of elk being shot for crop damage. Also, as was previously stated, the legal framework for an elk hunting season is being established. One of the final steps is the establishment of lawful methods and procedures that may be used to hunt elk.

The adopted changes to § 141.41 relating to elk involve adding elk hunting to the requirement to wear fluorescent orange-colored material and "elk" to a prohibition against using a muzzleloading handgun. The adopted change to § 141.42 will require a roster for groups of five or more persons who hunt elk together. The remaining adopted changes will add §§ 141.47—141.49. Section 141.47 will establish what firearms are lawful for hunting elk and prohibit elk hunt guiding activities without meeting requirements. Section 141.48 will establish elk management areas. Section 141.49 establishes fees to obtain elk guide permits.

Section 2102(a) of the code provides that:

The Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.

This provision supplies the authority for the adopted changes.

3. *Regulatory Requirements*

The adopted changes establish the following requirements for those wishing to hunt elk or guide elk hunts:

- a. Must wear fluorescent orange-colored material.
- b. Maintain a roster when five or more persons hunt together or cooperate.
- c. Rifles, shotguns, long gun muzzleloaders, bows and arrows and crossbows may be used but each firearm has specific requirements.
- d. Elk management units are specifically designated.
- e. Those wishing to guide elk hunts must obtain a permit involving a fee and attend an orientation.

4. *Persons Affected*

Persons wishing to hunt elk, guide elk hunts or living in the elk range may be affected by the adopted changes.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted changes.

6. *Cost and Paperwork Requirement*

There should be no additional cost to the Commission or to hunters resulting from the adopted changes. The only paperwork requirement is the maintenance of a roster when five or more persons hunt together. Residents

wishing to guide elk hunts must pay a fee of \$10 and nonresidents must pay a fee of \$25.

Amendment of §§ 141.41 and 141.43

1. *Introduction*

To more effectively manage the wildlife of this Commonwealth and provide for the safety of persons involved in muzzleloader hunting, the Commission at its January 23, 2001, meeting proposed, and at its April 10, 2001, meeting finally adopted amendments to §§ 141.41 and 141.43 to prohibit the use of muzzleloading handguns to hunt for deer, bear or elk. This change is adopted under section 2102(d) of the code.

2. *Purpose and Authority*

Although the the Commission only legalized the use of muzzleloading handguns in 2000, concerns about safety and "quick-kill" have arisen with regard to the use of those firearms for big game hunting.

Section 2102(d) of the code provides that: "The commission shall promulgate regulations stipulating "... the type of firearms and ammunition and other devices which may be used" This section provides the authority for the adopted changes.

3. *Regulatory Requirements*

The adopted changes make it unlawful to hunt for deer, bear or elk through the use of a muzzleloading handgun.

4. *Persons Affected*

Those wishing to hunt for deer, bear or elk using a muzzleloading handgun would be affected by the adopted changes.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted changes.

6. *Cost and Paperwork Requirements*

The adopted changes should not result in any additional cost or paperwork.

Amendment to § 141.43

1. *Introduction*

Act 111 removed the crossbow from the list of unlawful hunting devices contained in section 2308 of the code. As a result, the crossbow can be used to hunt when authorized by the Commission. Use of the crossbow is currently limited to the hunting of deer in the Special Regulations Areas during the rifled deer season and to holders of disabled person crossbow permits. This may be expanded, however, and the Commission at its January 23, 2001, meeting has therefore proposed, and at its April 10, 2001, meeting finally adopted adding "or crossbow" to § 141.43(a). In addition, the Commission has decided to have two muzzleloader deer seasons, one in the fall and one in winter, after Christmas. To distinguish between them, the Commission has decided to change the aforesaid regulation section to refer to "flintlock muzzleloading" season (after Christmas) and "muzzleloading" season (fall). These changes were adopted under section 2102 of the code.

2. *Purpose and Authority*

As was indicated in the Introduction, with the change in the law to remove the crossbow from the unlawful device list, it is important to establish that the restrictions contained in § 141.43(a) would also apply in a season where the crossbow could be used and to disabled person crossbow permit holders.

Also, with the addition of a second muzzleloading deer hunting season, the Commission has decided to refer to those seasons using different terminology. The fall season will be the "muzzleloading season" and the winter season will be "flintlock muzzleloading season." The adopted changes to § 141.43 will reflect this change.

Section 2102(b)(1) of the code directs the Commission to promulgate "... regulations relating to seasons and bag limits for hunting ... and the number and types of devices and equipment allowed" This section provides the authority for the adopted changes.

3. *Regulatory Requirements*

No additional regulatory requirements will be imposed as a result of the changes, although the changes will clarify the applicability of restrictions to disabled person crossbow permit holders.

4. *Persons Affected*

Persons, including disabled person crossbow permit holders, wishing to hunt deer using a crossbow or during muzzleloading seasons may be affected by the changes.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted changes.

6. *Cost and Paperwork Requirements*

The adopted changes would not result in additional cost or paperwork.

Amendment to § 141.45

1. *Introduction*

The act of December 20, 2000 (P. L. 937, No. 125) (Act 125) amended section 2308 of the code to allow the use of limited types of turkey blinds to hunt turkeys. As a result, the Commission at its January 23, 2001, meeting proposed, and at its April 10, 2001, meeting finally adopted amendments to § 141.45(a)(2), to eliminate a provision making it unlawful to use a blind to hunt wild turkey. In addition, § 141.45(a)(4) contained an exception to allow possession of rifles and single projectile ammunition in Turkey Management Area 9-A. The Commission is planning on releasing wild turkeys into this area and closing the turkey season in this area in the fall. This change is adopted under section 2102 of the code.

2. *Purpose and Authority*

As was indicated in the Introduction, the use of certain turkey blinds to hunt turkey has been removed from the list of unlawful devices and methods contained in section 2308 of the code. To follow through on this action, the Commission has amended § 141.45(a)(2) to eliminate the prohibition against using a blind to hunt wild turkey.

Also because wild turkey populations are below satisfactory levels in Turkey Management Area 9-A, the Commission is planning to release wild turkeys in that area. The Commission is planning to close the turkey season in the fall. This requires an amendment to § 141.45(a)(4).

Section 2102 of the code directs the Commission to promulgate regulations "... as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth." This section provides authority for the adopted change.

3. *Regulatory Requirements*

The adopted changes to § 141.45(a)(2) relax current requirements. The adopted change to § 141.45(a)(4) pro-

hibits use or possession of a rifle or single projectile ammunition while hunting turkeys with rifles in Turkey Management Area 9-A.

4. *Persons Affected*

Those wishing to hunt turkeys will be affected by the adopted change.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted change.

6. *Cost and Paperwork Requirements*

The adopted change should not result in any additional cost or paperwork.

Amendment to § 141.46

1. *Introduction*

It has been determined that there is an inconsistency in the boundary line between Turkey Management Areas 9-A and 9-B as shown on the maps contained in the "Pennsylvania Digest of Hunting and Trapping Regulations," Wild Turkey Management Plan and the map contained in § 141.46. To reconcile these maps, the Commission, at its January 23, 2001, meeting proposed, and at its April 10, 2001, meeting finally adopted an amendment to that section to include a consistent map. This change is adopted under sections 322(c)(4) and 2102 of the code.

2. *Purpose and Authority*

The map currently contained in § 141.46 shows the boundary between Turkey Management Areas 9-A and 9-B as being Route I-76. The map contained on page 13 of the "Pennsylvania Digest of Hunting and Trapping Regulations, July 1, 2000-June 30, 2001" shows the boundary being Route I-276. The adopted change to § 141.46 will make the boundary I-276 and make all maps consistent.

Section 322(c)(4) of the code authorizes the Commission to "define geographic limitations or restrictions." Section 2102 of the code directs the Commission to promulgate "... such regulations as it deems necessary and appropriate concerning game or wildlife . . ." These sections provide authority for the adopted change.

3. *Regulatory Requirements*

This slight change in boundary, which mostly involves the city of Philadelphia, will not impose any additional requirement, but rather clear up some confusion.

4. *Persons Affected*

Those wishing to hunt turkey between Routes I-76 and I-276 could be affected by the adopted change.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted change.

6. *Cost and Paperwork Requirements*

The adopted change would not result in any 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 changes, contact David E. Overcash, 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. 469, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 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 §§ 141.5, 141.18, 141.21, 141.41—141.43, 141.45, 141.46 and 141.62; and by deleting § 141.65 to read as set forth at 31 Pa.B. 2019 (April 14, 2001); and by amending § 141.1 and adding §§ 141.47—141.49 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 31 Pa.B. 2019 and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending Chapter 141 shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

(Editor's Note: The addition of § 141.49 was not included in the proposal at 31 Pa.B. 2019.)

Fiscal Note: Fiscal Note 48-129 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

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 long gun 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.

(5) Take deer with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds during the regular firearms seasons.

Subchapter C. BIG GAME

§ 141.47. Elk.

It is unlawful while hunting elk to:

(1) Use any rifle or handgun which is not centerfire and at least .27 caliber.

(2) Use any projectile which is not all lead or designed to expand on impact and at least 130 grains.

(3) Use muzzleloading firearms other than long guns which are at least .50 caliber and propels a single-projectile that weighs at least 210 grains.

(4) Use any shotgun less than 12 gauge.

(5) Use any bow with a draw weight less than 45 pounds.

(6) Use any arrow that is not equipped with a broadhead that has an outside diameter or width of at least 1 inch with no less than 2 fixed, steel cutting edges and each cutting edge must be in the same plane throughout the length of the cutting surface.

(7) Use any crossbow with a draw weight less than 125 pounds or more than 200 pounds.

(8) After lawfully killing an elk, fail to mark the kill sight under Commission instructions provided at the orientation.

(9) Act or conspire to act as a guide for any person without first securing a permit from the Commission and attending an orientation program sponsored by the Commission.

(10) Act or conspire to act as a client for any guide who has not secured a permit from the Commission and attended an orientation program sponsored by the Commission.

§ 141.48. Elk management areas.

(a) The divisional line between two or more elk management areas shall be the center of the highway, natural water course or other natural boundary.

(b) The outline map of Pennsylvania sets forth elk management areas. Elk Management Area 15 comprises all areas outside Areas 1-14 inclusive.

(See map of Pennsylvania Elk Management Areas at 31 Pa.B. 2019, 2027 (April 14, 2001)).

§ 141.49. Elk guide permits.

The fee for elk guide permits shall be:

(1) Resident—\$10.

(2) Nonresident—\$25.

[Pa.B. Doc. No. 01-858. Filed for public inspection May 18, 2001, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 71]

Master Settlement Agreement

The Department of Revenue (Department), under authority contained in section 3 of the Tobacco Settlement Agreement Act (35 P. S. § 5673), in the definition of the term "units sold" and in section 6 of the Fiscal Code (72 P. S. § 6), proposes to amend Chapter 71 (relating to general provisions) by adding §§ 71.31—71.33 (relating to definitions; additional cigarette stamping agent responsibilities; and tobacco product manufacturer responsibilities) to read as set forth in Annex A.

Purpose of Regulation

These proposed regulations provide guidance to cigarette stamping agents, tobacco product manufacturers and nonparticipating tobacco product manufacturers with regard to the Tobacco Settlement Agreement Act (35 P. S. §§ 5671—5675) (act).

Explanation of Regulatory Requirements

Section 71.31 defines several terms for use in the section and §§ 71.32 and 71.33. Section 71.32 sets forth cigarette stamping agent report requirements as necessitated by the act. Section 71.33 sets forth the tobacco product manufacturer responsibilities as established in the act.

Affected Parties

Cigarette stamping agents and tobacco product manufacturers will be affected by the regulations.

Fiscal Impact

The Department has determined that the proposed regulations will have no significant fiscal impact on the Commonwealth. Costs to the Department to implement the requirements of the act will include one or two clerical positions and one systems analyst, as well as related equipment and supplies.

Paperwork

The proposed regulations will not require significant additional paperwork for the public or the Commonwealth. Any additional paperwork and recordkeeping requirements are the result of the provisions of the act.

Effectiveness/Sunset Date

The proposed regulations will become effective upon final publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposed regulations to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 4, 2001, the Department submit-

ted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Finance. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed regulations, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed regulations to which an objection has been made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

LARRY P. WILLIAMS,
Secretary

Fiscal Note: 15-416. (1) General Fund; (2) Implementing Year 2000-01 is \$129,000; (3) 1st Succeeding Year 2001-02 is \$119,000; 3rd Succeeding Year 2003-04 is \$124,000; 4th Succeeding Year 2004-05 is \$124,000; 5th Succeeding Year 2005-06 is \$124,000; (4) 1999-00 Program—\$131.267 million; 1998-99 Program—\$119.089 million; 1997-98 Program—\$108.106 million; General Government Operations; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE III. CIGARETTE AND BEVERAGE TAXES

CHAPTER 71. GENERAL PROVISIONS

GENERAL

MASTER SETTLEMENT AGREEMENT

§ 71.31. Definitions.

The following words and terms, when used in this section and §§ 71.32 and 71.33 (relating to additional cigarette stamping agent responsibilities; and tobacco product manufacturer responsibilities), have the following meanings, unless the context clearly indicates otherwise:

Affiliate—A person who, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this definition, the terms "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of 10% or more.

Cigarette—A product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains any of the following:

(i) A roll of tobacco wrapped in paper or in any substance not containing tobacco.

(ii) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of

tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette.

(iii) A roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (i).

(iv) A roll-your-own, which means any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this subparagraph, 0.09 ounces of roll-your-own tobacco shall constitute one individual cigarette.

Nonparticipating tobacco product manufacturer—A tobacco product manufacturer who does not participate in the Master Settlement Agreement (published at 30 Pa.B. 5619 (October 28, 2000)) entered into on November 23, 1998, by the Commonwealth and leading United States tobacco product manufacturers in the action entitled *Commonwealth v. Philip Morris Inc., et al.*, Philadelphia County, April term, No. 97-2443, January 13, 1999, 40 Pa. D. & C. 4th 225 (1999).

Qualified escrow fund—An escrow arrangement with a Federally chartered or State-chartered financial institution that has no affiliation with any tobacco product manufacturer and has assets of at least \$1 billion in which the escrow arrangement:

(i) Requires that the financial institution hold the principal of the escrowed funds for the benefit of releasing parties.

(ii) Prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the principal of the funds except as consistent with section 4 of the Tobacco Settlement Agreement Act (35 P. S. § 5674).

Tobacco product manufacturer—

(i) A person that after June 22, 2000, directly and not exclusively through any affiliate does one of the following:

(A) Manufactures cigarettes anywhere that the manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where the importer is an original participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to the cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of the cigarettes does not market or advertise the cigarettes in the United States).

(B) Is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States.

(C) Becomes a successor of a person described in clause (A) or (B).

(ii) The term does not include an affiliate of a tobacco product manufacturer unless the affiliate itself falls under subparagraph (i)(A), (B) or (C).

Units sold—The number of individual cigarettes sold in this Commonwealth by the applicable tobacco product manufacturer during the year in question, as measured

by taxes collected by the Commonwealth on packs, or roll-your-own tobacco containers, bearing the tax stamp of the Commonwealth required under section 1215 of the TRC (72 P. S. § 8215).

§ 71.32. Additional cigarette stamping agent responsibilities.

(a) The Tobacco Settlement Agreement Act (35 P. S. §§ 5671—5675), requires that the Department collect and maintain data relating to the number of Pennsylvania State Cigarette Excise Tax stamps affixed to packages of cigarettes. As part of the monthly cigarette tax report required by § 71.9(a) (relating to cigarette stamping agent report requirements), every licensed cigarette stamping agent shall complete and attach to the report a schedule, in the form as is prescribed by the Department, to account for and reconcile the number of Pennsylvania Cigarette Excise Tax stamps affixed to packages of cigarettes by the agent during the monthly period covered by the associated cigarette tax report. The schedule shall contain the following information:

(1) A listing of the name and address of each nonparticipating tobacco product manufacturer from which the cigarette stamping agent made direct purchases of packages of cigarettes that were actually manufactured by the manufacturer, and the number of Pennsylvania Cigarette Excise Tax stamps affixed to the packages of cigarettes purchased from each manufacturer.

(2) A listing of the name and address of all suppliers, other than nonparticipating tobacco product manufacturers, from which the cigarette stamping agent made purchases of cigarettes, including cigarettes purchased from one tobacco product manufacturer that were actually manufactured by another manufacturer. This listing shall include all purchases of cigarettes made by the cigarette stamping agent during the month, other than directly from the actual manufacturer of the cigarettes.

(3) For each individual supplier listed under paragraphs (1) and (2), a listing of all brands of cigarettes purchased from the supplier and the number of Pennsylvania Cigarette Excise Tax stamps affixed to cigarette packages by the cigarette stamping agent with respect to each brand.

(4) For each brand of cigarettes listed for each supplier under paragraph (3), the following additional information, if known:

(i) The name and address of the tobacco product manufacturer of the cigarettes.

(ii) The name and address of the person or entity first responsible for the cigarettes being designated or identified for sale in the United States.

(b) Every cigarette stamping agent shall keep complete and accurate records of cigarettes sold and shall preserve and keep for 4 years all invoices, bills of lading, sales records, copies of bills of sale, inventory at the close of each period for which a report is required and other pertinent papers and documents relating to the manufacture, purchase, sale or disposition of cigarettes.

(c) The books, records, other papers and documents that are required to be kept shall be made available in the English language, and shall, at all times during the usual business hours of the day, be subject to inspection by the authorized agents and employees of the Office of Attorney General or the Department of Revenue.

(d) A monthly report that is not accompanied by the schedule prescribed by this section shall be considered

incomplete. Extensions of time for filing purposes may be granted at the discretion of the Department.

(e) The failure of a licensed cigarette stamping agent to comply with this section by not furnishing the schedule required by subsection (a), or by not furnishing complete and accurate information as required by the schedule, shall be deemed a violation of section 1276(a) of the TRC (72 P.S. § 8276(a)) and the agent's license shall be subject to suspension or revocation under section 1276(b) of the TRC.

§ 71.33. Tobacco product manufacturer responsibilities.

(a) A tobacco product manufacturer engaged in the activity of selling cigarettes in this Commonwealth (whether directly or through a distributor, retailer, or similar intermediary or intermediaries) after June 22, 2000, shall do one of the following:

(1) Become a participating manufacturer and adhere to the terms and provisions of the Master Settlement Agreement.

(2) Establish and contribute to a qualified escrow fund. If this provision is selected, the manufacturer shall:

(i) Certify to the Office of Attorney General, by April 15, 2001, or April 15 following the calendar year of activity, that a qualified escrow fund was established and provide the Office of Attorney General with a copy of the escrow agreement signed by the tobacco product manufacturer and financial institution.

(ii) Make a payment to the qualified escrow fund by April 15th of the year following the year in question according to the following base amounts which shall be adjusted for inflation each year under the formula in Exhibit C of the Master Settlement Agreement:

(A) June 22, 2000 through December 31, 2000: \$0.0104712 per unit sold.

(B) 2001 and 2002: \$0.0136125 per unit sold.

(C) 2003 through 2006: \$0.0167539 per unit sold.

(D) 2007 and each year thereafter: \$0.0188482 per unit sold.

(E) The Office of Attorney General will provide the adjusted figures to known nonparticipating tobacco product manufacturers by March of each year.

(iii) Certify to the Office of Attorney General by April 15th of each year the applicable number of units sold in this Commonwealth during the prior calendar year and the amount deposited in the qualified escrow fund. Verification of the deposit shall be evidenced by a statement from the financial institution.

(b) Every nonparticipating tobacco product manufacturer shall keep complete and accurate records of cigarettes sold and shall preserve and keep for 4 years all invoices, bills of lading, sales records, copies of bills of sale, inventory at the close of each period for which a report is required and other pertinent papers and documents relating to the manufacture, purchase, sale or disposition of cigarettes.

(c) The books, records, other papers and documents that are required to be kept shall be made available in the English language, and shall, at all times during the usual business hours of the day, be subject to inspection by the authorized agents and employees of the Office of Attorney General or the Department of Revenue.

[Pa.B. Doc. No. 01-859. Filed for public inspection May 18, 2001, 9:00 a.m.]

STATEMENTS OF POLICY

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 85]

Master Settlement Agreement

The Department of Revenue (Department) has adopted a statement of policy under the authority contained in § 3.2 (relating to statements of policy). The statement of policy adds § 85.2 (relating to master settlement agreement) and shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

The statement of policy provides guidance to cigarette stamping agents, tobacco product manufacturers and nonparticipating tobacco product manufacturers with regard to the Tobacco Settlement Agreement Act (35 P. S. §§ 5671—5675) (act).

Section 85.2(a) defines several terms for use in the section. Subsection (b) provides background to put the act and this statement of policy into context with the Master Settlement Agreement. Subsection (c) sets forth cigarette stamping agent report requirements as necessitated by the provisions of the act. Subsection (d) sets forth the tobacco product manufacturer responsibilities as established in the act.

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

LARRY P. WILLIAMS,
Secretary

(Editor's Note: Title 61 of the Pennsylvania Code is amended by adding a statement of policy in § 85.2.)

Fiscal Note: 15-417. (1) General Fund; (2) Implementing Year 2000-01 is \$129,000; (3) 1st Succeeding Year 2001-02 is \$119,000; 2nd Succeeding Year is 2002-03 is \$124,000; 3rd Succeeding Year 2003-04 is \$124,000; 4th Succeeding Year 2004-05 is \$124,000; 5th Succeeding Year 2005-06 is \$124,000; (4) Fiscal Year 1999-00 \$131,267,000; Fiscal Year 1998-99 \$119,089,000; Fiscal Year 1997-98 \$108,106,000; (7) General Government Operation; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE III. CIGARETTE AND BEVERAGE TAXES

CHAPTER 85. CIGARETTE TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

§ 85.2. Master settlement agreement.

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

Affiliate—A person who, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this definition, the terms “owns,” “is owned” and “ownership” mean ownership of an equity interest, or the equivalent thereof, of 10% or more.

Cigarette—A product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains any of the following:

(i) A roll of tobacco wrapped in paper or in any substance not containing tobacco.

(ii) Tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette.

(iii) A roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (i).

(iv) A roll-your-own, which means any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition, 0.09 ounces of roll-your-own tobacco shall constitute one individual cigarette.

Nonparticipating tobacco product manufacturer—A tobacco product manufacturer who does not participate in the Master Settlement Agreement (published at 30 Pa.B. 5619 (October 28, 2000)) entered into on November 23, 1998, by the Commonwealth and leading United States tobacco product manufacturers in the action entitled *Commonwealth v. Philip Morris Inc. et al.*, Philadelphia County, April term, No. 97-2443, January 13, 1999, 40 Pa. D. & C. 4th 225 (1999).

Qualified escrow fund—An escrow arrangement with a Federally-chartered or State-chartered financial institution that has no affiliation with any tobacco product manufacturer and has assets of at least \$1 billion in which the escrow arrangement:

(i) Requires that the financial institution hold the principal of the escrowed funds for the benefit of releasing parties.

(ii) Prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the principal of the funds except as consistent with section 4 of the Tobacco Settlement Agreement Act (35 P. S. § 5674).

Tobacco product manufacturer—

(i) A person that after June 22, 2000, directly and not exclusively through any affiliate does one of the following:

(A) Manufactures cigarettes anywhere that the manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where the importer is an original participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to the cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of the cigarettes does not market or advertise the cigarettes in the United States).

(B) Is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States.

(C) Becomes a successor of a person described in clause (A) or (B).

(ii) The term does not include an affiliate of a tobacco product manufacturer unless the affiliate itself falls under subparagraph (i)(A), (B) or (C).

Units sold—The number of individual cigarettes sold in this Commonwealth by the applicable tobacco product manufacturer during the year in question, as measured by taxes collected by the Commonwealth on packs, or roll-your-own tobacco containers, bearing the tax stamp of the Commonwealth required under section 1215 of the TRC (72 P. S. § 8215).

(b) *Generally.* On November 23, 1998, the Commonwealth entered into the Master Settlement Agreement with leading tobacco product manufacturers. The Master Settlement Agreement obligates these manufacturers to pay substantial sums to the Commonwealth. To protect these sums and to provide a reserve fund to guarantee a source of payment in the event of future claims, those not participating in the settlement shall follow the requirements established in the Tobacco Settlement Agreement Act (35 P. S. §§ 5671—5675) (Act 54-2000). Act 54-2000 also imposes requirements on the cigarette stamping agents as set forth in subsection (c) and requirements on tobacco product manufacturers as set forth in subsection (d).

(c) *Additional cigarette stamping agent responsibilities.*

(1) Act 54-2000 requires the Department to collect and maintain data relating to the number of State Cigarette Excise Tax stamps affixed to packages of cigarettes. As part of the monthly cigarette tax report required by § 71.9(a) (relating to cigarette stamping agent report requirements), every licensed cigarette stamping agent shall complete and attach to the report a schedule, in the form as is prescribed by the Department, to account for and reconcile the number of Pennsylvania Cigarette Excise Tax stamps affixed to packages of cigarettes by the agent during the monthly period covered by the associated cigarette tax report. The schedule shall contain the following information:

(i) A listing of the name and address of each nonparticipating tobacco product manufacturer from which the cigarette stamping agent made direct purchases of packages of cigarettes that were actually manufactured by the manufacturer, and the number of Pennsylvania Cigarette Excise Tax stamps affixed to the packages of cigarettes purchased from each manufacturer.

(ii) A listing of the name and address of all suppliers, other than nonparticipating tobacco product manufacturers, from which the cigarette stamping agent made purchases of cigarettes, including cigarettes purchased from one tobacco product manufacturer that were actually manufactured by another manufacturer. This listing shall include all purchases of cigarettes made by the cigarette stamping agent during the month, other than directly from the actual manufacturer of the cigarettes.

(iii) For each individual supplier listed under subparagraphs (i) and (ii), a listing of all brands of cigarettes purchased from the supplier and the number of Pennsylvania Cigarette Excise Tax stamps affixed to cigarette packages by the cigarette stamping agent with respect to each brand.

(iv) For each brand of cigarettes listed for each supplier under subparagraph (iii), the following additional information, if known:

(A) The name and address of the tobacco product manufacturer of the cigarettes.

(B) The name and address of the person or entity first responsible for the cigarettes being designated or identified for sale in the United States.

(2) Every cigarette stamping agent shall keep complete and accurate records of cigarettes sold and shall preserve and keep for 4 years all invoices, bills of lading, sales records, copies of bills of sale, inventory at the close of each period for which a report is required and other pertinent papers and documents relating to the manufacture, purchase, sale or disposition of cigarettes.

(3) The books, records, other papers and documents that are required to be kept shall be made available in the English language, and shall, at all times during the usual business hours of the day, be subject to inspection by the authorized agents and employees of the Office of Attorney General or the Department of Revenue.

(4) A monthly report that is not accompanied by the schedule prescribed by this section shall be considered incomplete. Extensions of time for filing purposes may be granted at the discretion of the Department.

(5) The failure of a licensed cigarette stamping agent to comply with this section by not furnishing the schedule required by paragraph (1), or by not furnishing complete and accurate information as required by the schedule, shall be deemed a violation of section 1276(a) of the TRC (72 P. S. § 8276(a)) and the agent's license shall be subject to suspension or revocation under section 1276(b) of the TRC.

(d) *Tobacco product manufacturer responsibilities.*

(1) A tobacco product manufacturer engaged in the activity of selling cigarettes in this Commonwealth (whether directly or through a distributor, retailer, or similar intermediary or intermediaries) after June 22, 2000, shall do one of the following:

(i) Become a participating manufacturer and adhere to the terms and provisions of the Master Settlement Agreement.

(ii) Establish and contribute to a qualified escrow fund. If this provision is selected, the manufacturer shall:

(A) Certify to the Office of Attorney General, by April 15, 2001, or April 15 following the calendar year of activity, that a qualified escrow fund was established and provide the Office of Attorney General with a copy of the escrow agreement signed by the tobacco product manufacturer and financial institution.

(B) Make a payment to the qualified escrow fund by April 15th of the year following the year in question according to the following base amounts which shall be adjusted for inflation each year under the formula in Exhibit C of the Master Settlement Agreement:

(I) June 22, 2000 through December 31, 2000: \$0.0104712 per unit sold.

(II) 2001 and 2002: \$0.0136125 per unit sold.

(III) 2003 through 2006: \$0.0167539 per unit sold.

(IV) 2007 and each year thereafter: \$0.0188482 per unit sold.

(V) The Office of Attorney General will provide the adjusted figures to known nonparticipating tobacco product manufacturers by March of each year.

(C) Certify to the Office of Attorney General by April 15th of each year the applicable number of units sold in this Commonwealth during the prior calendar year and the amount deposited in the qualified escrow fund. Verification of the deposit must be evidenced by a statement from the financial institution.

(2) Every nonparticipating tobacco product manufacturer shall keep complete and accurate records of cigarettes sold and shall preserve and keep for 4 years all invoices, bills of lading, sales records, copies of bills of

sale, inventory at the close of each period for which a report is required and other pertinent papers and documents relating to the manufacture, purchase, sale or disposition of cigarettes.

(3) The books, records, other papers and documents that are required to be kept shall be made available in the English language, and shall, at all times during the usual business hours of the day, be subject to inspection by the authorized agents and employees of the Office of Attorney General or the Department of Revenue.

[Pa.B. Doc. No. 01-860. Filed for public inspection May 18, 2001, 9:00 a.m.]

NOTICES

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 May 8, 2001.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-2-01	Promistar Financial Corporation, Johnstown, to acquire 100% of the voting shares of FNH Corporation, Irwin	Johnstown	Filed
5-3-01	Community Bank System, Inc., DeWitt, New York, and First Liberty Bank Corp., Jermyn	DeWitt, NY	Approved
5-4-01	Franklin Financial Services Corporation, Chambersburg, to acquire up to 15.8% of common stock and warrants of American Home Bank, National Association, Lancaster	Chambersburg	Filed

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-1-01	Sterlingworth Trust Company Lancaster Lancaster County <i>Correspondent:</i> Timothy P. Brown, Esq. 583 N. School Lane Lancaster, PA 17603	160 N. Pointe Blvd. Lancaster Lancaster County	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-30-01	Mercer County State Bank Sandy Lake Mercer County Purchase of assets/assumption of liabilities of one branch office of Mellon Bank, N.A., Pittsburgh, located at: 144 Venango Avenue Cambridge Springs Crawford County	Sandy Lake	Effective
5-2-01	Promistar Bank, Johnstown, and First National Bank of Herminie, Herminie Surviving Institution— Promistar Bank, Johnstown	Johnstown	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-7-01	The Legacy Bank of Harrisburg Harrisburg Dauphin County	One S. Church St. Hazleton Luzerne County	Opened
5-7-01	Keystone Savings Bank Bethlehem Northampton County	3015 W. Emmaus Ave. Allentown Lehigh County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-4-01	Commonwealth Bank Norristown Montgomery County	<i>To:</i> 70 Commerce Drive Wyomissing Berks County <i>From:</i> 320 Abington Drive Wyomissing Berks County	Filed
5-7-01	Farmers First Bank Lititz Lancaster County	<i>To:</i> 338 Park City Center Lancaster Lancaster County <i>From:</i> 735 Park City Center Lancaster Lancaster County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-27-01	Investors Trust Company Wyomissing Berks County	The Atrium 234 Mall Blvd. King of Prussia Montgomery County	Effective
5-2-01	Main Street Bank Reading Berks County	1430 Jacobsburg Rd. Wind Gap Northampton County	Filed Approved 5-4-01

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
5-7-01	U. S. Bank Johnstown Cambria County	Amendment to Article 1 provides for a change in corporate title to AmeriServ Financial Bank	Approved and Effective
5-7-01	USBANCORP Trust and Financial Services Company Johnstown Cambria County	Amendment to Article 1 provides for a change in corporate title to AmeriServe Trust and Financial Services Company	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
5-7-01	Utilities Employees Credit Union Sinking Spring Berks County	Amendment to Article 8 reflects a change in the field of membership.	Approved and Effective
5-7-01	Philadelphia Telco Credit Union Trevose Bucks County	Amendment to Article 8 reflects a change in the field of membership	Approved and Effective

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-861. Filed for public inspection May 18, 2001, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Adult Education Act Section 231 Funds for Workforce Development Services for 2001—2004

Title II of The Workforce Investment Act of 1998, The Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the Department of Education (Department) for the establishment of adult education and family literacy programs that will:

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;
2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and
3. Assist adults in the completion of a secondary school education.

Eligible applicants include local education agencies and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with a local education agency, or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of such a consortium.

Consistent with the purpose of Title II, the Adult Education and Family Literacy Act for Program Year 2001-2002, the Department will give primary consideration to programs for the educationally disadvantaged.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match. The Department has made available a maximum of \$515,000 for the 2001-2002 grant year, subject to the availability of funds.

The application due date is June 1, 2001. Application procedures and program guidelines will be mailed to interested applicants as requested after May 1, 2001. The application packet is available from the Chief, Special Programs Division, Bureau of Adult Basic and Literacy Education, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333.

Purpose: This Commonwealth has replicated and adapted for use the Virginia Workforce Investment Network program, currently administered by James Madison University through a grant from the Virginia Education Department that meets employee development needs in the Commonwealth of Virginia. The Pennsylvania Workforce Improvement Network (PA WIN) project is designed to enable the incumbent workforce of this Commonwealth to be more effective, productive, competitive and self reliant through the development of onsite basic skills educational programs in workplaces across the State or through small business consortia. PA WIN will assist adult education providers in developing expertise to build a private sector enterprise that provides high quality basic skills programs as an employer/worker service. PA WIN shall establish and support a centralized system for workplace education services providing quality

basic skills training as a service to employers and workers. In order to achieve that purpose, PA WIN will:

1. Provide trained program developers and brokers to assist employers in identifying workers' basic skills needs, link employers to adult education basic skills providers and assist both employers and providers in designing high quality basic skills programs to meet the identified needs;
2. Inform business, industry and government of the essential skills (basic skills) education services available, the impact of basic skills to the productivity of the workforce and the need for basic skills of the workers;
3. Provide professional development opportunities to adult educators to enhance their ability to work effectively with employers and workers in planning and providing customized basic skills programs that meet employer and worker needs; and
4. Link PA WIN programs with this Commonwealth's system of workforce development, including links with Team Pennsylvania regions, Team Pennsylvania/CareerLink, local Workforce Investment Boards and other basic skill programs for incumbent workers to integrate basic skills services with the continuum of workforce development services.

Background: The Department of Education, Bureau of Adult Basic and Literacy Education (Bureau), has supported the educational needs of incumbent workers and employers through grants to local education providers for over 12 years. The education programs offered have not kept up with the demand, due to funding limitations. Basic skills educational programs sponsored by the Bureau provide workers in this Commonwealth with the skills necessary to enable them to compete in an ever widening and demanding global economy. However, there is increased awareness in the business community of a widening gap between workers' skills and skills needed for today's workforce. Workers also realize the need to upgrade their skills in order to retain employment and to move along a career ladder. Employers and workers have continued to request site-specific, educational programs; however, local agencies have not been able to keep up with the demand. This project will continue the approach funded in a grant for 1999-2001 to support a systematic Statewide approach meeting employer and worker needs for workplace basic skill training.

Project Goals: The goals of the PA WIN project are to establish innovative services that address the literacy and basic skills needs of employers and workers in the workforce through:

1. *Marketing:* This effort will address multiple audiences to include business, industry and government, practitioners (administrators and instructors) and workers. The marketing effort will address the advantage of workplace basic skills programs and the services available. It will coordinate with and financially support the marketing plan as planned and developed by a marketing workgroup established through the project and serve this entire Commonwealth.
2. *Training:* In consultation with the Bureau Professional Development System, providing workforce development skills and training to the adult education system, assessing the training needs of the adult education providers (administrators and instructors), using and adapting current resource materials to develop and implement professional development training for adult education providers, evaluating and reviewing training activities.

3. *Brokering*: Support a broker system that links businesses interested in starting a workplace education program with the local adult education providers. As a result of this brokering in the 3 years of operation 2001-2004, a minimum of 11,720 workers will be served in workplace education programs by 75 affiliates identified through the project. The programs should be geographically diverse within the designated Team Pennsylvania/CareerLink regions.

4. *Curriculum Development*: Provide training and support systems that enable adult education practitioners to customize workplace services to meet the unique needs of each workplace and worker.

5. *Service Linkage*: Develop program linkages along the continuum of workforce development initiatives through the Team Pennsylvania/CareerLink system.

Objectives: The Bureau will fund a lead agency to provide the centralized support system for worker development services. The lead agency will:

1. Develop, implement and maintain the model for a market driven learning network developed in the 1999-2001 PA WIN project for incumbent workers, employers and workplace education providers;

2. Maintain a minimum of 40 workplace program brokers in the Team Pennsylvania regions already identified in years 1 and 2 of the project. Identify and certify additional workplace program brokers from among adult education workplace providers and other workforce development professionals in all Team Pennsylvania regions ensuring that all Team Pennsylvania regions are represented for a minimum of 75 affiliates by June 30, 2004;

3. Train the brokers to match adult education and literacy providers with employers needing incumbent worker basic and literacy education services in those regions and serve a minimum of 11,720 students by June 30, 2004;

4. Assist employers in analyzing basic skill needs of their workers;

5. Support employers and education providers in program design;

6. Train adult education and literacy administrators and instructors and other workforce development professionals to respond to individual employer and worker needs;

7. Provide curriculum development support to enable adult educators to customize teaching and learning that responds to worker and employer needs;

8. Establish links within the Team Pennsylvania regions and CareerLink system in order to integrate basic skill instruction into the continuum of workforce development services such as linking with apprenticeship programs, community colleges and other State initiatives;

9. Continue the identification and training of adult education provider agencies not currently providing workplace education programs in the components of the workplace education system begun in years 1 and 2 of PA WIN in order to expand the PA WIN system into all geographic areas of this Commonwealth; and

10. Continue activities begun in the Program Years 1999-2001 so that PA WIN capabilities exist in all Team Pennsylvania/CareerLink regions to include the identification and training of at least 35 additional adult educa-

tion providers as affiliates and to have provided services to at least 11,720 students in all regions by June 30, 2004.

CHARLES B. ZOGBY,
Acting Secretary

[Pa.B. Doc. No. 01-862. Filed for public inspection May 18, 2001, 9:00 a.m.]

Availability of Workforce Investment Act, Title II, Section 223 Funds for State Leadership Activities

These services are designed to strengthen the adult literacy and basic education programs operated by the Department of Education (Department), Bureau of Adult Basic and Literacy Education (Bureau) by providing Statewide support for leadership activities in Title II of the Workforce Investment Act described in the Unified State Plan 1999-2005.

I. Authorization

A. Title II of The Workforce Investment Act of 1998, The Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the Department for the establishment of adult education and family literacy programs that will:

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;

2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and

3. Assist adults in the completion of a secondary school education.

B. Eligible applicants include local education agencies (LEA) and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with an LEA or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of such a consortium.

Consistent with the purpose of the Adult Education and Family Literacy Act for Program Year 2001-2002, the Department will give primary consideration to programs for the educationally disadvantaged.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

C. Restrictions placed upon the Department by the United States Department of Education on the administration of the grant include:

1. Not more than 12.5% of the State's allotment shall be used for State Leadership activities.

2. Not more than 5% of a local applicant's grant may be used for administrative costs, unless a higher percent is approved in advance by the Bureau.

Letter of Intent due: June 1, 2001

Application due: June 22, 2001

Note: The Bureau reserves the right to consider proposals received after the deadlines, and if appropriate, to approve them if and when funds become available.

II. *Application Procedures and Program Guidelines*

A Letter of Intent is due at the Bureau by June 1, 2001. The Letter of Intent should state the priority number and a one-sentence description of the proposed project. Applications for State Leadership funds must be completed online and submitted via the e-grant website at <http://www.e-grants.ed.state.pa.us> to the Bureau. Instructions and the application guidelines are available via the Bureau's site at www.paadulthood.org and via the e-grant sites. Faxes will not be accepted.

III. Funds for State Leadership activities are made available under section 222(a)(2) for one or more of the following activities. Specific priorities supporting these activities for Program Year 2001-2002 are included in this announcement:

1. The establishment or operation of professional development programs to improve the quality of instruction provided under local activities required under section 231(b);
2. The provision of technical assistance to eligible providers of adult education and literacy activities;
3. The provision of technology assistance, including staff training, to eligible providers of adult education and literacy activities to enable the eligible providers to improve the quality of such activities;
4. The support of State or regional networks of literacy resource centers;
5. The monitoring and evaluation of the quality of, and improvement in, adult education and literacy activities;
6. Incentives for program coordination and integration, and performance awards;
7. Developing and disseminating curricula;
8. Other activities of Statewide significance that promote the purpose of this title;
9. Coordination with existing support services, such as transportation, child care and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities;
10. Integration of literacy instruction and occupational skill training and promoting linkages with employers; and
11. Linkages with postsecondary educational institutions.

Priorities State Leadership 2001-2002

1. *Communications for Professional Development (Axis)*

Management of a project to provide for the design and/or publication of newsletters, reports, handbooks and brochures as needed by adult education providers in this Commonwealth. The project will direct and provide systematic communication and coordination between the Bureau and professional development service providers and adult basic and literacy education providers. The project will also include support for on-line and Internet web communications.

2. *Adult Education Newsletter*

Provision of a general adult basic education newsletter to be published a minimum of six times at a length of eight pages or more to disseminate information in areas of interest to adult basic education practitioners and program supporters in this Commonwealth. The areas may include, but are not limited to, professional development, program areas such as GED, ABE, ESL, Workplace and Family Literacy, and include adult education theory, best practices and awareness information. Applicant must establish an editorial review board and plan for a circulation of approximately 4,000 copies across this Commonwealth with distribution as requested by the Department.

3. *Outstanding Adult Learners*

Management of an event that includes the identification, selection and recognition of ten exemplary adult learners enrolled in adult basic and literacy education programs whose success stories focus on the role of adult basic education in their lives. Approximately 2,000 copies of a Success Stories booklet featuring both past and current winners and their Bureau programs should be prepared, published and disseminated as requested by the Department. Promotional fliers featuring Success Stories students will be prepared and disseminated to winners' program providers. Applicant will coordinate with an identified Bureau staff person in the development of the project.

4. *Outstanding Adult Practitioners*

Management of an event to identify, select and honor outstanding adult education practitioners in this Commonwealth whose interaction with adult learners, colleagues and their programs is indicative of best practices in adult teaching and learning. Applicant will review the standards and performance indicators set forth by the Pennsylvania Adult Teachers Competencies project in order to use those criteria for the selection of excellent educators and instructors in keeping with their recommendations for expert practitioners. The applicant will coordinate with an identified Bureau staff person, a Project EQUAL representative and a PDC coordinator in the development and implementation of the project.

5. *Implementation and Development of Core Area Training*

Centralized management of a project to develop and implement training in defined core content areas Statewide to adult basic and literacy education administrators and practitioners. The applicant will develop and deliver core topics that include:

- Elements of effective teaching, adult learning theory and practice and assessment practices as preservice training.
- Change training compatible with EQUAL training: program planning, collaboration and action planning for program improvement as in-service training.
- GED 2002 test: adapt/adopt material to prepare learners for the new test as in-service.
- Data analysis: using data for program improvement.
- Workforce Development Basics, providing baseline information on workforce activities including Workforce Investment Boards, workforce planning, workforce priorities and information on adult education workforce "tools" for adult educators.

Applicant will coordinate the review and selection of training materials and methods in such designated core content areas and work with lead trainers and module

authors to revise or refine existing modules as necessary and appropriate and to customize "advanced" trainings. Applicant will refine modules and/or training pieces from the existing menu of professional development modules developed in previous training development projects and train new trainers and monitor and support existing trainers via training sessions, meetings, field observations and telephone and electronic contact. The applicant will also prepare modules for online delivery where appropriate. The applicant will include an evaluation component to evaluate the modules, trainers, trainer training and support system to determine the impact of the core training. Applicant will work closely with the staff of Bureau and the regional professional development centers.

6. *Review and Dissemination of Exemplary Projects*

Management of a project to review current and past section 353 and State Leadership special demonstration/experimental and professional development projects from this Commonwealth and from other states in designated topic areas to determine their significance and appropriateness for adoption/adaptation in this Commonwealth. The project should identify exemplary and innovative practices/approaches and provide for the Statewide dissemination of information through publication of the reviewed projects via a newsletter to be published a minimum of six times a year.

7. *Support of Adult Education Professional Development*

Administration, fiscal management and support of Statewide adult basic education professional development activities and other Department activities to include provision for support of State Leadership requirements and initiatives under the Workforce Investment Act of 1998, support of various adult basic and literacy conference activities, support of Act 42 Council activities and provision of honoraria for presenters at State-sponsored activities.

8. *Professional Development Institute for Learning Differences/Disabilities*

Purpose: To continue the provision of a centralized training system for practitioners serving adults with learning differences/disabilities; to serve as an information clearinghouse for research and best practice in teaching adults with learning differences/disabilities; to facilitate the coordination of services to individuals with learning differences/disabilities among State and local agencies begun in Program Year 2000-2001.

Background: Current research indicates that adult basic and literacy education programs are serving significant numbers of individuals who have learning differences/disabilities. Needs assessments conducted in this Commonwealth indicate that many adult education practitioners feel unprepared for the challenges presented by one of those adults. The Bureau has recognized the need to support adult education practitioners who are teaching adults with learning differences/disabilities in Bureau sponsored programs. The Bureau desires to continue support of current activities by funding an "institute" or "center" that will continue the efforts to coordinate a uniform and systematic approach to providing professional development for practitioners teaching adults with learning differences/disabilities and improving the quality of services offered to this set of learners begun in Program Year 2000-2001.

Application Requirements:

The applicant must describe how it will address the following program elements.

1. Provide a centralized training and technical assistance system to support Commonwealth practitioners working with individuals with learning differences/disabilities.

- Develop uniform training products and processes to address the needs of Commonwealth adult education practitioners in the areas of learning differences that reflect state-of-the-art research and development efforts.

- Coordinate all existing activities related to the provision of training and technical assistance of practitioners teaching individuals with learning differences/disabilities.

- Develop and implement a train-the-trainer system, consistent with current adult education train-the-trainer efforts, to certify and credential trainers qualified to deliver established training systems.

- Develop and implement a system of technical assistance, including identification of best practices and peer networking.

- Coordinate the delivery of training with the Pennsylvania Adult Education Professional Development System, including its Professional Development Centers, State Literacy Resource Center and Tutors for Literacy in this Commonwealth.

2. Serve as an information clearinghouse for research and best practice in teaching adults with learning differences/disabilities.

- Maintain expertise in the areas of adults with learning differences/disabilities for the purpose of identifying emerging best practices and research.

- Disseminate relevant and timely information related to special accommodations, research based instructional planning, screening and identification, legal issues and other information related to serving individuals with learning differences/disabilities.

- Coordinate information collection and dissemination with the State Adult Literacy Resource Center.

3. Facilitate the coordination of services to individuals with learning disabilities among State and local agencies.

- Facilitate the leveraging of resources among State and local entities for the purpose of providing comprehensive services to individuals with learning differences/disabilities.

- Identify other State and local models of interagency coordination for individuals with learning differences/disabilities.

- Establish a working relationship with entities that serve individuals with learning differences/disabilities for the purpose of exchanging information and establishing interagency initiatives.

- Maintain a presence by representing this Commonwealth's efforts at National and State meetings, workshops and seminars.

9. *Assessment in Adult Education Programs*

Conduct a project to research the adult education assessment practices in Bureau-funded programs. Provide research findings and recommendations to guide the development and delivery of training and technical assistance around program assessment practices linking them to instructional practices and that support implementa-

tion of the Bureau program performance standards, Bureau assessment policy and the National Reporting System. Provide findings to inform training on use of specific Bureau approved standardized tests.

10. *Administrator Competencies*

Management of a project to adapt/adopt administrator/management competencies that are currently developed Nationally for use in this Commonwealth's adult education programs. Project should research existing competencies, determine their appropriateness for adult education agencies in this Commonwealth, field test the competencies with administrators and develop a user's manual.

11. *Planning for Change*

Management of a project to support adult education community-based planning sites through field-driven mentoring, outreach, training and technical assistance that continue activities begun in the Planning for Change project funded in the 2000-2001 program year. The project will maintain the current Planning for Change structure, which has designated technical assistance consultants across this Commonwealth. The project applicant should be a Statewide organization with broad-based membership and collaborate with the professional development centers and other Statewide initiatives such as PA WIN, the Work-Based Foundation Skills and Workplace Essential Skills projects to increase the capacity of adult education coalitions in meeting the needs of their communities.

12. *Work-Based Foundation Skills*

Management of a project to facilitate expanded dissemination and effective use of the Work-Based Foundation Skills Framework across Commonwealth agencies in support of this Commonwealth's workforce development initiatives. This project will continue the activities of a project developed and tested from 1999-2001. The project will develop and implement training procedures and products to build the Bureau provider's capacity to understand and implement the Foundation Skills Framework. Activities in this project will be integrated with activities of Bureau coalitions, Planning for Change communities, local WIBs and CareerLinks to strengthen communication and system integration. The project will develop and implement targeted Foundation Skill Framework training procedures and products for Bureau programs and work with Professional Development Centers in identifying and training non-PA WIN affiliates in the use of the framework as well as in disseminating the Foundation Skills Framework throughout the workforce investment system. The project will continue and further refine the foundation skills framework link to occupational skill standards, working collaboratively with the Bureau ICC skill standards work group so that a process and product is developed providing Bureau programs links between the occupational skill standards and the foundation skills.

13. *Professional Development Institutes*

Purpose: To provide an opportunity for professional development in a specific area of adult basic and literacy education in an intensive format.

Background: The Bureau has supported the professional development of practitioners and administrators through the institute format for several years. The format allows for the consistency in the delivery of information and methodologies in a specific area and at varying levels of expertise. It also builds the collegiality of participants through shared experiences and encourages ongoing professional development after the institute has ended. The

activities offered through the institute and follow up trainings are guided by the Guiding Principles for Professional Development of Adult Education Practitioners.

Program Goals:

1. Administrative and fiscal management and support of a project for Statewide adult basic education professional development through the provision of a professional development institute (topics listed) to include the arrangements for physical accommodations for administrators, teachers, counselors and volunteers in adult basic education programs;

2. Delivery of information to participants that is relevant to the topic, research-based and representative of best practices that is provided by subject matter experts;

3. Development of strands on the institute topic for new and experienced practitioners;

4. Provision of follow-up training through the regional professional development centers and/or other activities; and

5. Evaluation of the design and effectiveness of the training.

Corrections Education; Equipped for the Future; Teaching Math

14. *English Literacy/Civics Training*

This project will convene a group of ESL specialists for the purpose of designing a coordinated system of ESL training that includes program quality standards and corresponding training. The project will review available National and State ESL standards including work completed by TESOL, California, New York and other states, and recommend one set of standards for Commonwealth adoption/adaptation. The project will review existing ESL training materials available Nationally and organize ESL training offerings to meet the needs of beginning, intermediate and advanced ESL teachers. Training must be based on sound research-based practices in ESL instruction and align with the recommended program standards. Existing training materials should be used to the maximum extent possible. The project will identify a timeline for adoption of quality standards and training that includes pilot testing and training of trainers that may extend beyond the first year of the project.

15. *Mini-Grants*

These grants may be used to support State Leadership activities at the local level. For example, a mini grant can be used to complement Statewide initiatives that impact at the local level such as implementing adult learner competencies into an agency's program, determining the impact of instructional programs on adult learners or to assist an agency in integrating adult basic education and workforce development activities in the local area. Funds should not be used for direct instructional time but for time to research, design, plan and support the activities needed to carry out the goals of the project. Grants may not exceed \$5,000.

CHARLES B. ZOGBY,
Acting Secretary

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under 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, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For 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. All Oil and Gas Related permit applications are listed under Section III. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to 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 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.

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0084077	Snake Spring Township Municipal Authority 624 Pennknoll Road Everett, PA 15537-6945	Bedford County Snake Spring Township	Raystown Branch Juniata River 11-C	Y
PA0082490	Stonehenge Restaurant Inc./ Stonehenge Lodge Inc. 985 Baltimore Pike Gettysburg, PA 17325	Adams County Cumberland Township	UNT Rock Creek 13-D	Y
PA0087564	D & L Enterprises Donald & Linda Yingling 3574 Taneytown Road Gettysburg, PA 17325-8635	Adams County Cumberland Township	UNT of Plum Run 13-D	Y
PA0083861	Benner's Restaurant R. D. 2 Box 13B Millerstown, PA 17062	Juniata County Delaware Township	Juniata River 112-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0020583	Middleburg Municipal Authority 13 North Main Street Middleburg, PA 17842	Snyder County Middleburg Borough	Middle Creek 6A	Renewal Yes
PA0114995	Farm & Home Oil Company P. O. Box 389 Telford, PA 18969	Lycoming County Armstrong Township	W Br Susquehanna River 10C	Renewal/Transfer Yes

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

PA0222071, Sewage. **Bruce & Cynthia Baker**, 141 Shingle Hollow Road, Harmony, PA 16037.

This proposed facility is located in Perry Township, **Lawrence County**.

Description of Proposed Activity: renewal of sewage discharge.

The receiving stream, unnamed tributary to Camp Run, is in watershed 20C and classified for: warm water fishes, water supply, recreation.

The proposed effluent limits for Outfall 001 based on a design flow of .0008 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
Total Residual Chlorine		Monitor and Report	
Fecal Coliform (year around)		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0103802-Amendment No. 1, Sewage. **Midwest Campers-Camp Stone**, R. D. #2, Sugar Grove, PA 16350.

This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Activity: an amendment for a treated sewage discharge to increase discharge flows.

The receiving stream, unnamed tributary to Patchen Run, is in watershed 16-B and classified for: cold water fishes, water supply, recreation.

The proposed interim effluent limits for Outfall 001 are based on a design flow 0.010 MGD.

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

These limits in the table below are applicable to both the interim and final effluent limitations.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N (05-01 to 10-31)	3		6
(11-01 to 04-30)	9		18
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.5		3.5
Fecal Coliform (05-01 to 09-30)		200/100 ml as a geometric average	
(10-01 to 04-30)		2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0221619, Sewage. **Otto Township Sanitary Authority**, Box 284, Duke Center, PA 16729.

This proposed facility is located in Otto Township, **McKean County**.

Description of Proposed Activity: renewal of sewage discharge

The receiving stream, Knapp Creek, is in watershed 16-C and classified for: cold water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.23 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (05-01 to 10-31)	10.0		20
Ultraviolet Light Intensity (megawatts/cm ²)	Monitor and Report average intensity from UV intensity meter in microwatts/square centimeter for each bank of modules on the monthly DMRs. Store Code is 49607 for UV light intensity. Also refer to Special Condition C.		
Fecal Coliform (05-01 to 09-30)	200/100 ml as a geometric average		
(10-01 to 04-30)	9,000/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

PA0100056, Sewage, **Rose Point Park Campground**, R. D. 4, Box 410, New Castle, PA 16101.

This facility is located in Slippery Rock Township, **Lawrence County**.

Description of Proposed Activity: renewal of sewage discharge.

The receiving stream, Slippery Rock Creek, is in watershed 20C and classified for: cold water fishes, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0087 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20		40
Total Suspended Solids	30		60
NH ₃ -N (05-01 to 10-31)	4		8
(11-01 to 04-30)	12		24
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
Total Residual Chlorine	1.5		3.5
Fecal Coliform (05-01 to 09-30)	200/100 ml as a geometric average		
(10-01 to 04-30)	2,000/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

PA0221261, Sewage, **Richard A. & Pamela A. Roupe**, 600 Minard Run Road, Bradford, PA 16701.

This facility is located in Bradford Township, **McKean County**.

Description of Proposed Activity: a renewed treated sewage discharge.

The receiving stream is unnamed tributary to Minard Run is in watershed 16-C and classified for: Exceptional Value, water supply, recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.000400 GPD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a geometric average		
Total Residual Chlorine	Monitor and Report		
pH	6.0		9.0

The EPA Waiver is in effect.

II. Applications for New or Expanded Facility 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. PA0056880, Industrial Waste, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19058-0460.

This application is for renewal of an NPDES permit to discharge supernatant from secondary clarifiers, twice per year, each discharge approximately 0.48 million gallons in Tullytown Borough, **Bucks County**. This is an existing discharge to Delaware River via Franklin Cove.

The receiving stream is classified for warm water fish, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 003, based on an average flow of 500 gpm are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	75
pH	Within limits of 6.0—9.0 Standard Units at all times	
Iron, Total	2.0	5.0
Aluminum, Total	4.0	10.0
Manganese, Total	1.0	2.5
TRC	0.5	1.2
Turbidity		8

The EPA Waiver is in effect.

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

PAG123512, CAFO, **Jeffrey Heindel**, H. E. Heindel & Sons, Heindel Family Farms, P. O. Box 7, Brogue, PA 17309.

This proposed facility is located in Chanceford Township, **York County**.

Description of Proposed Activity: An existing dairy farm with a Total Average AEU of 2561.5.

The receiving stream, Toms Run, is in the State Water Plan watershed 7-I and is classified for: WWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

PAG123510, CAFO, **Mike Mullady and Russell Harrison**, Green Valley Farm, Harmony Farms LLC, P. O. Box 248, Camp Hill, PA 17001.

This proposed facility is located in North Codorus Township, **York County**.

Description of Proposed Activity: Authorization to operate a 1,716.875 average AEU Swine farm.

The receiving stream, South Branch Codorus Creek, is in the State Water Plan watershed 7-H and is classified for: WWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

PAG123509, CAFO, **David D. Zimmerman**, Meadowview Farms, LLC, 915 Galen Hall Road, Reinholds, PA 17569.

This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Activity: Authorization to operate a 780 average AEU dairy farm.

The receiving stream, Little Cocalico Creek, is in the State Water Plan watershed 7-J and is classified for: TSF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

Application No. PA 0011100, SIC Code 3674, Industrial Waste, **Agere Systems, Inc.**, 2525 North 12th Street, P. O. Box 13396, Reading, PA 19612-3396.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Bernhart Creek in Watershed 3-C, in Muhlenberg Township, **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 an 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 1.157 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 S.U. at all times	
Total Suspended Solids	16	32	40
Total Dissolved Solids	3,500	7,000	8,750
Osmotic Pressure (MOS/KG)	—	79.6	79.6
NH ₃ -N (Interim)	Monitor & Report	Monitor & Report	—
NH ₃ -N (Final)			
(5-1 to 10-31)	1.5	3.0	3.8
(11-1 to 4-30)	4.5	9.0	11.0

The proposed effluent limits for Outfall 101 for a design flow of 1.157 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 S.U. at all times	
Total Suspended Solids	30	60	75
BIS (2-Ethylhexyl) Phthalate	0.002	0.004	0.005
Total Copper	0.049	0.098	0.123
Fluoride	17.4	32	32
Total Toxic Organics	—	1.37	—

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.

PA0000892, Industrial Waste, SIC, 3356, **Westinghouse Electric Corporation Specialty Metals Plant**, R. D. # 4, Box 333, Blairsville, PA 15717-8904.

This application is for renewal of an NPDES permit to discharge treated process water, sewage and stormwater from zincalloy tube manufacturing in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Conemaugh River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Saltsburg Water Authority, located at Saltsburg, 17 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.053 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
TSS	37	78	12	15	19
Oil and Grease	23	38	15		30
Chromium	0.05	0.12	0.15	0.37	0.46
Cyanide	0.03	0.08	0.08	0.2	0.25
Nickel	0.35	0.53	0.37	0.55	0.69
Fluoride	7.2	16.3	26.4	60	75
Ammonia	16	37	58.6	133	166
pH	not less than 7.5 nor greater than 9.0				

Outfall 201: existing discharge, design flow of 0.0065 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
CBOD ₅			25		50
TSS			30		60
Fecal Coliforms					
(5-1 to 9-30)			200		1,000
(10-1 to 4-30)			100,000		
TRC			1.4		3.3
pH	not less than 6.0 nor greater than 9.0				

Outfall 301: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
TSS			30		60
Oil and Grease			15		30
Dissolved Iron					7
TRC			0.5		1.0
Trichloroethylene			0.072		0.144
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0030392, Industrial Waste, SIC, 3465 and 3544, **General Motors Corporation**, 1451 Lebanon School Road, West Mifflin, PA 15122.

This application is for renewal of an NPDES permit to discharge treated stormwater from its West Mifflin Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Curry Hollow Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Pennsylvania-American Water Company, located at Becks Run, 15 miles below the discharge point.

Outfall 001: existing discharge, design flow of varied mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	The discharge through Outfall 001 shall consist of uncontaminated stormwater runoff and natural spring water only.				

The EPA waiver is in effect.

PA0032191, Sewage, **Sister Servants of the Most Sacred Heart of Jesus**, 1872 Munster Road, Portage, PA 15946.

This application is for renewal of an NPDES permit to discharge treated sewage from Sister Servants of the Most Sacred Heart of Jesus STP in Munster Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of North Branch Little Conemaugh River, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.0009 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 10-30)	2,000/100 ml as a geometric mean			
(11-1 to 4-30)	Monitor and Report			
Total Residual Chlorine	not less than 3.0 mg/l			
Dissolved Oxygen	not less than 6.0 nor greater than 9.0			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0093718, Sewage, **Karns City School District**, 1446 Kittanning Pike, Karns City, PA 16041.

This application is for renewal of an NPDES permit to discharge treated sewage from the Sugar Creek Elementary School in Sugar Creek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Huling Run, which are classified as a trout stock 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: Pennsylvania American Water Authority.

Outfall 001: existing discharge, design flow of 0.0075 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	15			30
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	10			20
(11-1 to 4-30)	25			50
Fecal Coliform				
(5-1 to 10-30)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
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.

PA0026506, Sewage, **West Mifflin Sanitary Sewer Municipal Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122.

This application is for renewal of an NPDES permit to discharge treated sewage from Thompson Run STP in the Borough of West Mifflin, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Thompson 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: Pa. American Water Company, Becks Run Station.

Outfall 001: existing discharge, design flow of 4.0 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	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.0	4.5		6.0
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	.01			.03
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0026883, Sewage, **City of Beaver Falls**, 715 15th Street, Beaver Falls, PA 15010.

This application is for renewal of an NPDES permit to discharge treated sewage from City of Beaver Falls STP in City of Beaver Falls, **Beaver County**.

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

Outfalls 001 and 001-A: existing discharge, design flow of 4.8 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	37.5		50
Suspended Solids	30	45		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	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0029971, Sewage, **Avella Area School District**, 1000 Avella Road, Avella, PA 15312-9699.

This application is for renewal of an NPDES permit to discharge treated sewage from Avella District Joint High School STP in Cross Creek Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of South Fork Cross Creek, which are classified as a high quality 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: Independence Township Municipal Authority on Cross Creek.

Outfall 001: existing discharge, design flow of 0.012 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	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.0			8.0
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	0.07			0.16
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0035483, Sewage, **Camp Albryoca**, 2801 Greenville Road, Meyersdale, PA 15552.

This application is for renewal of an NPDES permit to discharge treated sewage from Camp Albryoca STP in Greenville Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Piney Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Ohiopyle Borough Water Works.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	13.0			26.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0091146, Sewage, **North Union Township Municipal Services Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456.

This application is for amendment of an NPDES permit to discharge treated sewage from the Industrial Park No. 2 STP in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Gust 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: North Fayette County Municipal Authority.

Outfall 001: existing discharge, new design flow of .135 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	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.5	5.2		7.0
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	.03			.09
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0091791-A1, Sewage, **Joseph Argiro**, R. D. #2, Box 368, Connellsville, PA 15425.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as Breakneck 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: McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of .013 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)	11			22
(11-1 to 4-30)	33			66
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 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.

PA0093033, Sewage, **Eastern Armstrong County Municipal Authority**, P. O. Box 262, Elderton, PA 15736-0262.

This application is for renewal of an NPDES permit to discharge treated sewage from Elderton STP in Elderton Borough, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Crooked Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Cadogen Water Works.

Outfall 001: existing discharge, design flow of 0.058 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	10	15		20
Suspended Solids	25	37.5		50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		18.0
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			
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.

PA0096334, Sewage, **Clelian Heights School for Exceptional Children**, R. D. #9, Box 607, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from Clelian Heights School for Exceptional Children STP in Hempfield Township, **Westmoreland County**.

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

Outfall 001: existing discharge, new design flow of 0.009 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	4.2			8.4
(11-1 to 4-30)	10.0			20.0
Phosphorus	2			4
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	1.4			3.3
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218804, Sewage, **James Yeager**, 137 Willow Lane, Patton, PA 16668.

This application is for issuance of an NPDES permit to discharge treated sewage from James Yeager Small Flow Sewage Treatment Facility in Elder Township, **Cambria County**.

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

Outfall 001: new discharge, design flow of 0.0008 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
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). The applications are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permit applications.

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.

I. 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 0901407. Sewerage. **Harold Rothstein**, 1355 Pebble Hill Road, Doylestown. Applicant is requesting approval for the construction and operation of a sewage treatment plant to serve The Rothstein Tract Homeowners Association located in Doylestown Township, **Bucks County**.

WQM Permit No. 1501203. Industrial Waste. **Mushroom Canning Company**, 401 Birch Street, P. O. Box 389, Kennett Square, PA 19348. Applicant is requesting approval for the construction and operation of an industrial wastewater treatment facility to serve Mushroom Canning Co. located in Kennett Square Borough, **Chester County**.

WQM Permit No. 4601406. Sewerage. **Lower Salford Township Authority**, P. O. Box 243, Harleysville, PA 19438. Applicant is requesting approval for the construction and operation to upgrade Harleysville STP located in Lower Salford Township, **Montgomery County**.

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

WQM Permit No. 3601201, Industrial Waste, **John F. Martin & Sons, Inc.**, 55 Lower Hillside Road, Stevens, PA 17578.

This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: updating original wastewater equipment and the construction of a 90,000 gpd wastewater treatment plant for their meat packaging plant.

WQM Permit No. 3601202, Industrial Waste, **John Cope's Food Products, Inc.**, 156 West Harrisburg Avenue, P. O. Box 419, Rheems, PA 17570-0429.

This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Consolidation and clarification of existing Part II Permits (3677202, 3683202, 3686202, & 3687201).

WQM Permit No. 3495201, Amendment 01-1, Industrial Waste, **Empire Kosher Poultry, Inc.**, R. R. #5, Box 228, Mifflintown, PA 17059-9803.

This proposed facility is located in Walker Township, **Juniata County**.

Description of Proposed Action/Activity: Installation a new unit to improve the performance of the wastewater conditioning/pretreatment facilities to allow the wastewater treatment plant to function better to satisfactorily remove oil, grease and potable materials from the processing plant prior to discharge to the wastewater treatment system.

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

WQM Permit No 1401406. Sewerage. **Borough of State College**, 118 South Fraser Street, State College, PA 16801.

This proposed facility is located in State College Borough, **Centre County**.

Description of Proposed Action/Activity: Replacement of old 8-10 inch with 12 inch sanitary sewer, new stormsewer and restoration of Holly Alley. Application was received completed May 2, 2001 at the Northcentral Regional Office.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 0286439-A1—Sewerage, Hampton Township Sanitary Authority, 3101 McCully Road, Allison Park, PA 15101. Application for the modification and operation of a pump station to serve the Bruntonshire Plan of Lots located in Hampton Township, **Allegheny County**.

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

WQM Permit No. 6201405, Sewerage, **Jacob C. Barton**, R. R. #1, Box 95A, Grand Valley, PA 16420.

This proposed facility is located in Triumph Township, **Warren 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 distur-

bance 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 G467. Stormwater. **Keith Grant**, 960 Pottstown Pike, Chester Springs, PA 19425 has applied to discharge stormwater associated with a construction activity located in West Caln Township, **Chester County** to Birch Run Creek (HQ).

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 Rd., Allentown, PA 18104, (610) 391-9583.

NPDES No.	Applicant Name & Address	County & Municipality	Receiving Water/Use
PAS10Q223	Jaindl Land Co. David Jaindl 3150 Coffee town Rd. Orefield, PA 18069	Lehigh County Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q224	Shelter Development, LLC William Mihm 218 N. Charles St., Suite 500 Baltimore, MD 21201-4019	Lehigh County City of Bethlehem	Monocacy Creek HQ

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

NPDES Permit PAS10 M109. Stormwater. **Antrim Brethren in Christ Church**, 24 Kauffman Rd., Chambersburg, PA 17201 has applied to discharge stormwater associated with a construction activity located in Antrim Township, **Franklin County** to Muddy Run (HQ-CWF).

Franklin County Conservation District: 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074.

NPDES No.	Applicant Name & Address	County & Municipality	Receiving Water/Use
PAS10M109	Antrim Brethren in Christ Church 24 Kauffman Road Chambersburg, PA 17201	Antrim Township Franklin County	Muddy Run (HW-CWF)

HAZARDOUS SITES CLEAN-UP

UNDER THE ACT OF OCTOBER 18, 1988

High Quality Polishing and Plating Site

Upper Milford Township, Lehigh County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. § 6020.102—6020.1303), has initiated a prompt interim response at the High Quality Polishing and Plating Site (Site). This response has been undertaken under Section 505(b) of HSCA, 35 P.S. § 6020.505(b). The Site is located along Routes 100/29 in the village of Zionsville, Upper Milford Township, Lehigh County, PA.

The Site was used as metal polishing and plating facility from 1960 until 1983. The Department is currently conducting an Environmental Site Characterization at the Site. Trichloroethylene (TCE) has been detected in on- and off-site monitoring wells and in two residential wells at concentrations above the Maximum Contaminant Level (MCL).

On April 23, 2001 the Department installed carbon filter systems on two private water supplies located near the Site and which serve a total of 4 households. The objective of the prompt interim response is to prevent exposure to TCE through ingestion and inhalation.

Given the specific circumstances at the Site, the Department determined that the installation of carbon filter systems was the only viable alternative to implement at this Site to address the contamination in the residential wells. This response action was needed in a prompt manner to protect public health and safety. The Department is conducting additional investigation of the groundwater, including sampling of Site monitoring wells and nearby residential wells.

This notice is being provided under sections 505(b) and 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Upper Milford Township Building, Lehigh County and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from May 19, 2001 to August 17, 2001. Persons may submit written comments into the record during this time only, by sending them to Ronald Schock, Project Officer, at the Department's Bethlehem District Office at 4530 Bath Pike, Bethlehem, PA 18017, or by delivering them to that office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for June 20, 2001, at 7:30 p.m. at the Upper Milford Township Building. The testimony at the public hearing will be limited to the prompt interim response action which involved the installation of carbon treatment systems to address the TCE-contaminated residential wells. The Department is continuing the investigation of the Site and anticipates additional response action at the Site to address the on-Site contaminated building and environmental media. A public hearing will be held at a later date to address those future response actions. Persons wishing to present testimony at the June 20, 2001 hearing regarding the carbon treatment systems should register with Ron Schock before June 15, 2001, by

telephone at (610) 861-2070 or in writing to Ronald Schock at the Department's Bethlehem District Office.

If no person registers to present oral comments by June 15, 2001, the hearing will not be held. Persons interested in finding out if anyone has registered, or if the hearing will be held, should contact Ronald Schock.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Ronald Schock or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

PREAMBLE 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, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department 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.

Darby Creek Joint Authority Sewage Treatment Plant, Darby Township, **Delaware County**. Charles Catania, Jr., P.E., 520 W. MacDade Blvd., Millmont Park, PA 19033-3311, on behalf of Darby Creek Joint Authority, c/o DELCORA, 100 E. Fifth St., P. O. Box 999, Chester, PA 19016-999, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with PCBs, lead, heavy metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and pesticides. 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 *Delaware County Times* on March 23, 2001.

Kathy Medley Residence, Avondale Borough, **Chester County**. Scott W. Steele, Hydrocon Services, Inc., 2945 S. Pike Ave., Allentown, PA 18103, on behalf of Kathy Medley, 105 Chatham St., Avondale, PA 19311, 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 *Daily Local News* on February 20, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit Application No. 101567—Construction Demolition Recycling, Inc., 1060 Industrial Boulevard, Southampton, PA 18966. This application was received for a renewal of their solid waste permit. Facility located in Upper Southampton Township, **Bucks County**. The application was received in the Southeast Regional Office on May 4, 2001.

Southwest Region: Regional Solid Waste Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit Application No. 100281. Greenridge Reclamation, LLC, Scottdale Municipality, **Westmoreland County**. Application for the Permit Reissuance of PADEP Solid Waste Permit No. 100281 from Republic Services Group of Pennsylvania IV, LLC to Greenridge Reclamation, LLC. The application was received by the Southwest Regional Office on May 7, 2001.

Comments concerning the application should be directed to Michael G. Forbeck, Facilities Manager, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 101646. World Resource Recovery Systems, Inc., 1631 East Avenue, Erie, PA 16503, City of Erie, **Erie County**. An application was received to increase the maximum daily volume of waste from 300 tons per day to 600 tons per day. The application was accepted in the Regional Office on May 2, 2001.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The 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.

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. 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.

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).

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.

39-302-137B: Beatrice Cheese Group, Inc. (ConAgra Dairy Foods, 1002 MacArthur Road, Whitehall, PA 18052) for operation of two gas/oil fired boilers in Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

22-05029: AmerGen Energy Co., LLC (Route 441 South, Middletown, PA 17057-0441) for a synthetic minor operating permit for standby units comprised of two boilers, three engine generators and other sources in Londonderry Township, **Dauphin County**.

36-03030: D.M. Stoltzfus & Sons, Inc. (P. O. Box 84, Talmage, PA 17580) for a Natural Minor Operating Permit for two portable crushing plants at the Talmage Quarry in Upper Leacock Township, **Lancaster County**.

36-03077: D.M. Stoltzfus & Sons, Inc. (P. O. Box 84, Talmage, PA 17580) for a Natural Minor Operating Permit for a Limestone Crushing Plant at the Cedar Hill Quarry in Fulton Township, **Lancaster County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

65-00871: OPCO, Inc. (P. O. Box 101, Latrobe, PA 15650) for operation of Manufactures EPS Products at Latrobe in Latrobe Borough, **Westmoreland County**.

56-00259: G.M. Honkus & Sons, Inc. (2030 Seanor Road, Windber, PA 15963) for installation of a Wire Burning Furnace in Paint Township, **Somerset County**.

32-00183: Millcreek Processing (110 Cedar Lane, McMurray, PA 15317) for installation of Coal Processing at Challenger Coal Yard in East Wheatfield Township, **Indiana County**.

03-00183: Equitable Gas Company (200 Allegheny Center Mall, Pittsburgh, PA 15212) for installation of a Natural Gas Combustion Engine at Shoemaker Station in Bethel Township, **Armstrong County**.

03-00145: Praxair, Inc. (P. O. Box 44, Tonawanda, NY 14151) for operation of an Inert Gas Reformer at the Hydrogen/Nitrogen Facility in Gilpin Township, **Armstrong County**.

Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104, Roger Fey, (215) 823-7584.

00-001: EcoTechnology, Inc.—Bio-Solids Drying Facility (7800 Penrose Ferry Road, Philadelphia, PA 19153) for operation of developing and commercializing a drying system for reducing the water content in municipal sludge produced by wastewater treatment plants and converting the end-product into a Class A Biosolid in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor facility's air emission sources include a 16.7 MMBTU/hr propane-fired sewage sludge dryer controlled by a baghouse controlled by a 4.0 MMBTU/hr propane-fired regenerative thermal oxidizer.

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, James Parette, Acting New Source Review Chief, (570) 826-2531.

48-303-005C: Highway Materials, Inc. (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422) for modification of a batch asphalt plant to utilize recycled oil as a fuel along Tatamy Road in Upper Nazareth Township, **Northampton County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.

08-322-001C: Northern Tier Solid Waste Authority (Landfill #2, P. O. Box 10, Burlington, PA 18814-0010) for construction of an 800 kilowatt landfill gas-fired engine generator set at the Northern Tier Landfill in West Burlington Township, **Bradford County**.

41-305-009D: Keystone Filler & Manufacturing Co. (214 Railroad Street, Muncy, PA 17756) for installation of an air cleaning device (a fabric collector) on a rotary coal dryer (#4 dryer) and associated processing equipment (screen, bucket elevator, bulk truck loadout spout, etc.) in Muncy Creek Township, **Lycoming County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

62-161A: ARC Steel, Inc. (1 Front Street, Irvine, PA 16329) for construction of a slag processing facility (capacity of approximately 42 tons/hour) on the property of National Forge Co. in Brokenstraw Township, **Warren County**.

25-037A: Joseph McCormick Construction Co., Inc.—Wesleyville Asphalt Plant (1507 Wesley Avenue, Erie, PA 16510) to modify existing permit to burn alternative fuels #2 or #4 Fuel Oil as an alternative to natural gas in Wesleyville, **Erie County**.

25-952D: Bush Industries of Pennsylvania, Inc. (2455 Robison Road West, Erie, PA 16509) for modification of Air Quality Permit No. 25-952A in Summit Township, **Erie County** to show that VOC emissions from the surface coating operation have increased. Potential VOC emissions are less than 20 tons/year.

62-162A: Elkhorn Field Services-Keystone Plant (Zimmerman Hill Road, Warren, PA 16365) for post construction plan approval of a Gas Processing Plant that contains an 800 HP Rich Burn Engine controlled by a catalytic converter and a 0.25 MMBTU/hr Dehydration Unit in Pleasant Township, **Warren County**. The facility is subject to 40 CFR Part 60 Subpart KKK for VOC monitoring.

42-181A: Elkhorn Field Services (State Route 219, Lewis Run, PA 16738) for post construction approval for two compressor engines, a glycol unit, and three 30,000 gallon storage tanks at Lewis Run Gas Processing Plant in Bradford Township, **McKean County**.

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).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0104: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) for an increase of production on Production Line Nos. 1 and 3 in Oxford Borough, **Chester County**. This facility is a non-Title V facility that bakes various types of Danish, honey buns and cake products. The production increase will result in an increase of 18.5 tons per year of volatile organic compounds, mostly ethanol. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

NOTICE OF INTENT TO ISSUE A PLAN APPROVAL AND AMEND A TITLE V OPERATING PERMIT

46-0060A: DPW-Norristown State Hospital (1001 East Sterigere Street, Norristown, PA 19401) for installation of two (2) rental boilers in Norristown Borough, **Montgomery County**. Each boiler is rated at 56.25 MMBtu/hr and equipped with low-NOx burners and flue gas recirculation and will have a potential-to-emit of 61.76 tons for NOx, 7.28 tons for VOCs, 40.46 tons for SOx, 25.14 tons for CO, and 4.90 tons for PM, each based on a 12-month rolling sum. The facility will be subject to a plant wide applicability limit of 98.5 tons of NOx per year that will keep the facility to an actual increase of 25 tons of NOx per year. The other pollutants will be restricted accordingly. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

15-0013A: Huhtamaki Flexibles, Inc. (2400 Continental Blvd., Malvern, PA 19355) to establish a plant-wide applicability limit for volatile organic compound emissions; install a flexographic/gravure press for establishing a plant-wide applicability limit (PAL) for volatile organic compound (VOC) emissions and install a flexographic/gravure press in Tredyffrin Township, **Chester County**. The facility currently has a Title V Operating Permit (No. 15-00013). This modification will result in VOC emission increase in less than 25 tons per year. The PAL VOC emission limit for Huhtamaki Flexibles, Inc. is 94.7 tons per year. The Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements.

23-0001D: Sunoco, Inc. (P. O. Box 426, Marcus Hook, PA 19061) for modification of a previously installed internal floating roof storage tank equipped with a primary mechanical shoe seal in Marcus Hook Borough, **Delaware County**. The facility currently is in a process of obtaining Title V Operating Permit No. 23-0001. This plan approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

This modification will result in a volatile organic compound (VOC) emission net increase from the facility. This tank is limited to a maximum of 7.18 tons of volatile organic compound (VOC) emission per year. The storage tank and its control devices are subject to 40 CFR Part 60, Subpart Kb, 40 CFR Part 63, Subparts G and CC.

The Plan Approvals and Operating Permit will contain recordkeeping and operating restrictions designed to keep

the facility operating in compliance with the mission limitations and within all other applicable air quality requirements.

23-0001F: Sunoco, Inc. (P. O. Box 426, Marcus Hook, PA 19061) for modification of five (5) previously installed internal floating roof storage tanks, each equipped with a primary mechanical shoe seal in Marcus Hook Borough, **Delaware County**. The modification will result in a volatile organic compound (VOC) and benzene emissions net increase from the facility. Four tanks will store VOC and one tank will store benzene. All five tanks are limited to a maximum of 7.2 tons of the VOC emissions per year. The benzene tank is also limited to a maximum of 0.8 tons of the benzene emissions per year. All five storage tanks and their control devices are subject to 40 CFR Part 60, Subpart Kb. The benzene tank and its control devices are also subject to 40 CFR Part 61, Subpart Y.

The Plan Approvals and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating in compliance with the mission limitations and within all other applicable air quality requirements.

46-00013: Clemens Family Corp. (2700 Funks Road, Hatfield, PA 19440) for modification of an inedible rendering process Hatfield, **Montgomery County**. This modification will result in an emission increase of 0.56 tons of particulate matter per 12-month rolling sum. The facility shall be required to exhaust emissions from the inedible rendering process to either a packed tower scrubber or both a venturi scrubber and packed tower scrubber, as outlined in the amended Title V Operating Permit. The Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. This plan approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

46-00036: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) in Worcester Township, **Montgomery County**. Amended to include the requirements of Plan Approval 46-0036 for installation of Selective Soldering Machine No. 6. This source will result in an emission increase of 01.00035 tons of Lead (particulate matter) and 2.37 tons of Volatile Organic Compounds (VOCs) per 12-month rolling sum. The Selective Soldering Machine No. 6 shall only be used for soldering electronic circuit boards. The Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0141: Lower Bucks County Joint Municipal Authority (7811 New Falls Road, P. O. Box 460, Levittown, PA 19058) for installation of a packed tower odor scrubber at the Authority's Kenwood pump station in Bristol Township, **Bucks County**. The pump station is a non-Title V (state only) facility. This installation is for the control of malodors and will result in the emission of 0.75 ppm of hydrogen sulfide or in the alternate a removal efficiency of 99 percent if the inlet concentration is greater than 100 ppm. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.

48-313-088: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042) for the installation and opera-

tion of an electrostatic precipitator to replace two existing electrostatic precipitators which control emissions emanating from three existing DHY kilns and an existing copperas dryer in Wilson Borough, **Northampton County**. This installation will result in a particulate emission rate of 20.8 tons per year based on the Best Available Technology (BAT) allowable particulate emission standard of 0.02 grains/DSCFT. The Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00018. 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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05037B: McConway & Torley Corp. (230 Railroad Street, Kutztown, PA 19530) for installation of a fabric collector to control emissions from a finishing operation in Kutztown Borough, **Berks County**.

21-03054: Gibson-Hollinger Funeral Home (501 North Baltimore Avenue, Mt. Holly Springs, PA 17065) for construction of a cremation chamber in Mt. Holly Springs Borough, **Cumberland County**.

34-03005A: Energex American, Inc. (R. R. 5, Box 343, Mifflintown, PA 17059) for installation of a wood-fired rotary wood drying system controlled by a mechanical collector in Walker Township, **Juniata County**.

34-03006A: Railworks Wood Products, Inc. (P. O. Box 252, McAlisterville, PA 17049) for modification of an existing wood-fired boiler system in Fayette Township, **Juniata County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

NOTICE OF INTENT TO APPROVE

Plan Approval At a Title V Facility #04-446C

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (DEP) intends to issue a Plan Approval to AES Beaver Valley Partners, Inc. for the installation of a Circulating Fluidized Bed Boiler at the plant located in Monaca, PA as described in its application received in October 2000.

Based on the information provided by the applicant and on DEP's analysis of that information, these installations will result in emission reductions of approximately 2,658 tons of SO₂, 3,848 tons of NO_x, 1,309 tons of CO and 67 tons of particulate matter each year.

In order for DEP to assure compliance with all applicable standards, DEP proposes to place the following conditions on the Plan Approval:

SPECIAL CONDITIONS FOR PLAN APPROVAL 04-446C

3. General Conditions

a) This Plan Approval is for the construction and limited temporary operation of a Circulating Fluidized Bed Boiler at the AES Beaver Valley Cogeneration plant located in Monaca Township, Beaver County, as described in the application. The application includes a fluidized bed combustion unit equipped with the following air cleaning devices: Selective Non-Catalytic Reduction, lime-

stone absorption, and a baghouse. Ancillary (fuel, limestone and ash) materials handling equipment and their associated air cleaning devices as described in the application are also included in this approval. [25 Pa. Code § 127.12b]

b) This approval to construct shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; or, (2) if construction is discontinued for a period of 18 months or more; or, (3) construction is not completed within 5 years.

c) The facility is subject to New Source Performance Standards for fossil fuel-fired steam generators (40 CFR Part 60, Subpart Da), Non-Metallic Mineral Processing Plants (Subpart OOO) and Coal Processing Plants (Subpart Y). In accordance with 40 CFR 60.4 copies of all requests, reports, applications submittals and other communications shall be forwarded to both EPA and the Department at the addresses listed unless otherwise noted.

Director	Pa DEP
Air Toxics and Radiation	Air Quality
US EPA, Region III	400 Waterfront Drive
1650 Arch Street	Pittsburgh, PA 15222
Philadelphia, PA 19103-2029	

d) This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met. [25 Pa. Code § 127.12b]:

i) The Department must receive written notice from the Owner/Operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

ii) Operation is permitted only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

iii) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (i).

iv) The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

v) The notice submitted by the Owner/Operator under subpart (i), prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the written notice.

4. Stack Emissions Limitations

a) Emissions from the CFB shall be limited as follows [25 Pa. Code § 127.12b]:

CFB Emission Limits			
<i>Pollutant</i>	<i>Lbs/mmBtu*</i>	<i>Lbs/Hr*** Tons/Yr</i>	
SO ₂	.14 on an annual basis	755	1322
	.21 on a 30 day rolling avg.		
NOx (as NO ₂)	.15	539	944
CO	.20	808	1416
VOC (as Propane)	.0068	34	59.5
PM ₁₀	.02	60	189
NH ₃ ****	—	10.2**	44.7

*Emissions are based on a 30-day rolling average unless otherwise stated.

** (Emissions are based on 10 ppm ammonia slip).

*** (Hourly emissions apply under normal operating conditions)

b) Emissions from the facility in any consecutive 12-month period shall be limited as follows [25 Pa. Code § 127.12b]:

Facility Emission Limits

<i>Pollutant</i>	<i>Total Emissions (tpy)</i>
SO ₂	1321.45
NO _x	943.89
CO	1415.84
VOC	59.47
PM ₁₀	197.01
NH ₃	44.7

c) The Owner or Operator shall not permit the emission to the outdoor atmosphere of visible emissions from the boilers, in such a manner that the opacity of the emission is equal to or greater than 10% for a period, or periods aggregating more than 3 minutes in any 1 hour, or 30% at any time. The presence of uncombined water is not considered a failure to meet the limitations. [25 Pa. Code §§ 127.1 and 127.12(b)].

d) The ammonia slip from the CFB boiler shall not exceed 10 ppmv at stack conditions. Continuing compliance with this condition shall be determined by adhering to good operating practices. [25 Pa. Code §§ 127.1 and 127.12(b)].

e) Emissions of sulfur oxides (SO₂) shall be reduced in the boiler and ash re-injection system by at least 95% on a 12-month rolling average. [25 Pa. Code § 127.12b].

f) The Owner or Operator shall not permit the emission into the outdoor atmosphere of particulate matter emissions from fuel or limestone handling and processing any stack emissions in a manner that the concentration of particulate matter in the effluent gas exceeds 0.02 gr/dscf. [25 Pa. Code § 127.12b].

g) The Department may revise the maximum allowable emission rates based upon CEM data, stack test results, optimization of the boiler and its associated air cleaning devices. [25 Pa. Code § 127.12b].

h) The operation of the auxiliary boiler shall be limited to 500 hours of operation per year. [25 Pa. Code § 127.12b].

5. Testing Requirements

a) The Department reserves the right to require stack testing at any time for the sources covered by this Plan Approval. [25 Pa. Code § 127.12b].

b) Within 180 days of initial start-up but no later than 60 days of achieving maximum production, a stack test shall be performed on the CFB in accordance with the provisions of Chapter 139 to determine the following pollutant emission rates:

- TSP/PM₁₀
- NMVOC
- Ammonia

These tests shall be repeated on a yearly basis for the term of this permit. The frequency may be reduced in subsequent permits if determined appropriate by the Department. [25 Pa. Code § 139.2].

c) The Owner or Operator shall submit a pre-test protocol for review at least 60 days prior to performance of the stack tests. [25 Pa. Code § 139.2].

d) The Owner or Operator shall also notify the Department at least 2 weeks prior to the stack tests so that an observer may be present at the time of the tests. [25 Pa. Code § 139.2].

e) The Owner or Operator shall submit a stack test report to the Department within 60 days of the completed testing. [25 Pa. Code § 139.2].

6. Continuous Monitoring

a) The company shall install, certify, maintain and operate a CEM system for monitoring sulfur oxides (as SO₂), NO_x (as NO₂), visible emissions (opacity), carbon monoxide (CO) and gas flow from the CFB boiler. Oxygen (O₂) or carbon dioxide (CO₂) shall be monitored at each location where SO₂ or NO_x are monitored in accordance with the requirements of 25 Pa. Code Chapter 139.

b) The Owner or Operator shall install, operate and maintain a monitoring system for as-fired coal analysis in accordance with the requirements of 25 Pa. Code Chapter 139 or an alternate method approved by the Department. Sulfur analysis shall be determined on a daily basis with the results used to calculate monthly averages.

c) The Owner or Operator shall maintain a monthly log of:

- hours of operation for each air pollution source
- coal, natural gas, and fuel oil consumption
- ammonia and limestone consumption

This log shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request [25 Pa. Code § 127.12b].

7. Notification/Reporting

a) At least 90 days prior to start-up, the Owner or Operator shall submit information required by Phase I of the Department's "Continuous Source Monitoring Manual," Revision 6, January 1996 to the following address: Chief, Division of Technical Services & Monitoring, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street (12th Floor), P. O. Box 8468, Harrisburg, PA 17105-8468.

8. Work Practice Standards

a) The Owner or Operator shall install, maintain, and operate the boilers in accordance with the manufacturer's specifications [25 Pa. Code § 127.12b].

b) The Department reserves the right to require additional controls (for example, road paving, process equipment enclosures, conveyor covers, and the like) based on evaluation of the operation after start-up and a determination that the existing controls are inadequate to control fugitive emissions [25 Pa. Code § 127.12b].

c) The truck loading and unloading areas and the plant delivery roads shall be paved with asphalt, concrete, or an equivalent surface approved by the Department [25 Pa. Code § 127.12b].

d) Road dust shall be controlled by a road sweeper or the use of water sprays, oils, or other dust surfactants including 250 feet of public highway on either side of the access road [25 Pa. Code § 127.12b].

e) A pressurized water truck shall be on site and in use when the facility is operating on an as needed basis acceptable to the Department [25 Pa. Code § 127.12b].

f) The plant shall post a sign stating and shall enforce the requirement that "All loaded trucks entering or exiting plant property shall be properly tarpaulin covered." The plant shall deny all non-tarped trucks access to the weigh station [25 Pa. Code § 127.12b].

g) The plant shall post and shall enforce a speed limit of 15 mph or less on all plant roads [25 Pa. Code § 127.12b].

h) All front-end loaders used to transfer and load coal shall maintain a minimal amount of drop from the front-end loader into bins or trucks so as to prevent fugitive emissions [25 Pa. Code § 127.12b].

i) All conveyor belts shall be partially enclosed, and all screens and crushers shall be full enclosed so as to prevent fugitive emissions from becoming airborne [25 Pa. Code § 127.12b].

j) Ash silos shall discharge through an ash conditioner which shall moisten the ash before it is loaded into trucks for disposal. Tanker truck pneumatic loading of dry ash is permitted [25 Pa. Code § 127.12b].

k) Coal shall not be stockpiled or loaded in any area that is not enclosed or watered as needed by the pressurized water truck and/or sprinkler system [25 Pa. Code § 127.12b].

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

10-284B: Seneca Landfill, Inc. (421 Hartman Road, Evans City, PA 16033) for landfill expansion constructing and operating two additional flares and one engine generator in Evans City, **Butler County**. The facility was issued Title V Operating Permit No. 10-00284 on March 8, 1999. 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.

The permit is subject to the requirements under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12 and the New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart WWW.

1. The following requirements are hereby established for each of the flares:

a) The flare must be an enclosed ground type, which is shrouded with no visible flame shooting from the flare.

b) The flare shall be equipped with a continuous pilot ignition source using an auxiliary fuel.

c) The flare shall be operated with a flame present at all times. The flare shall be equipped with an automatic shut-off mechanism design to immediately stop the flow of gases when a flame-out occurs. During restart or start-up, there shall be sufficient flow of auxiliary fuel to the burners such that unburnt landfill gases are not emitted to the atmosphere.

d) The operating temperature of the flare shall be continuously measured and recorded. The recording charts shall be made available to the Department personnel upon request. These charts shall remain on file for a period of 5 years.

e) The flare shall have no visible emissions except for periods not to exceed a total of 5 minutes in any 2 consecutive hours and the emissions during these periods shall not exceed 10% opacity.

f) The flare shall achieve and maintain a 98% Non-Methane Organic Compound (NMOC) destruction efficiency for landfill gas. This minimum destruction efficiency requirement is also required by Section 60.752(b)(2)(iii)(B) of Part 60 of the Federal Standards of Performance for New Stationary Sources.

g) PM emissions for the flare shall not exceed 0.02 grain/dscf.

2. Source tests shall be conducted for each flare to demonstrate compliance with the 98% NMOC destruction efficiency requirement and to determine the emission rates of oxides of nitrogen and carbon monoxide.

3. For the flares, a minimum operating temperature of 1500°F shall be maintained for at least 0.3 second. The operating temperature of the flares shall be operated and maintained at the minimum temperature achieved during the performance test in which compliance with the 98% destruction efficiency requirement was demonstrated, however, at no time shall the flares' operating temperature be below 1500°F.

4. The following emission rates shall not be exceeded for the engine:

<i>Pollutant</i>	<i>Emission Rate</i> (g/BHP-hr per engine)	<i>Emission Rate</i> (lb/hr per engine)
NOx	0.85	7.92
CO	3.05	28.4
NMOC	0.35	3.26
PM		0.02 gr/dscf

5. Source tests shall be conducted for the engine to demonstrate compliance with the emission limitations above and the 98% NMOC destruction efficiency requirement.

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 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

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54803004T. No. 1 Contracting Corporation, (49 South Main Street, Ashley, PA 18706), transfer of an existing anthracite surface mine operation from Harri-man Coal Corporation in Hegins and Porter Townships, **Schuylkill County** affecting 214.0 acres, receiving stream—Good Spring Creek. Application received May 2, 2001.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209.

41940101. Fisher Mining Company (40 Choate Circle, Montoursville, PA 17754), renewal of an existing bituminous surface mine permit in Pine and McHenry Townships, **Lycoming County** affecting 640 acres. Receiving stream—Buckeye Run to Otter Run, and Right Fork of Otter Run to Otter Run, Otter Run to Little Pine Creek, Little Pine Creek to Pine Creek, Pine Creek to West Branch Susquehanna River. Application received March 21, 2001.

17910113. Moravian Run Reclamation Co., Inc. (605 Sheridan Drive, Clearfield, PA 16830), renewal of an existing bituminous surface mine-refuse disposal-auger permit in Penn Township, **Clearfield County** affecting 78 acres. Receiving stream—Bell Run and Poplar Run. Application received March 22, 2001.

17960113. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, Pa 15849), renewal of an existing bituminous surface mine-auger permit in Covington and Karthaus Townships, **Clearfield County** affecting 321.5 acres. Receiving stream—Curley's Run, Curley's Run to West Branch Susquehanna River. Application received March 26, 2001.

17960102. M. R. Hainsey Contracting Company (R. R. 2, Box 57, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Goshen Township, **Clearfield County** affecting 73.2 acres. Receiving stream—unnamed tributary to Trout Run, unnamed tributary to Pine Run, Pine Run to West Branch Susquehanna River. Application received April 4, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

03960103. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal application received for continued operation and reclamation of a bituminous surface mine located in East Franklin Township, **Armstrong County** affecting 155 acres. Receiving stream: unnamed tributary to Glade Run. Renewal application received May 2, 2001.

039301018. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728-0157). Revision application received to add 9.5 acres to the Lower Kittanning seam for a bituminous surface mine located in Wayne and Cowanshannock Townships, **Armstrong County** affecting 127 acres. Receiving stream: unnamed tributaries to South Branch Pine Creek to South Fork Pine Creek. Revision application received May 2, 2001.

03840106. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface mine located in East Franklin Township, **Armstrong County**, affecting 369 acres. Receiving stream: unnamed tributary to Allegheny River. Renewal application received May 7, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

32010103. K.M.P. Associates (R. R. 2, Box 194, Avonmore, PA 15618), commencement, operation and restoration of bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 8.5 acres, receiving stream unnamed tributaries to Big Run to Big Run to Blacklegs Creek to the Kiskiminetas River. Application received April 27, 2001.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.

32841312. Keystone Coal Mining Corp., (400 Overview Drive, P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Urling No. 1 Mine in Armstrong Township, **Indiana County** to change the post mining land use at Urling No. 1 Portal Area to Industrial/commercial, no additional discharges. Application received March 15, 2001.

03841308. Rosebud Mining Company, (R. D. 9, Box 379A, Kittanning, PA 16201), to renew the permit for the Rosebud No. 1 Deep Mine in Perry Township, **Armstrong**

County to renew the existing permit for reclamation only, no additional discharges. Application received March 27, 2001.

Noncoal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

4875SM2A2C3. Glen-Gery Corporation, (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit #PA0119563 in Dover Township, **York County**, receiving stream—Fox Run and unnamed tributary to Fox Run. Application received May 1, 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 AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-816. Opus East LLC, 610 W. Germantown Pike, Suite 470, Plymouth Meeting, PA 19642, Bristol Town-

ship, **Bucks County**, ACOE Philadelphia District. To place and maintain fill in 1.42 acres of wetlands (PFO-PEM) at 4 different locations to facilitate the construction of four warehouse buildings and associated parking facilities at the Keystone Industrial Park Phase (111). The site work also includes the modification of an existing culvert, which carries Newportville Road across an unnamed tributary of Neshaminy Creek (WWF-MF) and impacting 0.13 acre of adjacent wetlands (PFO-PEM). This site is located at the Southeast corner of the Newportville and Ford Roads, (Beverly PA-NJ Quadrangle N: 20.65 inches; W: 3.25 inches). The applicant proposes 0.93 acre of replacement wetlands.

E09-818. Borough of Perkasio, P. O. Box 275, Perkasio, PA 18944, Perkasio Borough, **Bucks County**, ACOE Philadelphia District. To construct and maintain an approximately 4,500 linear-foot long bike and pedestrian path. The work will commence at the terminus of the existing bike path at Walnut Street (Telford PA Quadrangle N: 21.2 inches; W: 6.00 inches); extend along Constitution Avenue and along the 100-year floodplain of the East Branch of Perkiomen Creek (TSF); turn onto Spruce Street and along the 100-year floodplain of Pleasant Spring Creek (TSF); and continue in this direction for about one-quarter mile and terminate (Telford PA Quadrangle N: 20.2 inches; W: 4.65 inches). The path will cross under the Main Street Bridge and will necessitate a change in cross section of the conveyance area of the watercourse.

E15-656. Jand Enterprises, Inc. 126 Aspen Drive, Downingtown, PA 19335, East Brandywine Township, **Chester County**, ACOE Philadelphia District. To construct and maintain 55 linear feet of 48 inch CMP culvert in and along an unnamed tributary to Culbertson Run (HQ-TSF-MF) and impacting 0.06 acre of adjacent wetlands to serve as an access road for the proposed Hawks Nest Meadows Subdivision. This site is located approximately 750 feet southwest of the intersection of Highspine Road and Marshall Road. (Wagontown PA Quadrangle N: 11 inches; W: 1.2 inches).

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

E54-285. Tamaqua Industrial Development Enterprises, 14 Lissa Lane, Sugarloaf, PA 18249, in Rush Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in 0.43 acre of wetlands within the Nesquehoning Creek (HQ-CWF) watershed for the purpose of developing industrial lots within the Tidewood East Industrial Park. The project is located on the east side of S.R. 0309, approximately 0.8 mile north of the intersection of S.R. 0309 and S.R. 0054. (Tamaqua, PA, Quadrangle N: 15.2 inches; W: 14.5 inches).

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

E21-319. Clyde Backert, Shisslers Marina, 50 Market Street, Lemoyne, PA 17043 in Harrisburg City, **Dauphin County** and Lemoyne Borough, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a 45 boat capacity marina constructed with two 150-foot lengths of floating docks, connected by a bridge, 70 feet parallel to the banks of the Susquehanna River (WWF) located just south of the Market Street bridge on the west bank of the river (Lemoyne, PA Quadrangle N: 22.2 inches; W: 1.9 inches).

E21-320. James Carter, Norfolk Southern Corp., 99 Spring Street, SW, Atlanta, GA 30303 in South Middleton Township, **Cumberland County**, ACOE Baltimore District.

To abandon in place an existing concrete box culvert and to construct and maintain a reinforced concrete box culvert, about 20 feet west of the existing culvert, having a span of 10 feet, an underclearance of 6.0 feet, and length of 36 feet in Little Dogwood Run (HQ-CWF) and to construct a channel into the channel of Little Dogwood Run, upstream and downstream of the proposed culvert located on the Norfolk Southern Corporation Railroad line about 800 feet upstream of the confluence of Little Dogwood Run and Old Town Run (Carlisle, PA Quadrangle N: 1.3 inches; W: 1.55 inches).

E22-426. William Botts, 207 Botts Road, Millersburg, PA 17061 in Washington Township, **Dauphin County**, ACOE Baltimore District.

To excavate material from 0.15 acre of wetlands for the purpose of constructing a non-jurisdictional water impoundment for recreation and fire protection purposes located on an unnamed tributary to Wiconisco Creek (WWF) located on the west side of Matterstown Road about 0.3 mile north of its intersection with SR 0209 (Elizabethville, PA Quadrangle N: 8.88 inches; W: 14.13 inches).

E22-427. Ron Massott, City of Harrisburg Parking Authority, 123 Walnut Street, Ste 317, Harrisburg, PA 17108 in the City of Harrisburg, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 55,000 square foot multi-level vehicle parking garage in the floodway of the Susquehanna River for the purpose of expanding parking facilities on City Island located on the southern end of the island between the CONRAIL and Market Street bridges (Harrisburg West, PA Quadrangle N: 0.5 inch; W: 1.5 inches).

E67-697. Mark Burkhead, PennDOT 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Penn Township and Hanover Borough, **York County**, ACOE Baltimore District.

To remove two existing structures and to construct and maintain a 12-foot wide by 2.83-foot high reinforced concrete box culvert in Gitts Run, and an 8-foot wide by 2.5-foot high reinforced concrete box culvert in an unnamed tributary to Gitts Run located on SR 3072, Segment 0020, Offset 0011 (Moulstown Road) and SR 3072, Segment 0020, Offset 0640. The replacement of the culverts will impact a deminimis area of wetlands equal to 0.002 acre. The improvement project begins at SR 0194 (Broadway Street to T-344 (Youngs Road) (Hanover, PA Quadrangle N: 14.75 inches; W: 12.1 inches and N: 14.9; W: 11.9 respectively).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E08-370. Bradford County Conservation District, Stoll Natural Resource Center, R. R. 5 Box 5030C, Towanda, PA 18848 in Wysox Township, **Bradford County**, ACOE Baltimore District, Towanda, PA Quadrangle N: 5.2 inches; W: 3.7 inches.

The project is located along S. R. 1029 approximately 0.5 miles north of the S. R. 0187 intersection in Wysox Township, Bradford County. The purpose of the project is to construct 1, 750 linear feet of elevated boardwalk across a 17.38 acre PEM/PSS wetland for environmental

education. The elevated boardwalk includes a combination of observation blinds and lookout platforms. The project requires placement of posts in wetlands not to exceed 0.05 acres. The wetland fill is classified as "deminimis" and does not require replacement.

E08-371. James A. Kendter, Department of Transportation, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754. Streambed Paving Bridge, Rehab, in Wilmot Township, **Bradford County**, ACOE Baltimore District (Jenningsville, PA Quadrangle N: 14.25 inches; W: 13.5 inches).

To construct and maintain existing streambed paving, embedded with natural streambed stone and extended to the downstream free end of the wing walls of the existing bridge and to construct and maintain a temporary dam located upstream of the bridge for the purpose of impounding and pumping water around the bridge. The project is located in Sugar Run Creek on SR 0187 at the intersection of Coyle Road with SR 0187. The project will not impact wetlands while impacting approximately 15 feet of waterway. Sugar Run Creek is a cold water fishery stream.

E14-392. Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. SR 3011, Section A01 Bridge Replacement, in College Township, **Centre County**, ACOE Baltimore River Basin District (State College, PA Quadrangle N: 10.6 inches; W: 9.65 inches).

To remove an existing structure; and construct, operate and maintain a single span prestressed concrete adjacent box Beam Bridge to carry SR 3011, Section A01, Segment-Offset 0060/2412 across Spring Creek (High Quality-Cold Water Fishery). The single span bridge shall be constructed with a minimum clear span of 54.4-feet, underclearance of 8.3-feet and skew of 80-degrees. All in-stream concrete work shall be constructed in dry work conditions through the use of dams and pumping or fluming stream flow around the work area. The project will not impact wetlands while impacting 150-feet of Spring Creek.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E20-499. French Creek Recreational Trails, Inc., c/o Community Health Services, 747 Terrace Street, Meadville, PA 16335. Ernst Bicycle Trail Bridge Project, in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 16.8 inches; W: 8.3 inches).

To construct and maintain a bridge with a 30-foot span and 4-foot underclearance over an unnamed tributary to French Creek (WWF) for recreational use located approximately 0.75 mile west of I-79 along the abandoned Bessemer and Lake Erie Railroad bed.

E25-633. The Erie-Western Pennsylvania Port Authority, 100 State Street, Suite 205, Erie, PA 16507-1455. Old Grain Dock/Holland Street Pier, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 2.5 inches; W: 11.75 inches).

To conduct the following activities associated with the Old Grain Dock/Holland Street Pier, Dock Wall Refacing Project located at the foot of Holland Street in Presque Isle Bay:

1. Reface the existing south and west walls of the pier with steel sheet pile.
2. Remove the existing east wall and cribbing of the pier.

3. Reconstruct the east wall pier with steel sheet pile.
4. Install a concrete deadman system to anchor the re-faced and newly constructed walls.

E61-244. PA Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16323. S. R. 0008, Segment 0610, Offset 0398 Across Tributary to Cherry Tree Run, in Cherrytree Township, **Venango County**, ACOE Pittsburgh District (Titusville South, PA Quadrangle N: 6.25 inches; W: 12.6 inches).

To remove the existing bridge and to install and maintain a reinforced concrete box culvert having a 20-foot wide by 5-foot high waterway opening in a tributary to Cherrytree Run on S.R. 0008, Section A04, Segment 0610, Offset 0398 just north of S.R. 417.

Environmental Assessments

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

EA43-002NW. BioMost, Inc., Mining and Reclamation Services, 3016 Unionville Road. North Liberty Reclamation Area, in North Liberty Township, **Mercer County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 15.1 inches; W: 11.7 inches).

To fill approximately 0.3 acre of wetlands and approximately 15 acres of open pits containing acid mine drainage associated with the reclamation of over 40 acres of abandoned minelands located along Courtney Mill Road, approximately 2500 feet northeast of the intersection with S.R. 258.

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA25-003CO. BBKC, Inc., 11340 Pont Road, Albion, PA 16401. Elk Creek Township, **Erie County**, ACOE Pittsburgh District.

Project proposes to construct a non-jurisdictional dam across a tributary to Temple Creek (CWF; MF) directly and indirectly impacting approximately 500 linear feet of stream channel for the purpose of stormwater management at the proposed Motorplex Raceway Park. The dam will be located approximately 1700 feet west of the intersection of Pont Road and Whittaker Road (Conneautville, PA Quadrangle N: 20.3 inches; W: 10.7 inches).

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN

WATER ACT—NPDES AND WQM PART II PERMITS 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. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

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.

I. 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.

WQM Permit No. 1500417. Sewage. **North 100 Partners, L.P.**, 75 East Uwchlan Avenue, Exton, PA 19341. Applicant is granted approval for the construction and operation of a sewage treatment plant with stream discharge to serve an existing residential dwelling located in East Nantmeal Township, **Chester County**.

WQM Permit No. 1501405. Sewage. **Kennett Consolidated School District**, 130 East South Street, Kennett Square, PA 19348. Applicant is granted approval for the construction and operation of a sewage pump station and force main to serve the proposed middle school by Kennett Consolidated School District located in New Garden Township, **Chester County**.

NPDES Permit No. PA0052451. Sewage. **Francis L. Hamilton-Oates**, P. O. Box 426, Landenberg, PA 19350-0426. Is authorized to discharge from a facility located in New Garden Township, **Chester County** into East Branch of White Clay Creek.

NPDES Permit No. PA0056472. Industrial Waste. **DeVault Foods, Inc.**, 1 DeVault Lane, DeVault, PA 19432. Is authorized to discharge from a facility located in Charlestown Township, **Chester County**, into Valley Creek Watershed.

NPDES Permit No. PA0050393. Sewage. **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490. Is authorized to discharge from a facility located in Worcester Township, **Montgomery County** into Zacharias Creek—Perkiomen Watershed.

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

NPDES Permit No. PA-0012203. Industrial Waste, **Allen Organ Company**, 150 Locust Street, Macungie, PA 18062.

This proposed facility is located in Macungie Borough, **Lehigh County**.

Description of Proposed Action/Activity: to discharge from a facility to Swabia Creek.

NPDES Permit No. PA-0063525. Sewage, **Pocono Mountain School District**, P. O. Box 200, Swiftwater, PA.

This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: to discharge from a facility to Clear Run.

NPDES Permit No. PA-0063479. Sewage, **P & S Development Company**, 219 North 9th Street, Allentown, PA 18102.

This proposed facility is located in Salem Township, **Wayne County**.

Description of Proposed Action/Activity: to discharge treated sewage to an unnamed tributary to the West Branch Wallenpaupack Creek.

NPDES Permit No. PA-0070114. Sewage, **Melanie Mobile Home Park**, P. O. Box 550, Elizabethtown, PA 17022.

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

Description of Proposed Action/Activity: to discharge from a facility to Dark Run.

NPDES Permit No. PA-0062453. Sewage, **Camp Lavi**, 311 Dennis Street, Oceanside, NY 11572.

This proposed facility is located in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: to discharge from a facility to Equinunk Creek.

NPDES Permit No. PA-0020028. Sewage, **Air Products and Chemicals, Inc.**, P. O. Box 351, Tamaqua, PA 18252-0351.

This proposed facility is located in Rush Township, **Schuylkill County**.

Description of Proposed Action/Activity: issuance of a renewal permit to continue the discharge of treated sewage to Neifert Creek.

WQM Permit No. 5400403. Sewerage, **Deer Lake Municipal Authority**, P. O. Box 30, Auburn, PA 17922.

This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: is granted approval for modification of existing sewage treatment facility. Project includes construction of additional process units, flow control devices, and a dechlorination system.

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

NPDES Permit No. PA0027596. Industrial Waste, **New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664-0077.

This proposed facility is located in Taylor Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Halter Creek in Watershed 11-A.

NPDES Permit No. PA0007765. Industrial Waste, **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402.

This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to unnamed tributary of Codorus Creek in Watershed 7-H.

NPDES Permit No. PA0080446. Sewage, **Valley View Manor Mobile Home Park**, P. O. Box 223, State Line, PA 17263.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to dry stream, unnamed tributary to Conococheague Creek in Watershed 13-C.

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

NPDES Permit No. PA0112950. Transfer, Sewerage. Sunoco Inc., 1801 Market Street, Philadelphia, PA 19103-1699.

This proposed facility is located in Lower Mahanoy Township, **Northumberland County**.

Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named Fidlers Run.

NPDES Permit No. PA0114758. Sewerage. Bucknell View Mobil Home Park, Frank Perano, Box 278, King of Prussia 19406.

This proposed facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Proposed Action/Activity: Is authorized to discharge treated effluent to receiving waters named West Branch of Susquehanna River.

WQM Permit No 4985411-T1, Transfer Sewerage. Sunoco Inc., 1801 Market Street, Philadelphia, PA 19103-1699.

This proposed facility is located in Lower Mahanoy Township, **Northumberland County**.

Description of Proposed Action/Activity: Septic tank/sand filter.

WQM Permit No. 1401404. Sewerage. LaRoy & Kimberly Beckwith, 1061 S Eagle Valley Road, Port Matilda, PA 16870.

This proposed facility is located in Taylor Township, **Centre County**.

Description of Proposed Action/Activity: 1000 gal septic tank (two compartments) 600 sq ft sand filter, erosion chlorinator, 415 gal chlorine contact tank. Residential.

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

NPDES Permit No. PA0005584, Industrial Waste, Owens-Brockway Glass Container, Inc., Route 219 North, Brockway, PA 15824.

This proposed facility is located in Snyder Township, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Little Toby Creek.

WQM Permit No. 4301201, Industrial Waste, Duferco Farrell Corporation, 15 Roemer Boulevard, Farrell, PA 16121-2299.

This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This project is for replacement of an existing natural gas fired coil annealing furnace shop source.

WQM Permit No. 1600408, Sewerage, Farmington Township, P. O. Box 148, Leeper, PA 16233.

This proposed facility is located in Farmington Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a wastewater treatment facility to serve the areas of Leeper and Tylersburg.

WQM Permit No. 3701402, Sewerage, North Beaver Township Municipal Authority, 861 Mount Jackson Road, New Castle, PA 16102.

This proposed facility is located in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for an upgrade to the existing Hickory View wastewater treatment facility and expansion of the existing sewage collection system service area.

WQM Permit No. 3701401, Sewerage, City of New Castle, 230 North Jefferson Street, New Castle, PA 16101.

This proposed facility is located in City of New Castle, **Lawrence County**.

Description of Proposed Action/Activity: This project is for modifications to an existing system.

WQM Permit No. 1000409, Sewerage, Municipal Sewer and Water Authority of Cranberry Township, 2525 Rochester Road, Cranberry Township, PA 16066.

This proposed facility is located in Cranberry Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the relocation of an existing sewer line.

WQM Permit No. 4301408, Sewerage, Lewis P. McEwen, 234 West Pine Street, Grove City, PA 16127.

This proposed facility is located in Pine Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a proposed pressurized sanitary sewer extension of the existing Pine Township Municipal Authority's present system.

WQM Permit No. 3701401, Sewerage, Jeffrey S. and Patti J. Arnold, P. O. Box 241, Tionesta, PA 16353.

This proposed facility is located in Tionesta Township, **Forest County**.

Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

WQM Permit No. 6201403, Sewerage, Mary A. and Mildred B. Steffens, 4011 Liberty Street, Erie, PA 16509. This proposed facility is located in Spring Creek Township, **Warren County**. Description of Proposed Action/Activity: This project is for the construction of a Single Residence Sewage Treatment Plant.

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-G417	Orleans Homebuilders 1 Greenwood Square 333 Street Road, Suite 101 Bensalem, PA 19020	Chester	Willistown Township	UNT to Ridley Creek (HQ)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS102702	PA Dept. of General Services, 18 th and Herr Streets, Harrisburg, PA 17125	Forest	Genks	Scott Run Tributary (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 Permits 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 Permits 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; (4) Notification for First Use Application of Sewage Sludge.

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 123.23(d).

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 (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	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 & Telephone No.</i>
Luzerne County Plains Township	PAR10R220	ROKOM Inc. 1073 Hwy. 315 Wilkes-Barre, PA 18702	Laurel Run Tributary to Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Pittston Township	PAR10R223	Yellow Freight Systems Inc. 10990 Roe Ave. Overland Park, KS 66211	Lidy to Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Forks Township	PAR10U157	Gary Strausser 602 Village at Stones Crossing Easton, PA 18045	Delaware River (UNT) CWF	Northampton County Conservation District (610) 746-1971
Northampton County Upper Mt. Bethel Township/Portland Borough	PAR10U154	Reliant Energy Mid-Atlantic Power Holdings, LLC 1001 Broad St. P. O. Box 1050 Johnstown, PA 15907-1050	Delaware River WWF, MF	Northampton County Conservation District (610) 746-1971
East St. Clair Township West St. Clair Township Bedford County	PAR100453	Chestnut Ridge Area Joint MA 320 Lane Metal Road New Paris, PA 15554	Barefoot Run Bobs Creek Dunning Creek Georges Creek	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Hampden Township Cumberland County	PAR10H244	McNaughton Company Westbury 4400 Deer Path Road Harrisburg, PA 17110	Sears Run	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAR10H258	RDJAM, LP 4425 Valley Road Suite 200 Enola, PA 17025	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Lower Allen Township Cumberland County	PAR10H259	Weis Markets 1000 Second Street Sunbury, PA 17801	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Lower Swatara Township Middletown Borough Dauphin County	PAR10I263	Middletown Area School District 55 West Water Street Middletown, PA 17057	UNT Susquehanna River UNT to Swatara Creek	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Greene Township Franklin County	PAR10M215	Nickolas Kalethos 1454 Woods Road Shippensburg, PA 17207	Conocheague Creek CWF	Franklin County Conservation District 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074

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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 & Telephone No.</i>
Kulpmont Borough & Mt. Carmel Township	PAR104942	DEP Bur. Of Abandoned Mine Reclamation 2 Public Square 5th Fl Wilkes-Barre, PA 18711	Shamokin Creek	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114
Lawrence County Neshannock	PAR103729-1	Hearthstone Acres c/o Anthony Staph and William DeCarbo 2911 Wilmington Road New Castle, PA 16105 520 Friendship Street New Castle, PA 16101	UNT to Shenango River (WWF)	Lawrence Conservation District Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512
Lawrence County North Beaver Township	PAR103745	North Beaver Township Municipal Authority c/o Watson P. Pringle Board Member 861 Mt. Jackson Road New Castle, PA 16102	Hickory Run/ Mahoning River (TSF/WWF)	Lawrence Conservation District Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512
McKean County Foster Township	PAR104404	Tony G. Chammas Partner Bradford Properties, LP 609 Alexander Street Pittsburgh, PA 15220-5503	Tunungwant Creek (CWF)	Department of Environmental Protection 230 Chestnut Street Meadville, PA 16335 (814) 332-6942
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
City of Philadelphia Philadelphia County	PAR120011	Hygrade Food Products 8400 Executive Avenue Philadelphia, PA 19153	Eagle Creek tributary to the Delaware River	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
Lancaster County West Donegal Township	PAR603584	Edwin S. Mease Mease's Auto Salvage 406 Newville Road Elizabethtown, PA 17022	UNT to Coney Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York Township	PAR203551	Gichner Shelter Systems 490 East Locust Street Dallastown, PA 17313	Mill Creek/WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of New Brighton Beaver County	PAR206130	Damascus Steel Casting Co P. O. Box 257 New Brighton PA 15066	Blockhouse Run & UNT to Blockhouse Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Hempfield Township Westmoreland County	PAR806205	Coordinators Inc. P. O. Box 427 Irwin PA 15642-0427	Brush Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Rome Township Crawford County	PAR228331	Coastal Lumber Company-Spartansburg Forest Products Division P. O. Box 829 Weldon, NC 27890-0829	Coon Run and unnamed tributary of East Branch of Oil Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAR608322	ELG Metals, Inc. 660 Fourth Street Greenville, PA 16125	Big Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fox Township Elk County	PAR608334	Richard Krishart Rick's Used Auto and Truck Parts 640 Shelvey Summit Kersey, PA 15846	Benninger Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Berks County Greenwich Township	PAG043675	Dawn O'Neill & Jerry Seaser P. O. Box 145 Lenhartsville, PA 19534	TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
East Fallowfield Township Crawford County	PAG048370	William H. Thomas 12617 Cole Road Atlantic, PA 16111	Adsit Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Tionesta Township Forest County	PAG048729	Jeffrey S. and Patti J. Arnold P. O. Box 241 Tionesta, PA 16353	Hunter Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Spring Creek Township Warren County	PAG048730	Mary A. and Mildred B. Steffens 4011 Liberty Street Erie, PA 16509	Unnamed tributary to Hosmer Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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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 & Telephone No.</i>
Berks County Muhlenberg Township	PA0087360	Exxon Mobil Refining & Supply Co. 1900 East Linden Ave P. O. Box 728 Linden, NJ 07036	Laurel Run/WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4700
Lebanon County East Hanover Township	PAG053549	The IT Group 2790 Mosside Blvd. Monroeville, PA 15146-2792	UNT to Swatara Creek/CWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4700

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Peach Bottom Township York County	PAG080004	City of Philadelphia Water Dept. 7800 Penrose Ferry Rd. Philadelphia, PA 19153	Michael Kahl Farm Peach Bottom Township York County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Fulton Township Lancaster County	PAG080004	City of Philadelphia Water Dept. 7800 Penrose Ferry Rd. Philadelphia, PA 19153	Samuel Metzler Farm Fulton Township Lancaster County	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-10

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Pottstown Borough Montgomery County	PAG100009	Pottstown Metal Welding Company, Inc. 350 West High Street Pottstown, PA 19464	Schuylkill River via drainage swale	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Pottstown Borough Montgomery County	PAG100009	Pottstown Metal Welding Company, Inc. 350 West High Street Pottstown, PA 19464	Schuylkill River via drainage swale	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Beaver County Hopewell Township	PAG106103	Columbia Gas Transmission 950 Manifold Road Washington PA 15301	Tributary to Boggs Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

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. 0901507, Minor Amendment. Public Water Supply.

Applicant **Lower Bucks County Joint Municipal Authority**
7811 New Falls Road
Levittown, PA 19058

Township Bristol

County **Bucks**

Type of Facility Public Water Supply System

Consulting Engineer Vijay S. Rajput, Ph.D., P.E.
Lower Bucks County Joint Municipal Authority
7900 Route 13
Levittown, PA 19057

Permit to Construct Issued May 3, 2001

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

Permit No. 2520033, Operations Permit, Public Water Supply.

Applicant **Hemlock Farms Community Association**
1007 Hemlock Farms
Hawley, PA 18428

[Borough or Township] Blooming Grove Township

County **Pike**

Type of Facility Public Water Supply

Consulting Engineer Roswell McMullen, P.E.
Entech Engineering, Inc.
P. O. Box 32
Reading, PA 19603

Permit to Construct Issued April 27, 2001

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 5601501, Minor Amendment. Public Water Supply.

Applicant **Rockwood Borough**
358 Market Street,
Somerset, PA 15501

[Borough or Township] Milford Township

County **Somerset**

Type of Facility

Painting of existing Rockwood Water Storage Standpipe

Consulting Engineer

The EADS Group
450 Aberdeen Drive
P. O. Box 837
Somerset, PA 15501

Permit to Construct Issued May 2, 2001

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.

Borough or Township	Borough or Township Address	County
West Providence Township	83 East Fifth Street Everett, PA 15537	Bedford County

Plan Description: The plan provides for an approval granted May 3, 2001, as a revision to the Official Plan of West Plan Location: The Zane Weicht Subdivision is located at 1179 North Milk & Water Road, Everett, PA.

Providence Township, Bedford County. Project involves construction of a small flow sewage treatment facility to serve an existing dwelling located at 1179 North Milk & Water Road, Everett, PA. Treated effluent is to be discharged to an unnamed tributary to Clear Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

PREAMBLE 2

The following 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, 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.

Kathy Medley Residence, Avondale Borough, **Chester County**. Scott W. Steele, Hydrocon Services, Inc., 2945 S. Pike Ave., Allentown PA 18103, on behalf of Kathy Medley, 105 Chatham St., Avondale PA 19311, 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.

Tinicum Industrial Park, Tinicum Township, **Delaware County**. Dean O. Reed, Viacom, Inc., 11 Stanwix St., Pittsburgh PA 15222, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet Site-specific Standards.

Northeast Region: Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lott Residence/Ace Robbins, Inc., Meshoppen Borough, **Wyoming County**. Thomas Jimmie, Jr., Vice-President, Datom Products, Inc., 452 East Drinker Street, Dunmore, PA 18512 and James Strickland, P.G., Geological and Environmental Associates, Inc., 430 W. Mountain Road, Plymouth, PA 18651 have submitted a Final Report (on behalf of their client, Ace Robbins, Inc., P. O. Box 477, Trucksville, PA 18957) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with no. 2 fuel oil petroleum constituents. The report was submitted to document remediation of the site to meet the Statewide health standard.

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

Fourway Properties—Breezewood Development Area 2, Moon Township, **Allegheny County**. John P. Englert, Esq. Kirkpatrick & Lockhart LLP 535 Smithfield Street, Pittsburgh, PA 15222 (on behalf of Fourway Properties LP, 1198 Mulberry Street, Bridgewater, PA 15009) has submitted a Final Report concerning remediation of site soil contaminated with solvents. 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, 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.

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 Remedial Investigation & Cleanup Plan Report concerning the remediation of site soil contaminated with lead. The Remedial Investigation & Cleanup Plan Report was approved by the Department on May 2, 2001.

Philadelphia Redevelopment Authority/Stenton Ave. and Haines St., City of Philadelphia, **Philadel-**

phia County. Nancy R. Repetto, Powell-Harpstead, Inc., 800 E. Washington St., West Chester PA 19380, on behalf of the Redevelopment Authority of the City of Philadelphia, 1234 Market St., 16th Floor, Philadelphia PA 19107, has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with lead, BTEX and petroleum hydrocarbons. The combined Remedial Investigation/Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on May 1, 2001.

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

Former Krueger Greenhouse and Flower Shop Property. Upper Saucon Township, **Lehigh County.** William J. Ponticello, Vice-President, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440 submitted a Final Report (on behalf of his client, Southern Lehigh School District, 40 South 5th Street, Allentown, PA 18101) concerning the remediation of site soils found to have been contaminated with metals. The final report demonstrated attainment of the Statewide health standard, and was approved on April 23, 2001.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Byler Property, Former Oil Terminal, Lewistown Borough, **Mifflin County.** RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19408 (on behalf of Ray Byler, R. D. 1, Box 41, Belleville, PA 17004) had submitted a combined remedial investigation and final report concerning the remediation of site soils and groundwater contaminated with PHCs, PAHs, BTEX, lead, and EDB. The combined remedial investigation and final report demonstrated attainment of a combination of the Statewide Health and site-specific standards, and was approved by the Department on April 13, 2001.

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

New Bethlehem Operating Center, South Bethlehem Borough, **Armstrong County.** Robert W. King, 98 Vanadium Road, Bridgeville, PA 15017 (on behalf of Donald and Judy Guntrum, 401 Broad Street, New Bethlehem PA 16242, and Columbia Gas Transmission, P. O. Box 1273, Charleston, WV 25304) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The Final Report did not demonstrate attainment of the Background Standard and was disapproved by the Department on April 20, 2001.

Beaver County Detention Facility, Hopewell Township **Beaver County.** Brian E. Davis, Baker Environmental, Inc., AOP Building 3, 420 Rouser Road, Coraopolis, PA 15108 (on behalf of Bet-Tech International, 1150 Broadhead Road, Monaca, PA 15061-2500, and County of Beaver, 810 Third Street, Beaver, PA 15009-2191) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals and PAHs. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on April 19, 2001.

Pechin Leasing Company, East Bethlehem and Fredericktown Townships, **Washington County.** John Conroy, TriLine Associates, 506 Valleybrook Road, McMurray, PA 15317 (on behalf of Pechin Leasing Company, 1 Pechin Road, P. O. Box 340 Dunbar, PA 15431-0340) has submitted a Final Report concerning the

remediation of site soil contaminated with PCBs, lead, solvents, BTEX, PHCs and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 18, 2001.

Green Garden, Inc., Somerset Township, **Somerset County.** Sean Isgan, P.E., PLS CME Engineering, Inc., 821 West Main Street, Somerset, PA 15501 (on behalf of Green Garden, Inc., 1108 Green Garden Lane, Bedford, PA 15522) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with cyanide. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on April 24, 2001.

Pennzoil Products Company, 54th Street Terminal, City of Pittsburgh, **Allegheny County,** Pennzoil Products Company, David Soza, P. O. Box 2967, Houston, TX 77252 has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with solvents. The Risk Assessment Report was approved by the Department on April 16, 2001.

HAZARDOUS WASTE TRANSPORTER LICENSE

Hazardous Waste Transporter License, actions taken 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 EXPIRED

Asbestos Transportation Company, Inc., P. O. Box 59, Yaphank, NY 11980. License No. **PA-AH S243.** Effective April 30, 2001.

Gulf South Systems, L.L.C., 500 Dakin Street, Jefferson, LA 70121. License No. **PA-AH 0482.** Effective April 30, 2001.

Kephart Trucking Co., P. O. Box 386, Bigler, PA 16825-0386. License No. **PA-AH 0352.** Effective April 30, 2001.

North American Environmental Services, Inc., 1240 Saratoga Road, Ballston Spa, NY 12020. License No. **PA-AH 0616.** Effective April 30, 2001.

St. Gabriel Contractors, Inc., P. O. Box 88, St. Gabriel, LA 70776. License No. **PA-AH S182.** Effective April 30, 2001.

Textile Chemical Company, Inc., P. O. Box 13788, Reading, PA 19612-3788. License No. **PA-AH 0082.** Effective April 30, 2001.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southcentral Region: Division of Municipal and Residential Waste, 909 Elmerton Avenue, Harrisburg, PA 17110.

PAD010154045. Envirite of Pennsylvania, 730 Vogelsong Road, York, PA 17404-1725, City of York, **York County.** Draft permit has been issued which will modify

the permit to allow for changes to the Waste Analysis Plan and waste unloading sequence. Draft permit issued on May 9, 2001.

PAD010154045. Envirite of Pennsylvania, 730 Vogelsong Road, York, PA 17404-1725, City of York, **York County**. Draft permit has been issued which will modify the permit to allow waste blending of solids with a hydraulic excavator in lined pits. Draft permit issued on May 8, 2001.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 100361. McKean County Landfill, P. O. Box 448, Mt. Jewett, PA 16740, Sergeant Township, **McKean County**. A permit for a 29 acre landfill expansion and to increase the average and maximum daily waste volumes. The permit was issued by the Regional Office on May 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.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

AQ-SE-0014: Haines & Kibblehouse, Inc. (394 Sanatoga Road, Pottstown, PA 19464) on May 4, 2001, for a Portable Crushing Plant in Lower Pottsgrove Township, **Montgomery County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.

39-312-046GP: SUNOCO, Inc. (R & M, 1801 Market Street—15/10PC, Philadelphia, PA 19103-1699) for construction and operation of Storage Tank 104 along 2480 Main Street in Whitehall Township, **Lehigh County**.

39-312-047GP: SUNOCO, Inc. (R & M, 1801 Market Street—15/10PC, Philadelphia, PA 19103-1699) for construction and operation of Storage Tank 105 along 2480 Main Street in Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

GP1-06-3103: ARAMARK Uniform Services (424 Blair Avenue, Reading, PA 19612) for operation of a natural gas fired boiler at the Reading Plant in the City of Reading, **Berks County**.

GP3-06-3115A: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) for the operation of a portable nonmetallic mineral processing plant at the Windsor Services Plant in Cumru Township, **Berks County**.

Operating Permit Administrative 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).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0066: Exelon Generation Co., LLC (South Pennsylvania Avenue, Fairless Works, Fairless Hills, PA 19030) on April 25, 2001, for Facility VOC/NOx RACT in Falls Township, **Bucks County**.

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).

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0197: Hershey Foods Corp. (2452 Quakertown Road, Pennsburg, PA 18073) on April 20, 2001, for operation of a corn starch deduster and starch dryer in Upper Hanover Township, **Montgomery County**.

46-0150: Montgomery County S.P.C.A. (1059 Sweiford Road, Perkiomenville, PA 18074) on April 30, 2001, for operation of an animal crematory in Upper Frederick Township, **Montgomery County**.

23-00030: Swarthmore College (500 College Avenue, Swarthmore, PA 19081) on April 30, 2001, for operation of a Facility Title V Operating Permit in Swarthmore Borough, **Delaware County**.

23-00004: American Ref-Fuel Co. of DV, L.P. (10 Highland Avenue, Chester, PA 19013) on April 30, 2001, for operation of a Facility Title V Operating Permit in City Of Chester, **Delaware County**.

15-00014: Saint Gobain Performance Plastics Corp. (57 Morehall Road, Frazer, PA 19355) on April 30, 2001, for operation of a Facility Title V Operating Permit in East Whiteland Township, **Chester County**.

15-00045: Sealed Air Corp. (22 Meredith Court, Modena, PA 19358) on April 25, 2001, for operation of a Facility Title V Operating Permit in Modena Borough, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05067: County of Berks (P. O. Box 520, Leesport, PA 19533) on April 2, 2001, for a Synthetic Minor Operating Permit for the Berks County Complex in Bern Township, **Berks County**.

67-05063: York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405) on May 2, 2001, for a Synthetic Minor Operating Permit in West Manchester Township, **York County**.

67-05079: York Building Products Co., Inc. (1020 North Hartley Street, York, PA) on May 2, 2001, for a Synthetic Minor Operating Permit for a Batch Asphalt Plant in Jackson Township, **York County**.

67-05080: York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405) on May 3, 2001, for a Synthetic Minor Operating Permit for a limestone crushing operation in Jackson Township, **York County**.

67-05082: David Edward Co. LTD (252 North Franklin Street, Red Lion, PA 17356) on April 26, 2001, for a Synthetic Minor Operating Permit in Red Lion Borough, **York County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

37-00274: Kasgro Rail Corp. (320 East Cherry Street, New Castle, PA 16102) on April 26, 2001, for a Natural Minor Operating Permit in Taylor Township, **Lawrence County**.

25-00984: Harrison Machine Co. (3118 Station Road, Erie, PA 16150) for a Natural Minor Operating Permit to operate a surface coating operation in Wesleyville Borough, **Erie County**.

Philadelphia Department of Public Health, Air Management Services: 321 University Ave., Philadelphia, PA 19104, Roger Fey, (215) 823-7584.

95-023: Kurz-Hastings, Inc. (10901 Dutton Road, Philadelphia, PA 19154) issued a Title V Operating Permit on April 11, 2001, for operation of rotogravure printing (non-publication) operations for lamination-type materials referred to as hot stamping foils in the City of Philadelphia, **Philadelphia County**. These products decorate surfaces such as wood furniture or television sets. The facility's air emission sources include eight rotogravure printing presses, eight significant combustion units each rated less than 4 MMBTU/hr, an emergency generator, mixing and cleaning operations, a remediation system, and six cold solvent wash tanks. The facility's air emission control devices include three recuperative oxidizers and a regenerative oxidizer.

95-014: Tosco Corp. (G Street and Hunting Park Avenue, Philadelphia, PA 19124) issued a Title V Operating Permit on April 19, 2001, for operation of a gasoline terminal in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a petroleum products loading rack, a transmix loading spot, five light petroleum products storage tanks, three additive storage tanks, a transmix storage tank, two oil/water separators, and light liquid/vapor components fugitives. The facility's air emission control devices include a vapor recovery unit.

95-052: Graphic Arts, Inc. (4100 Chestnut Street, Philadelphia, PA 19104) issued a Title V Operating Permit on May 3, 2001, for operation of a facility that manufactures high quality printed materials using lithographic printing presses in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include five non-heatset sheetfed lithographic printing presses and one 2.7 MMBTU/hr natural gas-fired boiler.

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, Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0134: Reed Minerals (Steel Road South, Morrisville, PA 19067) on May 4, 2001, for operation of a Coal Slag Roofing Granules Plant in Falls Township, **Bucks County**.

46-0194A: Freedom Alloys, Inc. (155 Railroad Plaza, Royersford, PA 19468) on May 4, 2001, for operation of a

4,000 Pound Inductotherm Furnace in Royersford Borough, **Montgomery County**.

46-0003A: Stroehmann Bakeries, L.C. (1810 East Ridge Pike, Norristown, PA 19404) on May 4, 2001, for operation of a Catalytic Oxidizer in Plymouth Township, **Montgomery County**.

23-0089: FPL Energy Marcus Hook, L.P. (Blueball Avenue and Ethylene Blvd., Marcus Hook, PA 19061) on May 4, 2001, for operation of a 750 Megawatt (MW) Combined Cycle in Marcus Hook Borough, **Delaware County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, James Parette, Acting New Source Review Chief, (570) 826-2531.

35-308-025: Bardane Manufacturing Co., Inc. (Delaware Street, P. O. Box 70, Jermyn, PA 18433) on April 25, 2001, for construction of aluminum and zinc melting furnaces with associated air cleaning device along Delaware Street in Jermyn Borough, **Lackawanna County**.

40-328-004: Williams Generation Co.—Hazleton (P. O. Box 2848-WRC-A, Tulsa, OH 74101-9567) on April 9, 2001, for construction of four simple cycle turbines in Hazle Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05016A: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214) on May 4, 2001, for construction of a rock crushing and coloring facility controlled by fabric collectors at the Charmian Plant in Hamiltonban Township, **Adams County**.

06-01003K: Agere Systems, Inc. (P. O. Box 13396, Reading, PA 19612-3396) on April 25, 2001, for construction of a 1250 kw emergency generator at the Reading Plant in Muhlenberg Township, **Berks County**.

06-05082A: Dietrich's Milk Products, LLC (100 McKinley Avenue, Reading, PA 19605) on May 4, 2001, for construction of a pilot plant dryer controlled by a cyclone/spray scrubber at the Reading Facility in Muhlenberg Township, **Berks County**.

36-03039: Nissin Foods (USA) Co., Inc. (2901 Hempfield Road, Lancaster, PA 17601) on May 4, 2001, for installation of two natural gas/no. 2 oil fired boilers in East Hempfield Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

38-05017A: Greater Lebanon Refuse Authority (1610 Russel Road, Lebanon, PA 17046) on May 4, 2001, for installation of a ground flare to control landfill emissions in North Lebanon Township, **Lebanon County**. This source is subject to 40 CFR Part 60, Subpart Cc—Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.

67-05016D: R. H. Sheppard Co., Inc. (P. O. Box 877, Hanover, PA 17331-0877) on May 4, 2001, for construction of two tundish ladles controlled by a fabric collector at Plant No. 3 in Hanover Borough, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

65-788L: Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666) on May 3, 2001, for

operation of an Aperture Grille (AGL-I) at Pittsburgh Mfg. Center in Mount Pleasant Township, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

37-264E: Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101) on April 27, 2001, for an increase in production in New Castle, **Lawrence County**.

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, Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0037B: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on May 4, 2001, for operation of a dust collector on the KTaF Tray in Douglass Township, **Montgomery County**.

46-313-147: Cabot Corp. (County Line Road, Boyertown, PA 19512) on April 18, 2001, for operation of a refrigerated condenser in Douglass Township, **Montgomery County**.

46-313-057E: Republic Environmental Systems, Inc. (2869 Sandstone Drive, Hatfield, PA 19440) on April 18, 2001, for operation of a Hazardous Waste TSD in Hatfield Township, **Montgomery County**.

15-0014C: Saint Gobain Performance Plastics Corp. (57 Morehall Road, Malvern, PA 19355) on April 19, 2001, for operation of a Air Cleaning Control Device in East Whiteland Township, **Chester County**.

09-0013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA 19067) on April 19, 2001, for operation of a Municipal Waste Incinerator in Falls Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

67-03031: Pennex Aluminum Co. (P. O. Box 100, Wellsville, PA 17365) on April 28, 2001, to authorize temporary operation of a 70-Ton Reverberatory Furnace, covered under this Plan Approval until August 25, 2001, at 50 Community Street in Wellsville Borough, **York County**.

67-05070A: Graham Packaging Co., LP (420-B Emig Road, York, PA 17402) on April 27, 2001, to authorize temporary operation of a barrier bottle production line, covered under this Plan Approval until August 25, 2001, in Manchester Township, **York County**.

22-305-001C: Kimmel's Coal and Packaging (P. O. Box 1, Machamer Avenue, Wiconisco, PA 17097) on May 1, 2001, to authorize temporary operation of a truck loadout circuit and bulk bag loading station controlled by a reverse pulse fabric dust collector, covered under this Plan Approval until August 28, 2001, in Wiconisco Township, **Dauphin County**. These sources are subject to 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation Plants.

38-302-057: G & H Fortyniners, Inc. (P. O. Box 37, Fredericksburg, PA 17026) on April 29, 2001, to authorize temporary operation of a 800hp boiler, oil or natural gas fired, covered under this Plan Approval until August 26,

2001, located at Chestnut Hill Road, in Bethel Township, **Lebanon County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

26-488A: Laurel Aggregates, Inc. (P. O. Box 23, Gans, PA 15439) on April 27, 2001, for operation of Limestone Hauling and Crushing at Wymps Gap Quarry/Lake Lynn Quarry in Springhill Township, **Fayette County**.

65-307-054B: Teledyne, Inc. (100 River Road, Brackenridge, PA 15014) on April 25, 2001, for operation of an EAF Oxygen Lance & AOD Vessel at Teledyne Allvac in Derry Township, **Westmoreland County**.

65-235A: Alcoa, Inc. (100 Technical Drive, Alcoa Center, PA 15069) on April 25, 2001, for operation of a Pilot Tunnel Kiln at Alcoa Technical Center in Upper Burrell Township, **Westmoreland County**.

26-479A: Pioneer Mid-Atlantic, Inc. (400 Industrial Blvd., New Kensington, PA 15068) on April 25, 2001, for operation of a Limestone Crushing and Sizing Plant at Connellsville II Quarry in Connellsville, **Fayette County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

16-136A: Bituminous Road Maintenance (521 South Street, Clarion, PA 16214) on March 30, 2001, for a drum type hot mix asphalt plant in Beaver/Licking Townships, **Clarion County**.

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 activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54753035R3. N & L Coal Company, (5 Woodland Drive, Mt. Carmel Estates, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 103.2 acres, receiving stream—Mahanoy Creek. Renewal issued May 1, 2001.

54643034R3. Reading Anthracite Company, (P. O. Box 1200, 200 Mahantongo Street, Pottsville, PA 17901),

renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 42.0 acres, receiving stream—none. Renewal issued May 1, 2001.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.

02900102. USA South Hills Landfill, Inc. (3100 Hill Road, Library, PA 15129). Renewal issued for continued operation and reclamation of a bituminous surface mine located in South Park and Union Townships, **Allegheny and Washington Counties**, affecting 103.4 acres. Receiving streams: unnamed tributary to Peters Creek. Application received: November 2, 2000. Renewal issued: May 3, 2001.

65960104. Amerikohl Mining, Inc. (Central PA Division, P. O. Box 427, Top of 3 Mile Hill, Acme, PA 15610-0427). Renewal issued for continued reclamation only of a bituminous surface mine located in Rostraver Township, **Westmoreland County**, affecting 41.0 acres. Receiving streams: unnamed tributary to the Monongahela River. Application received: February 21, 2001. Reclamation only renewal issued: May 4, 2001.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.

658410701. Crows Nest Synfuels, L.P. (13 Elm St., Suite 200, Cohasset, MA 02025), to transfer the permit for the Crows Nest Wash Plant in Hempfield Township, **Westmoreland County** to transfer existing permit from Adam Eidemiller Inc. to Crows Nest Synfuels L.P., no additional discharges. Permit issued April 27, 2001.

16831602. C & K Coal Company, P. O. Box 69, Clarion, PA 16214), to renew the permit for the Rimersburg Prep. Plant in Toby Township, **Clarion County** to renew the existing permit for reclamation only, no additional discharges. Permit issued April 30, 2001.

56001301. Genesis, Inc. d.b.a. Meadow Run Genesis, Inc., (P. O. Box 552, Somerset, PA 15501, to operate the Genesis No. 17 Mine in Lincoln, Quemahoning, and Somerset Townships, **Somerset County**, new deep mine

permit application, 001—Higgins Run, 002-003-004—Tributaries to Beaver Dam Creek. Permit issued May 2, 2001.

16831604. RFI Energy, (555 Philadelphia St., Indiana, PA 15701), to renew the permit for the Shannon Preparation Plant in Piney and Toby Townships, **Clarion County**, renew the existing preparation plant permit, no additional discharges. Permit issued May 3, 2001.

Noncoal Permits Issued

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

7474SM2C4. ESSROC Cement Corp., (Route 248 & Easton Road, Nazareth PA 18064), renewal of NPDES Permit # PA0124303 in Upper and Lower Nazareth Townships, **Northampton County** receiving stream—unnamed tributary to Shoeneck Creek. Renewal issued May 1, 2001.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

05960301. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, Church Street, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0213373 in Snake Spring Valley Township, **Bedford County**, receiving stream Raystown Branch Juniata River. NPDES Renewal application received March 8, 2001. Issued May 3, 2001.

05910301. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, Church Street, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0599085 in Napier and West St. Clair Townships, **Bedford County**, receiving stream unnamed tributaries to Dunning Creek; and to Dunning Creek. NPDES Renewal application received March 8, 2001. Issued May 3, 2001.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

33-00-04. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) Issuance of NPDES Permit No. PA0241822 in Clover Township, **Jefferson County**. Receiving streams: Welch Run. Permit Issued: May 3, 2001.

ABANDONED MINE RECLAMATION

Bond Forfeiture Contract Awarded	BF 386-102.1
Location	Eau Claire Borough, Butler County
Description	Abandoned Mine Land Reclamation
Contractor	Joseph C. Puryear Trucking and Excavating , West Sunbury, PA
Amount	\$19,852.00
Date of Award	April 27, 2001

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 of Environmental Protection 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, 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.

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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E23-405. Philadelphia Suburban Water Company, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489, Eddystone Borough, **Delaware County**, ACOE Philadelphia District.

To install and maintain a 30-inch ductile iron water transmission main associated with the construction of Liberty Power Plant. The water main will cross the following:

1. Portions of the 100-year floodplain of the Delaware River (WWF, MF).
2. Darby Creek (WWF, MF) and 0.01 acre of its adjacent wetlands (PEM).
3. Crum Creek (WWF, MF). This activity also includes the stabilization of the stream banks in the vicinity of this crossing.
4. Long Hook Creek (WWF, MF).

The proposed pipe will connect the existing Philadelphia Water Department main, located near the Philadelphia Airport, (Lansdowne, PA USGS Quadrangle N: 19.4 inches; and W: 12.8 inches).

E23-402. Penco Management, P. O. Box 1119, Brandywine 11, Suite 302, Chadds Ford, PA 19317, Chadds Ford Township, **Delaware County**, ACOE Philadelphia District.

To modify and maintain approximately 800 linear feet of an unnamed tributary of Harvey Run (WWF-MF) within the Painters Crossing Condominiums. The slope, depth, and width of the stream channel will be modified to eliminate the erosion problems and to direct the flows to the center of the channel. A series of step pools will be utilized to reduce the existing steep drops in the channel. The site is located 2,200 feet southwest of the intersection of U. S. Route 1 (S. R. 001) and Route 202 (S. R. 0202) (West Chester, PA USGS Quadrangle N: 0.4 inch; W: 7.4 inches).

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

E35-326. Lackawanna County Conservation District, 1300 Old Plank Road, Mayfield, PA 18433-1958. Jessup Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct a channel change consisting of the relocation of approximately 420 linear feet of the channel of Grassy Island Creek, with work including channel shaping to mimic a natural channel section, construction of approximately 165 feet of R-6 riprap bank protection, and installation of rock vanes and rock weirs. The project includes the removal of a 150-foot-long, 20-foot-wide culm deposition along the left bank of the Lackawanna River. The project is located at the confluence of Grassy Island Creek and the Lackawanna River (Olyphant, PA Quadrangle N: 19.0 inches; W: 8.3 inches).

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

E01-220. Laurel Run Village, 6375 Chambersburg Road, Fayetteville, PA 17222 in Franklin Township, **Adams County**, ACOE Baltimore District.

To (1) construct and maintain new stone masonry headwalls onto the ends of an existing access driveway pipe-arch culvert in Clear Run (CWF-HQ) at the Village of Laurel Run, a retirement community. A 10-foot section of the right downstream masonry wingwall attached to the bridge headwall will be repaired; (2) remove an existing footbridge, construct and maintain a new four-foot wide timber pedestrian bridge having a 20-foot clear span with a 3-foot underclearance across Clear Run; (3) remove a 5-foot section of existing 24-inch storm drain outfall pipe located along the left bank and replace with new pipe and the bank stabilized with rock; and (4) attach a new 1-inch water line and an upgraded electric line within the conduit under the deck of an existing feet-bridge crossing Clear Creek. The site is located on the north side of US Route 30 (Lincoln Highway) (Caledonia Park, PA Quadrangle N: 4.5 inches; W: 9.5 inches).

E01-221. Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Mount Joy Township, **Adams County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain a pre-stressed concrete spread box beam bridge having a clear span of 44.6-feet with an underclearance at mid-span of 11.6-feet across White Run (WWF) on SR 0097, Segment 0180, Offset 2085. A deminimis area of wetlands less than 0.01 acre will be impacted by the extension of the northwest wingwall (Wing D) of the bridge. Rock riprap will be placed for scour protection at the bridge abutments and wingwalls. The bridge is located (Gettysburg, PA Quadrangle N: 8.4 inches; W: 10.1 inches).

E07-337. Pennsylvania Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Logan Township and the City of Altoona, **Blair County**, ACOE Baltimore District.

To remove an existing structure and to construct and maintain a double cell box culvert with cells of 15 feet x 8 feet in the channel of Spring Run (WWF) at a point at SR 4013, Section 001 (Altoona, PA Quadrangle N: 5.0 inches; W: 2.1 inches).

E07-342. Pennsylvania Department of Transportation, Engineering District 9-0, 1620 North Juniata

Street, Hollidaysburg, PA 16648 in Greenfield Township, **Blair County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a bridge having a normal span of 24.8 feet and an underclearance of 4.9 feet across the channel of South Poplar Run (CWF) at a point at SR 3002 (Blue Knob PA Quadrangle N: 11.8 inches; W: 2.5 inches).

E28-284. Franklin County Commissioners, 157 N. Second Street, Chambersburg, PA 17201 in Quincy Township, **Franklin County**, ACOE Baltimore District.

To remove the existing County Bridge # 75 and to construct and maintain twin pre-cast concrete box culverts each having spans of 13.0 feet and a rise of 4.5 feet in the West Branch Antietam Creek (CWF). Channel realignment and widening of approximately 75 linear feet of upstream and 75 lineal feet of downstream channel section is proposed. The project is located on Mt. Zion Road (T-397) (Waynesboro, PA Quadrangle N: 13.9 inches; W: 10.2 inches).

E31-165. Gaie & Richard Wilt, 819 Washington Street, Huntingdon, PA 16652 in Henderson Township, **Huntingdon County**, ACOE Baltimore District.

To remove some areas of fill and to fill in some areas in the floodway of the Juniata River (WWF) at a point approximately 1,800 feet upstream of Route 829 for the purpose of providing recreational activities (Mount Union, PA Quadrangle N: 12.0 inches; W: 10.5 inches).

E36-701. Salisbury Township, 5581 Old Philadelphia Pike, Gap, PA 17527 in Salisbury Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing concrete bridge and to construct and maintain a new concrete arch bridge having a single span of 36 feet with an overall rise of 7.2 feet over Pequea Creek (HQ-CWF) on Buena Vista Road (T-487) located in Buena Vista Village (Honey Brook, PA Quadrangle N: 3.8 inches; W: 13.9 inches).

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E08-366. Rome Township, R. R. 1 Box 590, Ulster, PA 18850. Water Obstruction and Encroachment Permit application in Rome Township, **Bradford County**, ACOE Susquehanna River Basin District (Litchfield, PA Quadrangle N: 6.3 inches; W: 5.25 inches).

To construct and maintain a single span reinforced concrete box culvert having a span of 25 feet, and a minimum underclear of 5.91 feet with a skew of 90 degrees and reinforced concrete abutment in Bullard

creek located 0.1 mile along T-748 east of the intersection of SR 1029 and T-748. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-477. Cogan House Township, 4609 Rt. 184 Hwy., Trout Run. Hoagland Road Improvements, in Cogan House Township, **Lycoming County**, ACOE Baltimore District (White Pine, PA Quadrangle N: 2 inches; W: 3.75 inches).

To install ten 15-inch diameter cross culvert pipes that will discharge into Hoagland Run. This permit also authorizes headwalls and riprap channel protection at the outlet of the culverts. The beginning location is 2 miles southeast on Hoagland Run Road from the intersection with Buckhorn Road (T-790) and Green Goose Road in Steuben. The ending location is 5 miles southeast on Hoagland Run Road at the Anthony/Cogan House Township Line. This project is associated with numerous improvements to Hoagland Run Road. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-478. Lycoming Creek Anglers Club, 631 Third Avenue, Williamsport, PA 17701. Trout Nursery, in Cascade Township, **Lycoming County**, ACOE Baltimore District (Bodines, PA Quadrangle N: 12.9 inches; W: 9.9 inches).

To operate and maintain a 170-foot by 10-foot covered raceway with open sides. A small shed measuring 5-feet by 8-feet by 7-feet is also located at the upstream end of the raceway. The permit also authorizes maintenance of a jack dam and intake structure constructed under General Permit Authorization. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-330. Seneca Valley School District, 124 Seneca School Road, Harmony, PA 16037-9134. Seneca Valley Middle School Athletic Fields, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 10.5 inches; W: 15.7 inches).

To place and maintain fill within the 100-year floodplain of Little Connoquenessing Creek measuring approximately 160 feet long by 20 feet wide and having maximum depth of 1.25 feet and to install and maintain three stormwater outfall pipes along the left (east) bank of Little Connoquenessing Creek for construction of athletic fields and building additions at the existing Seneca Valley Middle School on Seneca School Road south of S. R. 3025.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
01-03-001	Robert B. McKinley Dominion Armstrong Energy LLC 5000 Dominion Blvd. Glen Allen, VA 23060	Armstrong	South Bend Township	2 ASTs storing Low Sulpher Distalate Fuel Oil	2,250,000 gallons each

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
01-23-005	Patrick Carr Aircraft Service International Group 3 Hog Island Road Philadelphia, PA 19153	Delaware	Tinicum Township	2 ASTs storing Jet A Fuel	1,680,000 gallons each
01-09-003	Dale Heinze Sika Corporation 201 Polite Avenue Lyndhurst, NJ 07071	Bucks	Falls Township	1 AST storing Sodium Hydrox- ide 3 ASTs storing Formaldehyde	500 gallons 12,000 gallons each

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2001 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Alpha Detection & Control	6 Chestwood Drive Connellsville, PA 15425	Testing
Don Antonio	660 East Grandview Boulevard Erie, PA 16504	Mitigation
Michael Bednar	950 Sussex Boulevard Broomall, PA 19008	Testing
Chuck Berthoud HouseMaster	203 West Caracas Avenue Hershey, PA 17033	Testing
G. Frank Burditt, Jr.	387 Winfred Manor Drive Bethel Park, PA 15102	Testing
Richard Cuthbert	351 West 10th Street Erie, PA 16502	Testing
Robert Haushalter, Jr. Volz Environmental Service, Inc.	1200 Gulf Lab Road Pittsburgh, PA 15238	Testing
Cheryl Krause	305 Mattison Avenue Ambler, PA 19002	Testing
Gene Kucharski	22163 Daisy Avenue Meadville, PA 16335	Testing
David Kutschbach	213 Keifer Drive Pittsburgh, PA 15241	Testing
Danny Layton	333 Lutzville Road Everett, PA 15537	Testing
Karl May, Jr.	R. R. 1 Box 371A Wellsboro, PA 16901	Mitigation
Joseph McGinley	7008 Hegerman Street Philadelphia, PA 19135	Testing
Thomas McKenzie	122 Madison Avenue Waynesboro, PA 17268	Testing
Ira Nerenberg AmeriSpec of NE Pennsylvania	55 Indian Drive Greentown, PA 18426	Testing
Philip Parke, Sr.	3201 Addison Drive Wilmington, DE 19808	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Ronald Segada	425 Third Street Cresson, PA 16630	Testing
Charles Sigg	243 West Mount Pleasant Avenue Ambler, PA 19002	Testing
Dennis Swindell	227 Locust Street # 12 Alum Bank, PA 15521	Testing
Joseph Wiggins	8 First Street Carnegie, PA 15106	Mitigation

[Pa.B. Doc. No. 01-864. Filed for public inspection May 18, 2001, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's world wide website (www.dep.state.pa.us) at the public participation center. The "March 2001 Inventory" heading is the governor's list of nonregulatory documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the inventory. 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 documents, as necessary, throughout 2001.

Downloading/Ordering Paper Copies Of DEP Technical Guidance

Persons can download all guidance documents from our website at www.dep.state.pa.us. We strongly encourage utilizing Internet access if possible. If individuals do not have access to the Internet, copies of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory can be ordered by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes To Technical Guidance Documents

Here 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 are listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Draft Technical Guidance—Substantive Revision

DEP ID: 550-0300-001 Title: Oil and Gas Operators Manual Description: This manual provides revisions to the existing Oil and Gas Manual, including an overview of statutes and regulations of DEP and other agencies, DEP guidance and procedures, and recommended practices for drilling wells, site management, and producing crude oil and natural gas in this Commonwealth. Anticipated Effective Date: June 30, 2001 Comment Period Ends: June 18, 2001 Contact: Ron Gilius at (717) 772-2199, or email at rgilius@state.pa.us

Final Technical Guidance

DEP ID: 393-2318-005 Title: Policy for Implementing the General Operating Permit Strategy for Aboveground Storage Tanks Description: The purpose of this guidance is to provide continuity and direction to DEP staff

concerning the compliance with the October 11, 2000, inspection and upgrade deadline and for the implementation of the General Operating Permit Program for Aboveground Storage Tanks (ASTs). DEP will apply this guidance in its General Operating Permit process for large ASTs (tanks with capacities greater than 21,000 gallons) and for storage tanks with capacities greater than 1,100 gallons containing highly hazardous substance(s). This only applies to tanks that were installed (constructed) and registered with the Division of Storage Tanks prior to October 11, 1997, under Chapter 245, Subchapter C (relating to Permitting of underground and AST systems and facilities). Effective Date: Document was made effective on December 2, 2000, with a 30-day comment period provided. Contact: Ray Powers at (717) 772-5599 or e-mail rapowers@state.pa.us.

DAVID E. HESS,
Acting Secretary

[Pa.B. Doc. No. 01-865. Filed for public inspection May 18, 2001, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Design Professional Selections

The Selections Committee (Committee) for the Department of General Services (Department) will meet to consider selections of Design Professionals for the following projects:

Project No. DGS 194-49—Park Improvements, Lehigh Gorge State Park, Luzerne and Carbon Counties, PA. Construction Cost: \$2,500,000. The scope of work includes, but is not limited to: new park office/visitor center; new maintenance building; river access for boaters; remove steel hazards; utilities and site improvements including bridges, trails, retaining walls and site stabilization.

Project No. DGS 403-73—Infrastructure Renovations, Phase II, Cheyney University, Cheyney, Delaware County, PA. Construction Cost: \$1,263,334. The scope of work includes, but is not limited to, renovation of infrastructure which includes electrical, mechanical, steam/condensate lines and cooling towers. The following may also be included: roadways, parking, sidewalks, drainage, communications, fire protection/signaling, telephone, energy management system and fiber optic system.

Project No. DGS 404-59—Replace Steam Lines, Phase III, Clarion University, Clarion, Clarion County, PA.

Construction Cost: \$2,083,333. The scope of work includes, but is not limited to, replacement of approximately 1,500 feet of existing steam distribution lines (1,000 feet of lines and 500 feet of tunnels). Replacement includes new steam piping/supporting equipment, new tunnel sections and restoration of excavated areas.

Project No. DGS 412-50—Reconstruction of Roadways, Sidewalks and Parking Facilities, Shippensburg University, Shippensburg, Cumberland County, PA. Construction Cost: \$1,005,834. The scope of work includes, but is not limited to: reconstruction of roadways throughout the campus; installation of sidewalks; realignment/widening/paving of roads, sidewalks and parking lots.

Project No. DGS 413-49—Replacement of Vincent Science Building, Slippery Rock University, Slippery Rock, Butler County, PA. Construction Cost: \$12,035,000. The scope of work includes, but is not limited to, construction of a new science and technology building to house programs in computer science, chemistry, biology, cytotechnology, medical technology, prehealth professional areas, high tech learning and research centers. The approximately 79,000 sq. ft. building will consist of offices, laboratories and classrooms.

Project No. DGS 417-31—Renovation of Two Fire Towers, Thaddeus Stevens State School of Technology, Lancaster, Lancaster County, PA. Construction Cost: \$843,000. The scope of work includes, but is not limited to, renovation of fire towers, located at the east and west ends of Brenner, Bourne and Metzger Halls in order to comply with the Department of Labor and Industry fire standards.

Project No. DGS 417-38—Reconstruction of Utility Tunnel along with all Steam and Condensate Lines, Thaddeus Stevens College of Technology, Lancaster, Lancaster County, PA. Construction Cost: \$917,000. The scope of work includes, but is not limited to, demolition of existing tunnel walls/slabs. Construction of new concrete walls and slabs. The total length of tunnel is approximately 400 feet. Also replace steam pipes, pipe joints, flanges, welds and supports.

Project No. DGS 513-28—Upgrade Water Source and Distribution, Torrance State Hospital, Torrance, Westmoreland County, PA. Construction Cost: \$550,000. The scope of work includes, but is not limited to, providing a new economical and dependable water source for the complex. Also included are upgrades to the water distribution system.

Project No. DGS 515-23—New Gas or Oil Fired Boiler Installation, Wernersville State Hospital, Wernersville, Berks County, PA. Construction Cost: \$600,000. The scope of work includes, but is not limited to, providing efficient steam generation from the boiler plant. Installation of new controls shall include replacement of any equipment utilized in the operation of the units.

Project No. DGS 571-27—New Boiler and Boiler House Renovations, State Correctional Institution, Rockview, Centre County, PA. Construct Cost: \$1,232,000. The scope of work includes, but is not limited to, installation of an emergency gas/oil fired boiler including all auxiliary equipment. Also included is upgrade of existing coal fired boilers and equipment.

Project No. DGS 577-29—Plumbing and Heating System Renovations, State Correctional Institution, Graterford, Montgomery County, PA. Construction Cost: \$5,000,000. The scope of work includes, but is not limited to, replacement of plumbing/heating system piping within "A," "B," "C," "D" and "E" cell blocks and tunnels.

Project No. DGS 589-9—Life Safety Code Upgrades, Youth Development Center, New Castle, Lawrence County, PA. Construction Cost: \$962,000. The scope of work includes, but is not limited to, building wide renovations to provide new fire alarm systems, emergency lighting upgrades, smoke detection systems, locks, sprinklers, partitions, doors, etc. to comply with all applicable code requirements.

Project No. DGS 800-203—Electrical Distribution System, The Pennsylvania State University, Altoona Campus, Altoona, Blair County, PA. Construction Cost: \$1,334,000. The scope of work includes, but is not limited to, installation of new underground duct and manhole systems for electrical and telecommunications services. Replace buried electrical system with new cabling complete with necessary equipment. Also included is installation of new communications cabling.

Project No. DGS 800-267—Construct Multistory Classroom Facility, The Pennsylvania State University, Altoona Campus, Altoona, Blair County, PA. Construction Cost: \$6,667,000. The scope of work includes, but is not limited to, a new multistory classroom building to provide modern classrooms, laboratories, faculty offices, student service/support spaces, seminar rooms and other related areas.

Project No. DGS 800-268—Construction of a Research and Economic Development Center, The Pennsylvania State University, Behrend College, Erie, Erie County, PA. Construction Cost: \$25,000,000. The scope of work includes, but is not limited to, state-of-the-art instructional and research facility for the School of Engineering and Engineering Technology. The building will house flexible modern research and instructional labs, computing facilities, office areas, seminar/conference areas, general/special purpose classrooms and support services

Project No. DGS 972-7—Building and Site Improvements, Landis Valley Museum, Lancaster, Lancaster County, PA. Construction Cost: \$1,114,000. The scope of work includes, but is not limited to: interior improvements to the Bitzer Barn, including new HVAC system, new lighting, fire suppression system, upgrades to windows and doors, interior finishes and collections storage upgrades; structural repairs and exterior improvements to the Pierce Landis Barn; interior upgrades to restrooms at the Textile Building; siding replacement on the Steam Barn; and exterior painting and carpentry repairs to the Issac Landis House, Landis Valley Hotel, Blacksmith Shop and Tavern.

Project No. DGS 1103-69—Ventilation and Fume Hood Upgrade for Chevron Science Center, University of Pittsburgh, Pittsburgh, Allegheny County, PA. Construction Cost: \$5,000,000. The scope of work includes, but is not limited to, upgrade and/or replacement of the Center's ventilation system to meet all applicable codes/regulations. Also includes retrofit and/or replacement of all fume hoods and addition of new hoods. Modification/upgrades to building and/or systems to properly implement scope.

Requirements and Information

Note—Project Program

A Project Program, prepared by the Using Agency, is available for the following projects: DGS 194-49, DGS 403-73, DGS 404-59, DGS 412-50, DGS 413-49, DGS 417-31, DGS 417-38, DGS 513-28, DGS 515-23, DGS 571-27, DGS 577-29, DGS 589-9, DGS 800-203, DGS 800-267, DGS 800-268, DGS 972-7 and DGS 1103-69. 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 103, 18th and 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 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 103, 18th and Herr Streets, Harrisburg, PA 17125, (717) 783-8468. The Form 150-ASP can be downloaded from the Professional Selections website of the Department's Internet Home Page at <http://www.dgs.state.pa.us>. In addition, 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 (Form 150-ASP), 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 (Form 150-ASP) for the specific project. Signed letters of certification from consultants are required and constitute a part of the requesting professional firm's application (Form 150-ASP) 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 (Form 150-ASP). 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 (Form 150-ASP). 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 (Form 150-ASP) in any way to any other documentation. Do not bind the application (Form 150-ASP) in a binder of any type.

(d) A complete project submission, which consists of documents previously described in paragraphs (a)—(c),

must be received on or before the close of business (5 p.m.) Friday, June 8, 2001, and addressed to the Selections Committee, Department of General Services, Room 103, 18th and Herr Streets, Harrisburg, PA 17125. Fax applications are not acceptable. Project submissions must be made on 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 previous 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.

(g) In accordance with Act 57 of 1998, where the amount of Base Construction Allocation (Construction Cost) is in excess of or equal to \$20,000,000, the fee to be paid to the design Professional and the terms of the contract between the design Professional and the Department shall be negotiated.

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 Act 57 of May 15, 1998.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 01-866. Filed for public inspection May 18, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Adoption of the 2001 Edition of the Guidelines for Design and Construction of Hospitals and Health Care Facilities

Under its authority under the Health Care Facilities Act, 35 P. S. §§ 448.101 et. seq., and the hospital and ambulatory surgical facility regulations promulgated thereto, the Department of Health (Department) will adopt the 2001 edition of the "Guidelines for Design and Construction of Hospital and Health Care Facilities" (Guidelines), effective November 24, 2001. As of November 24, 2001, the Department will apply these new

requirements to all plans for new construction or renovations for hospitals and ambulatory surgical facilities.

The Department currently applies the 1996-97 edition of the Guidelines for all new construction, renovations or modernization of hospitals and ambulatory surgical facilities. The 1996-97 edition of the Guidelines will continue to be utilized through November 23, 2001.

The Department has received inquiries regarding the implementation of the 2001 edition of the Guidelines, and when they would be enforced. The 2001 edition of the Guidelines can be utilized immediately, however, to allow adequate lead-in time for larger or more complicated projects, the mandatory usage of the new Guidelines will not take effect until November 24, 2001.

The established procedure requires the submission of construction plans and the issuance of a final construction plan approval by the Division of Safety Inspection prior to the start of any new construction, renovation, modernization or changes in usage. Blueprints are to be submitted to the Division and are reviewed for compliance with the NFPA 101, Life Safety Code, and the requirements as set forth in the Guidelines. The plan approval function is a requirement to insure that all new construction or renovations comply with all applicable regulations to avoid building noncompliant conditions into hospitals or ambulatory surgical buildings, which would necessitate costly remedial work to correct prior to the Department allowing the renovated area to be occupied.

After construction has been completed, and prior to the use of the area, a final inspection must be conducted for Life Safety Code requirements by the Division of Safety Inspection, and for State licensure and/or Federal Certification requirements by the Division of Acute and Ambulatory Care.

We recommend that smaller renovation projects or new additions be designed and submitted for approval based on compliance with the 2001 edition of the Guidelines as soon as possible. Although it is still permissible to utilize the 1996-97 edition until November 24, 2001, it would be prudent to utilize the 2001 edition. Larger or more complicated projects should be designed in conformance with the new Guidelines, however, all final plan approvals issued after November 23, 2001, will be based upon conformance with the 2001 edition of the Guidelines, regardless of when the preliminary plans were submitted.

Those persons interested in purchasing a copy of the 2001 edition of the "Guidelines for Design and Construction of Hospitals and Health Care Facilities" may telephone the American Institute of Architects' (AIA) Bookstore (small orders) at (202) 626-7541 or (800) 242-3837, or the AIA Fulfillment House (large orders) at (800) 365-2724 to place an order or request a catalog.

Questions regarding this notice should be directed to Peter P. Petresky, Director, Division of Safety Inspection

at (717) 787-1911. Persons with a disability who require an alternative format of this document should contact the following: V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-867. Filed for public inspection May 18, 2001, 9:00 a.m.]

Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

ManorCare Health Services-Huntington Valley
3430 Huntingdon Pike
Huntingdon Valley, PA 19006-3716.

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

United Community Hospital TCU
631 North Broad Street Extension
Grove City, PA 16127-9703.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, Fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-868. Filed for public inspection May 18, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule Revisions; 2001 HCPCS Updates

The Department of Public Welfare announces that effective January 1, 2001, changes have been made to the Medical Assistance (MA) Program Fee Schedule as a result of implementing the 2001 updates to the Health Care Financing Administration Common Procedure Coding System. The new procedure codes are compensable beginning January 1, 2001. Fees for the new procedure codes will be published in a MA Bulletin that will be issued to all providers.

Changes to the MA Program Fee Schedule for Provider Types 01, 03, 04, 05, 07, 10, 11, 12, 15, 16, 17, 19, 20, 23, 30, 43, 49, and 50.

Additions Effective January 1, 2001

<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>
AE	A4324	AE	A6231	9P, 9R	E0148	AM	L3923	25, 27, 40	19102
AE	A4325	AE	A6232	9P, 9R	E0149	9S	L8040	25, 27, 40	19103
AE	A4331	AE	A6233	9P, 9R	E0168	9S	L8041	25, 40	19295
AE	A4348	AE	A7501	9R	E0298	9S	L8042	10, 20, 27, 40	21199
AE	A4396	AE	A7502	9P, 9R	E0571	9S	L8043	20, 27, 40	22520
AE	A4561	AE	A7503	9P, 9R	E0572	9S	L8044	20, 27, 40	22521
AE	A4562	AE	A7504	9R	E0574	9S	L8045	20, 40	22522
AE	A4608	AE	A7505	9P, 9R	K0541	9S	L8046	20, 27, 40	30465
AE	A6021	AE	A7506	9P, 9R	K0542	9S	L8047	10, 20, 40	33141
AE	A6022	AE	A7507	9P, 9R	K0543	10, 20, 27, 40	15342	10, 20, 40	34800
AE	A6023	AE	A7508	9P, 9R	K0544	10, 20, 40	15343	10, 20, 40	34802
AE	A6024	AE	A7509	AM	L3760	20, 40	16036	10, 20, 40	34804
10, 20, 40	34808	25, 27, 40	45387	10, 20, 40	61697	54, 57, RD	73222	86	83664
10, 20, 40	34812	10, 20, 40	50545	10, 20, 40	61698	54, 57, RD	73223	86	83921
10, 20, 40	34813	10, 20, 27, 40	50947	20, 27, 40	64614	54, 57, RD	73706	86	84152
10, 20, 40	34820	10, 20, 27, 40	50948	20, 27, 40	67221	54, 57, RD	73718	86	85307
10, 20, 40	34825	20, 27, 40	52341	54, 57, RD	70496	54, 57, RD	73719	86	85536
10, 20, 40	34826	20, 27, 40	52342	54, 57, RD	70498	54, 57, RD	73722	86	86001
10, 20, 40	34830	20, 27, 40	52343	54, 57, RD	70542	54, 57, RD	73723	86	86146
10, 20, 40	34831	20, 27, 40	52344	54, 57, RD	70543	54, 57, RD	74175	86	86300
10, 20, 40	34832	20, 27, 40	52345	54, 57, RD	70544	54, 57, RD	74182	86	86301
10, 20, 27, 40	36870	20, 27, 40	52346	54, 57, RD	70545	54, 57, RD	74183	86	86304
25, 27, 40	43231	25, 27, 40	52351	54, 57, RD	70546	54, 57, RD	75635	86	86611
25, 27, 40	43232	20, 27, 40	52352	54, 57, RD	70547	54, 57, RD	75952	86	86666
25, 27, 40	43240	20, 27, 40	52353	54, 57, RD	70548	54, 57, RD	75953	86	86683
25, 27, 40	43242	20, 27, 40	52354	54, 57, RD	70549	54, 57, RD	76012	86	86696
25, 27, 40	43256	10, 20, 27, 40	52355	54, 57, RD	71275	54, 57, RD	76013	86	86757
25, 27, 40	44370	10, 20, 27, 40	52400	54, 57, RD	71551	54, 57, RD	76393	86	87046
10, 25, 27, 40	44379	20, 27, 40	54512	54, 57, RD	71552	54, 57, RD	76819	86	87071
25, 27, 40	44383	20, 27, 40	54522	54, 57, RD	72191	86	80157	86	87073

<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>
25, 27, 40	44397	20, 27, 40	55873	54, 57, RD	72195	86	80173	86	87077
25, 27, 40	45327	27, 30, 40	57022	54, 57, RD	72197	86	82373	86	87107
25, 40	45341	20, 27, 40	57023	54, 57, RD	73206	86	82945	86	87149
25, 40	45342	10, 20, 27, 40	57287	54, 57, RD	73218	86	83090	86	87152
25, 40	45345	20, 27, 40	58353	54, 57, RD	73219	86	83663	86	87185
86	87254	86	87281	86	87337	86	87451	86	88400
86	87273	86	87283	86	87339	86	87800	80, AY, AZ	92586
86	87275	86	87300	86	87341	86	87801		
86	87277	86	87327	86	87400	86	87901		
86	87279	86	87336	86	87427	86	87904		

End—Dated May 31, 2001**Procedure Codes Being Deleted from the Fee Schedule as a Result of Those Updates and Which Will Not Be Compensable for Services Provided After May 31, 2001**

<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>	<i>TOS</i>	<i>Procedure Code</i>
AE	A4560	86	P9013	20, 27, 40	52340	86	82251	86	87192
AE	A5065	9P	Z9802	54, 57, RD	70541	86	87060	86	87208
AE	K0280	20, 27, 40	52335	54, 57, RD	71036	86	87117	86	87211
9P, 9R	K0456	20, 27, 40	52336	54, 57, RD	76365	86	87145		
9P, 9R	K0457	20, 27, 40	52337	54, 57, RD	76934	86	87151		
9P	K0458	20, 27, 40	52338	54, 57, RD	76938	86	87155		
9P	K0459	10, 20, 27, 40	52339	54, 57, RD	76960	86	87175		

The fiscal note was prepared under provision of section 612 of The Administrative Code of 1929 (71 P. S. § 232). Price changes made to the MA Fee Schedule are routinely included in carryforward budget estimates.

1997-98 Program—\$662,740,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds are included in the budget for this purpose.

[Pa.B. Doc. No. 01-869. Filed for public inspection May 18, 2001, 9:00 a.m.]

Contact Person:

Interested persons are invited to submit written comments to this notice within 30-days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Any comments received will be considered for subsequent fee schedule updates.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative should contact Thomas Vracarich at (717) 783-2800.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-258. (1) General Fund; (2) Implementing Year 2000-01 is \$260,000; (3) 1st Succeeding Year 2001-02 is \$704,000; 2nd Succeeding Year 2002-03 is \$574,000; 3rd Succeeding Year 2003-04 is \$574,000; 4th Succeeding Year 2004-05 is \$574,000; 5th Succeeding Year 2005-06 is \$574,000; (4) 1999-00 Program—\$622,669,000; 1998-99 Program—\$695,935,000;

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Notice is hereby given that pursuant to 67 Pa. Code § 495.4(d), an application to lease highway right-of-way has been made to the Department of Transportation by Byzantine, Inc., of 1198 Mulberry Street, Bridgewater, PA 15009 is seeking to lease highway right-of-way located on the southeasterly side of S.R. 0018 between Sta. 516+ (60 to Sta. 519 + 85, in Center Township, Beaver County containing 4,523± square feet, adjacent to S.R. 0018 (L.R. 115, Section 11) for purposes of customer parking. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-870. Filed for public inspection May 18, 2001, 9:00 a.m.]

Application for Lease of Right-of-Way

Notice is hereby given that pursuant to 67 Pa. Code § 495.4(d), an application to lease highway right-of-way has been made to the Department of Transportation by Jerry Thorpe, c/o WHIT Productions, One Chatham Center, Suite # 415, Pittsburgh, PA 15219 is seeking to lease highway right-of-way located on the easterly side of relocated East Street at the intersection of Mt. Pleasant Road, in the City of Pittsburgh, Allegheny County containing 5,000± square feet, to be used for landscaping and privacy fencing. Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P.E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-871. Filed for public inspection May 18, 2001, 9:00 a.m.]

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 properties are available for sale by the Department.

Parcel No. 3—Robinson Township, Allegheny County. This parcel contains approximately 19,643.3 square feet or 0.45 acre of vacant land situated along the southerly side of S.R. 0060 adjacent to Robinson Town Centre, in Robinson Township, Allegheny County. The property will be sold in "as is condition." It has been determined that the land is no longer needed for present or future transportation purposes.

Parcel No. 4—Robinson Township, Allegheny County. This parcel contains approximately 12,916 square feet or 0.30 acre of vacant land situated along the southerly side of S.R. 0060 adjacent to Robinson Town Centre and the Point at North Fayette, in Robinson Township, Allegheny County. The property will be sold in "as is condition." It has been determined that the land is no longer needed for present or future transportation purposes.

Parcel No. 5—Robinson Township, Allegheny County. This parcel contains approximately 1,298.6 square feet or

0.03 acre of vacant land situated along the southerly side of S.R. 0060 adjacent to Robinson Town Centre and the Point at North Fayette, in Robinson Township, Allegheny County. The property will be sold in "as is condition." It has been determined that the land is no longer needed for present or future transportation purposes.

Parcel No. 6—Robinson Township, Allegheny County. This parcel contains approximately 25,019.6 square feet or 0.57 acres of vacant land situated along the southerly side of S.R. 0060 adjacent to Robinson Town Centre and the Point at North Fayette, in Robinson Township, Allegheny County. The property will be sold in "as is condition." It has been determined that the land is no longer needed for present or future transportation purposes.

Parcel No. 8—Robinson Township, Allegheny County. This parcel contains approximately 11,407.2 square feet or 0.26 acres of vacant land situated along the southerly side of S.R. 0060 adjacent to Robinson Town Centre and the Point at North Fayette, in Robinson Township, Allegheny County. The property will be sold in "as is condition." 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 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, PA 15017.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 01-872. Filed for public inspection May 18, 2001, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Considered by the Historic Preservation Board

The meeting will start at 9 a.m. in the City Council Chambers at the Southern Market Center, 100 South Queen Street, Lancaster City, PA. Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate, should contact Dan Deibler at (717) 783-8946 or through the Pennsylvania At&T Relay Service at (800) 654-5984 (TDD) to discuss how the Commission can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Ridge and Valley

1. *Pennsylvania Match Company*, 367 Phoenix Avenue, Bellefonte, Centre County.

Southwestern Pennsylvania

2. *Manchester Historic District Boundary Increase*, Pittsburgh, Allegheny County.

3. *Monongahela Cemetery*, Cemetery Hill Road at Gregg Street, Monongahela City, Washington County.

Great Valley and Piedmont Region

4. *Harris Building*, 2121-41 Market Street, Philadelphia.

5. *Pottstown Landing Historic District*, roughly bounded by U. S. Route 422 By-Pass, Whartnaby Street, 633 Laurelwood Road and Reiff Street, North Coventry Township, Chester County.

6. *Springdale Historic District*, bounded by S. George Street, Lombardy Alley, S. Queen Street and Rathton Road, City of York, York County.

7. *Waldenmark*, 1280 and 1300 Wrightstown Road, Wrightstown Township, Bucks County.

8. *Lancaster City Historic District*, roughly bounded by Liberty Street, Broad Street, Greenwood Avenue and Race Avenue, City of Lancaster, Lancaster County.

9. *Berkley Historic District*, Berkley Road and Snyder Road, village of Berkley, Ontelaunee Township, Berks County.

10. *Trexler Historic District*, 375-424 Old Philadelphia Pike (TR 805), Albany Township, Berks County.

11. *Starlight Station*, New York, Ontario & Western Railway, O & W Road, northeast of Depot Hill, Buckingham Township, Wayne County.

12. *Welkinweir*, 1368 Prizer Road, East Nantmeal Township, Chester County.

13. *Chestnut Hill*, 1105 Windsor Road, Windsor Township, York County.

Allegheny Plateau, Anthracite Region and Poconos—No nominations.

BRENT D. GLASS,
Executive Director

[Pa.B. Doc. No. 01-873. Filed for public inspection May 18, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, May 3, 2001, and took the following actions:

Regulations Approved:

Office of Attorney General #59-8: Debt Collection Trade Practices-Repeal (repeals 37 Pa. Code Chapter 303).

Department of Health #10-162: School Immunization (amends 28 Pa. Code § 23.83).

Coroners' Education Board #59-7: Education Requirements (amends 37 Pa. Code by adding Chapter 199).

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
May 3, 2001

Office of Attorney General—Debt Collection Trade Practices—Repeal; Regulation No. 59-08

Order

On April 9, 2001, the Independent Regulatory Review Commission (Commission) received this regulation from the Office of Attorney General (OAG). This rulemaking repeals 37 Pa. Code Chapter 303. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation repeals 37 Pa. Code Chapter 303. Chapter 303 establishes what is considered unfair or deceptive methods with regard to collection of debts. Section 6 of Act 7 of 2000 (the Fair Credit Extension Uniformity Act) expressly repealed 37 Pa. Code Chapter 303 and effectively replaced its provisions.

We have determined this regulation is consistent with the statutory authority of the OAG (73 P. S. § 201-3.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
May 3, 2001

Department of Health—School Immunization; Regulation No. 10-162

Order

On August 23, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code § 23.83. The proposed regulation was published in the September 2, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 9, 2001.

This regulation is an update and revision of existing regulations mandating immunizations for school entry and attendance. The primary modifications are adding the varicella (chickenpox) vaccine to the list of required immunizations and requiring the hepatitis B vaccine for entry into seventh grade.

We have determined this regulation is consistent with the statutory authority of the Department (24 P. S. § 13-1303a; 35 P. S. §§ 521.16(a), (b) and 630.3; and 71 P. S. §§ 532(g) and 541(b) and (c.1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
May 3, 2001

*Coroners' Education Board—Education Requirements;
Regulation No. 59-7*

Order

On March 23, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Coroners' Education Board (Board). This rulemaking amends 37 Pa. Code by adding Chapter 199. The proposed regulation was published in the April 8, 2000, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on March 28, 2001. On April 11, 2001, the Commission received a request from the Board to toll consideration of this final-form regulation to remove the just cause exemption from continuing education requirements. On April 11, 2001, the Board submitted its revisions to the final-form regulation to the Commission.

This regulation requires newly elected coroners, chief deputy and full-time deputy coroners to attend a Basic Education Course and pass the examination at the end of the course. The regulation also requires coroners and deputy coroners to complete a minimum of 8 hours of continuing education annually.

We have determined this regulation is consistent with the statutory authority of the Board (16 P. S. § 9525) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-874. Filed for public inspection May 18, 2001, 9:00 a.m.]

Notice of Comments Issued

Section 5(d) and (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 Commission's comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

Reg. No.	Agency/Title	Issued	Final-Form Submission Deadline
3-40	Department of Banking Mortgage Bankers and Brokers; Continuing Education	05/03/01	04/02/03
Department of Banking Regulation No. 3-40 Mortgage Bankers and Brokers; Continuing Education May 3, 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 Department of Banking (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 2, 2003, the regulation will be deemed withdrawn.

1. Section 44.2. Requirements.—Statutory authority; Clarity.

Under subsection (c), the Department "may require an applicant for a new license to meet the applicable continuing education requirement . . . if it appears to the Department that the continuing education requirement is being improperly avoided through restructuring of the business or otherwise." We have two issues with this subsection.

First, the Mortgage Bankers and Brokers Act (63 P. S. § 456.04(e)) requires completion of the continuing education requirements to maintain a license. What is the statutory authority to require completion of continuing education requirements prior to granting a license?

Second, the requirement is vague. Phrases like "may require" and "if it appears" do not provide adequate notice of the circumstances under which the Department will require an applicant to meet continuing education requirements. Also, this subsection does not list the criteria the Department will use to determine whether the continuing education requirement is being avoided. Therefore, these phrases should be replaced with timelines and criteria in the final-form regulation.

2. Section 44.3. Reporting, verification and recordkeeping.—Reasonableness; Clarity.

We have two issues within subsection (b). The first sentence states "The Department may verify, on a random or other basis, by methods including examination of the licensee and satisfactory completion of the requirements of this chapter." This sentence appears to be grammatically incorrect and should be rewritten. As written, it does not state what will be verified.

The second sentence states "The Department may assess licensees examination costs for the examinations consistent with section 8(a)(4) of the act (63 P. S. § 456.8(a)(4))." Because it addresses a different subject, this sentence should be separated into a new subsection within § 44.3.

3. Section 44.4. Review and approval.—Clarity.

This section states "The Department may review and approve continuing education programs to satisfy the continuing education requirement." Also included in this section is the term "continuing education program," which

is defined in § 44.1 (relating to definitions). The definition for this term describes what a "continuing education program" entails. However, this section does not include a process for the review and approval of a continuing education program. How are continuing education programs approved?

The review and approval process for continuing education programs should be established through regulation. To allow the opportunity for public comment, the process should be proposed as a separate rulemaking.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-875. Filed for public inspection May 18, 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

Reg. No.	Agency/Title	Received
57-217	Pennsylvania Public Utility Commission Licensing Requirements for Natural Gas Suppliers	05-03-01
10-129	Department of Health Head Injury Program	05-03-01
7-358	Environmental Quality Board Interim Enhanced Surface Water Treatment	05-08-01
7-359	Environmental Quality Board Disinfectants and Disinfection Byproducts	05-08-01
7-349	Environmental Quality Board Licensing of Blasters and Storage, Handling and Use of Explosives	05-08-01
7-352	Environmental Quality Board Coal Refuse Disposal	05-08-01

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-876. Filed for public inspection May 18, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

Highmark Inc. d/b/a Pennsylvania Blue Shield; Filing Nos. 200110 and 200111

On May 8, 2001, Highmark Inc. d/b/a Pennsylvania Blue Shield submitted filings under section 9 of the Accident and Health Filing Reform Act (40 P. S. §§ 3801—3815) requesting the approval of Hospital Facility Agreements for both traditional and managed care products. By the previous filings, Highmark is seeking

approval of hospital facility agreements in order to operate as a hospital plan corporation and a professional health plan corporation under the trade name Pennsylvania Blue Shield in the 21 counties that also comprise the service area of Capital Blue Cross.

Copies of the filings are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Pittsburgh, Erie and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-877. Filed for public inspection May 18, 2001, 9:00 a.m.]

Pennsylvania Professional Liability Joint Underwriting Association Rate Filings

On May 1, 2001, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association two filings proposing the following:

- Apply an overall rate adjustment of 20% to all classes of health care providers.
- Adjust rates for ten medical specialties.
- Increase the maximum Administrative Fee for other than Hospital or Nursing Home health care providers.
- Change the relativity for one territory for physicians and surgeons.
- Change the relativities for all territories for Institutional Liability and apply the same relativities to Nursing Homes.
- Revise the surcharge plan.
- Introduce an Individual Risk Premium Modification plan for physicians and surgeons.

Unless formal administrative action is taken prior to June 30, 2001, the rates within the subject filings may be deemed into use upon the requested effective date, January 1, 2002, by operation of law.

Copies of the filings are available for public inspection during normal working hours at the Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Bureau of Regulation of Rates and Policies, 1311 Strawberry Square, Harrisburg, PA 17120 (e-mail at kcreighton@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-878. Filed for public inspection May 18, 2001, 9:00 a.m.]

Per Diem Charges for Financial Examinations Conducted by the Department; Notice No. 2001-05

Under the authority contained in section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$220 per day
Examiner 1	\$283 per day
Examiner 2	\$364 per day
Examiner 3	\$437 per day
Examination Manager	\$494 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2-hour units.

This schedule is effective July 1, 2001.

This document supersedes the notice published at 30 Pa.B. 2972 (June 10, 2000) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-879. Filed for public inspection May 18, 2001, 9:00 a.m.]

Per Diem Charges for Market Conduct Examinations Conducted by the Department; Notice 2001-06

Each year, the Insurance Department (Department) updates its schedule of per diem charges for market conduct examinations conducted by the Department. These charges are authorized by section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges).

The new schedule of charges is as follows:

Examiner Trainee	\$222 per day
Examiner 1	\$313 per day
Examiner 2	\$320 per day
Examiner Manager	\$449 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2-hour units.

This schedule is effective July 1, 2001.

This notice supersedes the schedule of per diem charges published at 30 Pa.B. 2972 (June 10, 2000) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-880. Filed for public inspection May 18, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have 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 Office in Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Eugene L. and Shirlene Girer; file no. 01-267-01365; Fireman's Fund Insurance Company; doc. no. PH01-04-021; June 7, 2001, at 9 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. 01-881. Filed for public inspection May 18, 2001, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau

will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Administrative Circular No. 01-8—Purchasing Card Program—Utility Purchasing Cards, Dated April 3, 2001.

Administrative Circular No. 01-9—Meeting Room Facilities, Dated April 5, 2001.

Administrative Circular No. 01-10—Closing Instruction No. 2, 2000-01 Fiscal Year; Preclosing at May 31, 2001, Dated April 10, 2001.

GARY R. HOFFMAN,
Director
Pennsylvania Code & Bulletin

[Pa.B. Doc. No. 01-882. Filed for public inspection May 18, 2001, 9:00 a.m.]

PENNSYLVANIA COMMISSION FOR WOMEN

Meeting Notice

The Pennsylvania Commission for Women has scheduled their Commission meeting to be held on Monday, May 21, 2001, at 10 a.m. until 3 p.m. in the Green Room of the Forum Building, 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. 01-883. Filed for public inspection May 18, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PMM Company; Complaint

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. PMM Company; Doc. No.
A00102244C0101*

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this 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. Under 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 PMM Company, respondent, maintains its principal place of business at 112 Station Street, Aliquippa, Beaver County, PA 15001.

2. That respondent was issued a certificate of public convenience by this Commission on October 30, 1980, at Docket No. A-00102244.

3. That respondent, on August 18, 2000, was sent an initial assessment of \$108. Respondent failed to pay the assessment; therefore, a balance was due of \$108.

4. That respondent has an outstanding assessment of \$108.

5. That respondent failed to file objections to the assessment, under 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated 66 Pa.C.S. § 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 Department of Transportation to revoke the motor vehicle registration issued to respondent, notify the 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

Verification

I, George T. Mahan, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

George T. Mahan, Director

Notice

A. You must file an answer within 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*. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three copies sent to: James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

B. If you fail to answer this complaint within 20 days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing the penalty set forth in the complaint.

C. You may elect not to contest this complaint by paying your outstanding assessment within 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 Audits, 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 the Commission to enter an order imposing 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 Audits at (717) 783-6190.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-884. Filed for public inspection May 18, 2001, 9:00 a.m.]

Railroad With Hearing

A-00117654. Consolidated Rail Corporation. Petition for consideration of issues surrounding a major rehabilitation project for bridge carrying State route 3019 (Park Road, AAR 592 219 J) above the tracks of Consolidated Rail Corporation in Wyomissing Borough, Berks County. Docket number issued at direction of Commission Opinion and Order of March 8, 2001, at I-00970067.

An initial hearing on this matter will be held Thursday, June 21, 2001, at 10 a.m., in available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-885. Filed for public inspection May 18, 2001, 9:00 a.m.]

Railroad With Hearing

A-00112831. Conrail. Application of the Department of Transportation of the Commonwealth of Pennsylvania for approval of reconstructing the Beeson Avenue bridge presently crossing multiple Conrail tracks in Marianna Borough, Washington County, and removing several inactive tracks with fill material to reduce span length and the allocation of costs and expenses incident thereto.

An initial hearing on this matter will be held Thursday, June 28, 2001, at 10 a.m., in the 11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-886. Filed for public inspection May 18, 2001, 9:00 a.m.]

Telcommunications

A-310743F0002. Verizon Pennsylvania Inc. and Paetec Communications, Inc. Joint petition of Verizon Pennsylvania Inc. and Paetec Communications, Inc. for approval of amendment no. 3 to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Paetec Communications, Inc. filed on May 3, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement 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 Pennsylvania Inc. and Paetec 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. 01-887. Filed for public inspection May 18, 2001, 9:00 a.m.]

Telcommunications

A-310935F0002. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Verizon Advanced Data Inc. f/k/a Bell Atlantic Network Data, Inc. Joint Petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Verizon Advanced Data Inc. f/k/a Bell Atlantic Network Data, Inc. for approval of amendment no. 1 to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Verizon Advanced Data Inc. f/k/a Bell Atlantic Network Data, Inc. filed on May 3, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to 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 Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and Verizon Advanced Data Inc. f/k/a Bell Atlantic Network Data, 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. 01-888. Filed for public inspection May 18, 2001, 9:00 a.m.]

Telecommunications

A-310942F0002. Verizon Pennsylvania Inc. and Urban Media of Pennsylvania, Inc. Joint petition of Verizon Pennsylvania Inc. and Urban Media of Pennsylvania, Inc. for approval of amendment no. 1 to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Urban Media of Pennsylvania, Inc. filed on May 3, 2001, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to 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 Pennsylvania Inc. and Urban Media of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-889. Filed for public inspection May 18, 2001, 9:00 a.m.]

Water Service Without Hearing

A-212285 F0087. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Newberry Township, York County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 4, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company.

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-890. Filed for public inspection May 18, 2001, 9:00 a.m.]

Water Service Without Hearing

A-212715F2000. Shangri-La Water Company. Application of Shangri-La Water Company for approval of the transfer of its assets to the Chester Water Authority, and

for the abandonment of water service by Shangri-La Water Company to the public in its Certificated Territory.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 4, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: Shangri-La Water Company.

Through and By Counsel: Craig A. Doll, Esquire, 25 North Front Street, Second Floor, Harrisburg, PA 17101-1606.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-891. Filed for public inspection May 18, 2001, 9:00 a.m.]

Water Service Without Hearing

A-212955 F0011. Superior Water Company, Inc. Application of Superior Water Company, Inc., for approval to begin to offer, render, furnish or supply water service to the public in additional portions of New Hanover Township, Montgomery County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 4, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: Superior Water Company, Inc.

Through and By Counsel: Louise A. Knight, Steven K. Haas, Malatesta, Hawke and McKeon, Harrisburg Energy Center, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-892. Filed for public inspection May 18, 2001, 9:00 a.m.]

Water and Wastewater Service Without Hearing

A-210096 and A-230089. Trustees of Conneaut Lake Park, Inc. Application of Trustees of Conneaut Lake Park, Inc., for approval to begin to offer, render, furnish or supply water and wastewater service to the public in Conneaut Lake, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 4, 2001, under 52 Pa. Code (relating to public utilities).

Applicant: Trustees of Conneaut Lake Park, Inc.

Through: R. Gay Guthrie, 899 Grove Street, Meadville, PA 16335.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-893. Filed for public inspection May 18, 2001, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project 0128.P, Trash Removal, until 2 p.m. on Thursday, May 31, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 22, 2001. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 01-894. Filed for public inspection May 18, 2001, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project 0129.P, Window Cleaning of the Tioga Administration Building, Philadelphia, PA, until 2 p.m. on Thursday, May 31, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 22, 2001. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid job site meeting will be held Thursday, May 24, 2001, 10:00 a.m. at the job site, Main Conference Room, 3460 N. Delaware Avenue, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 01-895. Filed for public inspection May 18, 2001, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

Full Depth Roadway Reconstruction Allegheny County, PA

Reference No. 1-123

The Turnpike Commission (Commission) will retain an engineering firm for the design of the Full Depth Roadway Reconstruction Project between approximate Mile-

posts 40.00 and 48.00 in Allegheny County. The selected firm will be responsible for the preliminary and final design of this project.

The engineering services required would include supplemental field surveys, cross sections evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, preliminary and final traffic control plans, structural foundation reports, preparation of Type, Size and location and final bridge plans, preparation of preliminary and final right-of-way plans, geotechnical investigations, preparation of preliminary and final construction plans and specifications in order for the Commission to bid the total reconstruction of the roadway generally between Milepost 40.00 and 48.00. The intent is to rebuild the roadway and widen the existing 10-foot median to a width that will be based on preliminary evaluations. It is anticipated that all of the mainline structures will require widening and that all overhead structures within the project area will be evaluated for rehabilitation, replacement or elimination. An entirely new drainage system will be installed.

The successful consultant will be required to closely coordinate the activities associated with this total reconstruction with the ongoing preliminary design for the MP 31 to 40 total reconstruction, as well as, the study for the Allegheny River Bridge.

In addition, low-level photography will be available in this area to an accuracy of $\pm .05$ foot. Hard copies of the mapping and a disk will be provided to the consultant for their use. A digital terrain model in AutoCAD DWG or Microstation DGN format will also be provided. The consultant will be required to perform supplemental surveys and reestablish the existing centerline of the Turnpike. Also, cross sections will be cut and plotted from the available information. The design for this project will be performed in English Units. All plans (drawings), including cross-sections, profiles, and the like will be prepared utilizing AutoCAD DWG or Microstation DGN format. Translation of the plans from one format to the other is not acceptable.

Direct project inquiries to Bradley J. Heigel, P.E., at (717) 939-9551, extension 5591; or by e-mail at bheigel@paturndpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737; or by e-mail at ghatalow@paturndpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for these projects:

a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

e. Other factors, if any, specific to the project.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified). In addition, identify the CADD format to be used on the Project.

2. A three page expression of interest on the advertised project. Each firm should demonstrate its ability to perform the specific requirements indicated for each project and provide explanation that the firm has successfully completed similar type projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation or listing of workloads for the prime consultant and all subconsultants for all Department and Commission projects. Do not submit the firms workload represented graphically.

5. An Annual Qualification Package similar to the one submitted to the Department for the current year that is in the same District as this project or one that is best suited for this project.

The Annual Qualification Package copy should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

The Commission is committed to the inclusion of disadvantaged, minority and woman firms in contracting opportunities. The minimum participation level for DBE/

MBE/WBEs in these contracts will be 10% each. Responding firms shall clearly identify DBE/MBE/WBE firms expected to participate in these contracts, in their letter of interest. If the selected firm does not meet the minimum requirement for DBE/MBE/WBE participation, they will be required to demonstrate good faith efforts to achieve the required level. Proposed DBE/MBE/WBE firms must be certified by the Department at the time of the submission of the letter of interest. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, PA Turnpike Commission by calling (717) 939-9551 ext. 4241.

Firms interested in performing the previous services are invited to submit a letter of interest and required information to Barry L. Troup, P.E., Assistant Chief Engineer for Design, Turnpike Commission Administration Building, Eisenhower Boulevard and Rt. 283, Highspire, PA 17034 (Shipping address). Our mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The letter of interest and required information must be received by 12 p.m. (noon), Friday, June 8, 2001. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to these solicitations, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, 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. 01-896. Filed for public inspection May 18, 2001, 9:00 a.m.]

Retention of Two Engineering Firms

[Correction]

**Two Open End Contracts
Traffic Engineering Services**

Reference No. 3-138

An error appeared in a Turnpike Commission notice published at 31 Pa.B. 2525, 2526 (May 13, 2001). The date for receipt of the letter of interest was incorrect. The correct version appears as follows with ellipses referring to the existing text of the notice:

* * * * *

The letter of interest and required information must be received by 12 p.m. (noon), Friday, June 8, 2001. Any letters of interest received after this date and time will be time-stamped and returned.

* * * * *

[Pa.B. Doc. No. 01-845. Filed for public inspection May 11, 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



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.

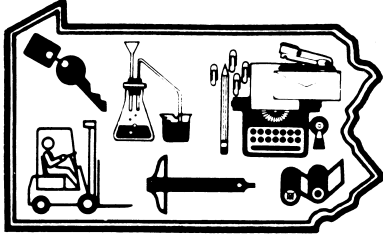
Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAHER,
State Treasurer

New Act 57 Thresholds Effective January 1, 2001

Act 57 of 1998 provides for annual adjustments to certain thresholds to reflect the annual percentage change in the Composite Construction Cost Index of the United States Department of Commerce occurring in the 1-year period ending December 31 of each year. The new Composite Construction Cost Index figure for the year ending December 31, 1997, was 103.3. The Composite Construction Cost Index figure for the year ending December 31, 2000, was 114.7. The difference between the indices for calendar years 1997 and 2000 is 11.4. Therefore, the percentage change in the Composite Construction Cost Index from 1997 to 2000 is +11.036%. Using this adjustment percentage the new dollar thresholds are:

	Original Threshold Amount	1999 Threshold Amounts	2000 Threshold Amounts	2001 Threshold Amounts
The maximum amount which DGS can authorize for procurement on a no-bid basis for construction projects	\$10,000.00	\$10,235.50	\$10,672.85	\$11,103.58
Requirement for contract performance security for construction contracts	\$25,000.00	\$25,588.75	\$26,682.10	\$27,758.95
Requirement for performance bonds and payment bonds for construction contracts	\$100,000.00	\$102,355.00	\$106,728.35	\$111,035.82
Dollar threshold for approval of statewide requirements contracts by the State Treasurer	\$1,000,000.00	\$1,023,550.00	\$1,067,283.45	\$1,110,358.18
Ceiling for establishment of the design professional fee by DGS selections committee	\$20,000,000.00	\$20,471,000.00	\$21,345,668.65	\$22,207,163.60



Commodities

1558110 Roofing Materials. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Corrections
Location: Training Academy, Elizabethtown, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1009151 Window and Door Shades and Sundries. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Education
Location: Lock Haven University, Clearfield, PA
Duration: FY 2001-02
Contact: Vendor Services, (717) 787-2199

1571140 2001 Model Buick LeSabre Limited. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: General Services
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

8505860 Vehicle Mounted Infrared Sensor. Roadwatch RW-1 or approved equal.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1020111 Detroit Stoker Boiler Parts.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 2001-02
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

1553810 Software: Weblogic and Webgain Products. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: State Police
Location: Harrisburg, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

Carpet2001 Vinyl, carpet, glue, and various types of molding and supplies needed for work in 4 buildings at Ft. Indiantown Gap. For copy of the bid package please fax your request to (717) 861-2932. Bid opening will be on June 5th @ 2:00 p.m.

Department: Military Affairs
Location: State Armory Board, Bldg. S 0-47, Room 104, Ft. Indiantown Gap, Annville, PA 17003-5002
Duration: Fiscal Year 2001
Contact: Anita Sommer, (717) 861-2928

5183 SHADE TREES—BAREROOT; 615 Total Combination of Maple, Birch, Oak, etc.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: July 1, 2001 through June 30, 2002
Contact: Cheryl Crispell, P.A. 2, (814) 355-4874, ext. 206

9985-21 Sign Language-Interpreting/Transliterating Services. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 06/01/01—05/31/03
Contact: Vendor Services, (717) 787-2199

9985-23 Tire (Scrap) Rubber Recycling. For a copy of the bid package fax request to (717) 787-0725.

Department: General Services
Location: Various
Duration: 06/01/01—05/31/03
Contact: Vendor Services, (717) 787-2199

E-6936 Pacific Mini-Striker Pump or approved equal; Homelite AP-125 Pump or approved equal; Wanner Pump Model #A25RF52-20 or approved equal.

Department: Conservation and Natural Resources
Location: Forest Fire Protection Warehouse, Halifax, PA
Duration: One time purchase
Contact: Pam Stouffer, (717) 783-0760

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

1562110 Fence and Fencing Sundries. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Corrections
Location: Coal Township, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

1567110 Furnish and Install Liquid Filling Machine. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

Department: Corrections
Location: Huntingdon, PA
Duration: FY 2000-01
Contact: Vendor Services, (717) 787-2199

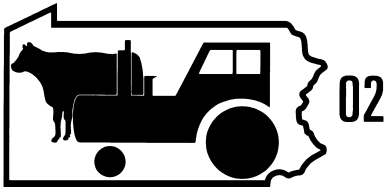
FL-260129 150 Each—Cartridge, Printer, Opra LSR E3121, MFG: Lexmark, Part #13TO101

Department: Liquor Control Board
Location: 3525 North Sixth Street, Harrisburg, PA 17110-1425
Duration: One time purchase
Contact: Jim Hanks, (717) 787-1893

SU-00-22 SU-00-22—Direct Purchase of Natural Gas at Shippensburg University. Shippensburg University is seeking marketers interested in providing natural gas to the campus located in Shippensburg, PA. Marketer must be able to deliver to Penn Fuel Gas transportation gas of the quality and quantity required. Marketer is responsible for daily balancing with no penalty and shall have an operating marketing pool connected to the Texas Eastern Line. Vendors interested in obtaining a bid package must request in writing to Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Phone (717) 477-1121 or FAX: (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: One Year
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121

SERVICES



Agricultural Services

1/1 Provide fish food used in a Statewide fish culture program during the period July 01, 2001—September 30, 2001. Fish food products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

Department: Fish and Boat Commission
Location: Statewide to various fish culture stations as requested
Duration: July 01, 2001—September 30, 2001
Contact: James E. Harvey, (814) 359-5141

PGC-2711 The equivalent of Game Bird Pheasant Grower #1 Feed (270 Tons) together with the following additions: D L Methionine (150 lbs.). Feed and medication quantities are only estimates. Actual amounts ordered may be greater or less than estimated quantity. Payment will be made only for amount actually ordered. Feed to be in strict accordance with Pa Game Commission formula (revised 2/99). Delivery to begin on or about July 1, 2001 and end approximately December 31, 2001.

Department: Game Commission
Location: Pennsylvania Game Commission, N Central Game Farm, Bruce R Guintier, Superintendent, 1609 Proctor Road, Williamsport, PA 17701
Duration: July 1, 2001 through December 31, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2712 The equivalent of Game Bird Pheasant Grower #1 Feed (300 Tons) and Grower #2 Feed (150 Tons) together with the following additions: D L Methionine (150 lbs.). Feed and medication quantities are only estimates. Actual amounts ordered may be greater or less than estimated quantity. Payment will be made only for amount actually ordered. Feed to be in strict accordance with Pa Game Commission formula (revised 2/99). Delivery to begin on or about July 1, 2001 and end approximately December 31, 2001.

Department: Game Commission
Location: Pennsylvania Game Commission, Loyalsock Game Farm, C. Clair Souter, Superintendent, 136 Game Farm Road, Montoursville, PA 17754
Duration: July 1, 2001 through December 31, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2709 Supply and construct agricultural crossings in accordance with agency specifications. Work to be completed in Indiana County on multiple, private farms, primarily in Blacklick Township and one farm in Center Township. These crossings will be done as part of a streambank fencing project already in progress. Additional information in bid package.

Department: Game Commission
Location: Indiana County, Blacklick Township, and Indiana County, Center Township
Duration: July 1, 2001 through June 30, 2002
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

SP3510017666 Contractor to perform bat surveys to determine if the endangered Indiana Bat species is using protals which DEP is backfilling as a bat habitat. The surveys will be conducted as required under the Endangered Species Act which is enforced through compliance with the National Environmental Policy Act. Contact Sharon Peterson at (717) 787-2471 or shapeterso@state.pa.us for bid package.

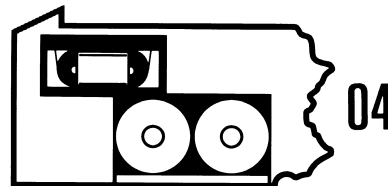
Department: Environmental Protection
Location: Various sites throughout Pennsylvania
Duration: July 1, 2001 through June 30, 2002 with three renewal options.
Contact: Sharon Peterson, (717) 787-2471

PGC-2710 The equivalent of Game Bird Pheasant Grower #1 Feed (200 Tons) and Grower #2 Feed (80 Tons) together with the following additions: D L Methionine (150 lbs.) and Amprolium (22.40). Feed and medication quantities are only estimates. Actual amounts ordered may be greater or less than estimated quantity. Payment will be made only for amount actually ordered. Feed to be in strict accordance with Pa Game Commission formula (revised 2/99).

Department: Game Commission
Location: Pennsylvania Game Commission, Southwest Game Farm, Robert W. Hodge, Superintendent, RD 1, Box 51-A, New Bethlehem, PA 16242
Duration: From award through December 31, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594

PGC-2713 The equivalent of Game Bird Pheasant Grower #1 Feed (240 Tons) and Grower #2 Feed (220 Tons) together with the following additions: D L Methionine (150 lbs.). Feed and medication quantities are only estimates. Actual amounts ordered may be greater or less than estimated quantity. Payment will be made only for amount actually ordered. Feed to be in strict accordance with Pa Game Commission formula (revised 2/99). Delivery to begin on or about July 1, 2001 and end approximately December 31, 2001.

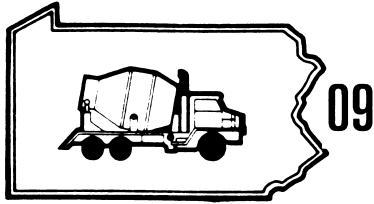
Department: Game Commission
Location: Pennsylvania Game Commission, Western Game Farm, Larry A. Mears, Superintendent, 25761 Highway 408, Cambridge Springs, PA 16403
Duration: July 1, 2001 through December 31, 2001
Contact: Diane Shultz or Linda Beaver, (717) 787-6594



Audio/Video

SU-00-20 SU-00-20 Student Telephone Services. Shippensburg University is seeking vendors interested in providing student telephone services to include registering, administering, billing, and the collection of long distance calls made by the on-campus residents of the school; and in addition, the billing and reporting of all administrative long distance by Department. Vendors interested in receiving a bid package must request in writing to: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; (717) 477-1121 or FAX: (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: 1 year after award and possible option years
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121



Construction & Construction Maintenance

FDC-306-1489.1 Paving campground and cabin road at Gifford Pinchot State Park in York County. Work includes excavation, backfill, 150 L.F. of 4 inch schedule 40 PVC pipe; 1,050 tons - ID 2 wearing; 1,000 tons BCBC; 750 tons - 2A aggregate and 1,000 L.F. of membrane waterproofing. NOTE: Requests for Bid Documents (\$8.48) may be made ON or AFTER May 21, 2001.

Department: Conservation and Natural Resources
Location: Warrington Township
Duration: 45 Days
Contact: Construction Management Section, (717) 787-5055

FDC-213-619.3 All Plumbing work associated with an addition and renovations to the existing residence at Raccoon Creek State Park in Beaver County. Work includes sanitary waste, vent and domestic waterpiping, valves and fixtures. NOTE: Requests for Bid Documents may be made ON or AFTER May 21, 2001.

Department: Conservation and Natural Resources
Location: Hanover Township
Duration: 200 Days
Contact: Construction Management Section, (717) 787-5055

FDC-213-619.4 All Electrical Work associated with an addition and renovations to the existing residence at Raccoon Creek State Park in Beaver County. NOTE: Requests for Bid Documents (\$15.90) may be made ON or AFTER May 21, 2001.

Department: Conservation and Natural Resources
Location: Hanover Township
Duration: 200 Days
Contact: Construction Management Section, (717) 787-5055

FDC-413-977.1 All work associated with an ADA Fishing Access and Parking Improvements at Tuscarora State Park in Schuylkill County. Work includes excavation, fill, rock lining, gabion baskets, drainage items, block retaining wall, seeding, reinforced concrete, and stone veneer. NOTE: Requests for Bid Documents (\$8.48) may be made ON or AFTER May 23, 2001.

Department: Conservation and Natural Resources
Location: Rush Township
Duration: 120 Days
Contact: Construction Management Section, (717) 787-5055

FDC-015-885.1R All General Construction work associated with the alteration of an existing building and a new one-story addition to the Forest District Office near Denton Hill State Park in Potter County. Work includes excavation, concrete and masonry work, carpentry, roofing, doors and windows, all interior finish work, aluminum railing, bituminous paving, sidewalks, and landscaping. NOTE: Requests for Bid Documents may be made ON or AFTER May 23, 2001.

Department: Conservation and Natural Resources
Location: Sweden Township
Duration: 270 Days
Contact: Construction Management Section, (717) 787-5055

FDC-213-619.1 Addition and Renovations to the existing residence at Raccoon Creek State Park in Beaver County. Work includes concrete, masonry, carpentry, roofing, doors and windows, flooring, carpeting and painting, replacing a stone retaining wall, concrete walks and patio. NOTE: Requests for Bid Documents may be made ON or AFTER May 21, 2001.

Department: Conservation and Natural Resources
Location: Hanover Township
Duration: 200 Days
Contact: Construction Management Section, (717) 787-5055

DGS 377-1SW3 REVISED REBID PROJECT TITLE: Site Utilities. BRIEF DESCRIPTION: This Bid Package, shall include all work associated with installing selected site utilities. This includes storm and sanitary sewerage piping, storm and sanitary structures, domestic water piping, fire protection water piping and natural gas piping. Also included is the site fuel storage system. ESTIMATED RANGE: \$2,000,000.00 to \$5,000,000.00. Site Utilities. PLANS DEPOSIT: \$200.00 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) 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 \$40.00 or provide your express mail account number to the office listed below. Mail requests to: One Gateway Center, 13 West, Pittsburgh, PA 15222, Tel: (412) 394-6888. Bid Date: FRIDAY, June 22, 2001 at 11:00 a.m.

Department: General Services
Location: Forest County SCI, Jenks Township, Forest County, PA
Duration: 465 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS A 962-16 PROJECT TITLE: Site Improvements (Including Roof Renovations). BRIEF DESCRIPTION: Excavate, grade and level approximately 4,000 square yards and pave the area for additional parking area. Relocate and construct additional security fence, site lighting and repair existing pavements. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. Paving 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. Tel: (717) 787-3923. Bid Date: WEDNESDAY, June 6, 2002 at 2:00 p.m.

Department: General Services
Location: PA National Guard Armory, Lock Haven, Clinton County, PA
Duration: 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS 377-1 ME5 REVISED REBID PROJECT TITLE: High Voltage & Site Electrical. BRIEF DESCRIPTION: This bid package shall include all work associated with the primary electrical power distribution to all buildings and facilities throughout the complex (from a utility service connection point at Route 66). It includes the installation of underground electrical ductbanks, 15 KV distribution equipment and transformers including an electrical command/control/metering system furnished and installed under this contract along with secondary feeder conduits from the 15 KV transformers into each building (for use by others to install the secondary feeder conductors). This contract includes the furnishing and installation of the secondary feeders and switchgear SG-8 in Vocational Resources, Building #8 and SG-5 in Building Maintenance, Building #5 and the secondary feeders and Switchboard MDS-2 in Security Administration, Building #2. It includes a site lighting system for roadways, parking lots and outdoor area lighting throughout the complex. This package also includes the complete installation of all elect. power to all elect. equip. and lighting systems including equip. provided and/or installed by the others in the Central Utility Plant. The only elect. work in the Central Utility Plant not included in this contract is the installation of the fire alarm and electronic security, control, monitoring, surveillance and communication systems which will be installed by others. ESTIMATED RANGE: Over \$10,000,000.00. High Voltage & Site Electrical Construction. PLANS DEPOSIT: \$200.00 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) 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 \$40.00 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222, Tel: (412) 394-6888. Bid Date: FRIDAY, June 22, 2001 at 11:00 a.m.

Department: General Services
Location: Forest County, SCI, Jenks Township, Forest County, PA
Duration: 465 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS A 970-122 PROJECT TITLE: Boiler Replacement. BRIEF DESCRIPTION: Boiler replacement (to include new boilers, hot water heater, pumps, electrical panelboard and wiring to equipment). ESTIMATED RANGE: \$100,000.00 to \$500,000.00. HVAC 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. Tel: (717) 787-3923. Bid Date: WEDNESDAY, May 30, 2001 at 11:00 a.m.

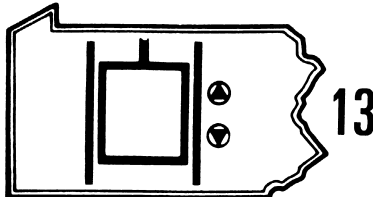
Department: General Services
Location: PA National Guard Armory - Reserve Center, Beaver Falls, Beaver County, PA
Duration: 180 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

DGS 377-1SW2 REVISED REBID PROJECT TITLE: Excavation, Site Work & Stream Relocation. **BRIEF DESCRIPTION:** This Bid Package shall include all material, labor and equipment for clearing, grubbing, earthwork, excavation, rock removal, proof rolling, rough grading and erosion and sedimentation control. This contract shall include rough grading the entire site to the finished floor elevation, including the areas for all roads, parking areas, grassed areas and building areas. This contract shall include construction and maintenance of construction roads and staging and laydown areas, as shown on the Site Logistic Plan, as well as, stormwater management, pond control structures and all activities associated with the relocation of a stream floodplain and corridor. **ESTIMATED RANGE:** \$5,000,000.00 to \$10,000,000.00. Excavation, Site Work & Stream Relocation Construction. **PLANS DEPOSIT:** \$200.00 per set payable to: OK/DMJM. Refundable upon return of plans and specifications in reusable condition (no marks allowed) 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 \$40.00 per set or provide your express mail account number to the office listed below. Mail requests to: OK/DMJM, One Gateway Center, 13 West, Pittsburgh, PA 15222. Tel: (412) 394-6888. Bid Date: WEDNESDAY, June 6, 2001 at 11:00 a.m. A Pre-Bid Conference has been scheduled for Thursday, May 17, 2001 at 11:00 a.m. at the M.A.C.A. Bldg. located in Marienville, Forest Co., PA. Contact: Robert L. Raymond, Tel: (412) 394-6888. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference. The Stream Relocation Qualification Form is included in the bid package & must be completed & submitted with the bid proposal. Failure to complete the entire qualification form & submit it with the bid proposal will constitute grounds for rejection of the bid as non-responsive.

Department: General Services
Location: Forest County SCI, Jenks Township, Forest County, PA
Duration: 485 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE
Contact: Contract and Bidding Unit, (717) 787-6556

401-BL-630 Restroom accessibility Waller/Bakeless & Hass: Modify one set (1 Men's and 1 women's) of bathrooms in each of the three buildings made to comply with current ADA, which will include removal, relocation of block walls, alter plumbing fixtures, remove existing partitions and replace with new signage. To obtain a set of bid documents submit a non-refundable \$40.00 deposit to Comprehensive Design, 2013 Sandy Drive, State College, Pa. 16803. All information regarding bidding and prebid will be included in the package. There will be two prime contractors, a general contractor and HVAC contractor.

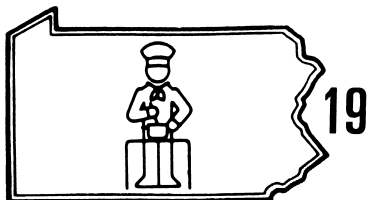
Department: State System of Higher Education
Location: Bloomsburg University, Bloomsburg, PA
Duration: 120 days
Contact: Joseph C. Quinn, (570) 389-4311



Elevator Maintenance

SU-00-18 Elevator Maintenance. Shippensburg University is seeking contractors interested in providing a proposal for full elevator maintenance for three residence halls. Contractors interested in obtaining a proposal package must request in writing to Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; (717) 477-1121 or fax: (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg Township, Shippensburg, Cumberland County, PA
Duration: July 1, 2001 through June 30, 2002
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121



Food

019 DISPENSING OF CARBONATED SOFT DRINK BEVERAGES - Vendor to furnish, install and maintain during regular working hours six (6) days per week. Syrup to be furnish in five (5) gallon disposable boxes; CO₂ to be furnished in 20 lb. squat cylinders.

Department: Corrections
Location: SCI-Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2001 to June 30, 2003.
Contact: Jacqueline Newson, Purchasing Agent, (610) 490-4370

7837 Perishable Foods: Meats, Poultry, Seafood/Fish, Miscellaneous, Juice, Prepared Salads, Prepared Produce, Fresh Fruits/Vegetables, Bread/Rolls, Ice Cream, Dairy Products, Frozen Fruits/Vegetables, Fresh Eggs, Cheese, Fresh Pies/Cakes, and Fresh Pastry.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: June 1, 2001—September 30, 2001
Contact: Doris Cavallini, (570) 271-4578

405521 Frozen Fruits & Vegetables and Prepared Salads.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Drive, N. Warren, PA 16365
Duration: July—Sept. 2001
Contact: John Sample, PA I, (814) 726-4448

405518 Meat Order.

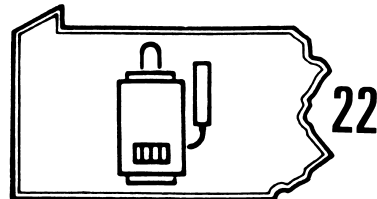
Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365
Duration: July—Sept. 2001
Contact: John Sample, PA I, (814) 726-4448

M-882 Meats & Meat Products; Poultry & Poultry Products; Fish; Cheeses. To be delivered only at request of facility.

Department: Labor and Industry
Location: F.O.B. Shipping Platform, 727 Goucher St., Johnstown, PA 15905
Duration: July, August, September, 2001
Contact: Christine A. Sloan, Pur. Agt., (814) 255-8228

405520 Miscellaneous Frozen Foods.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365
Duration: July—Sept. 2001
Contact: John Sample, PA I, (814) 726-4448



HVAC Services

1375017006 Provide emergency and routine repair work for air conditioning systems. The contractor must respond to the call within 2 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Army Board by faxing a request to (717) 861-2932.

Department: Military Affairs
Location: Various Federal Bldgs., Ft. Indiantown Gap, Annville, PA 17003-5002
Duration: 1 Oct 2001—30 Sep 2004
Contact: Vicky Lengel, (717) 861-8579

000780145 Replacement piping for steam & condensate system. Four (4) inch steam and two (2) inch pumped condensate. For bid package, please fax your request to (570) 443-4177.

Department: Public Welfare
Location: White Haven Center, R.R. #2 Box 2195, White Haven, PA 18661, Luzerne County
Duration: Delivery of required material within sixty (60) working days of contract award
Contact: Sandra A. Repak, Purchasing Agent, (570) 443-4232

SP#10782004 The contractor shall provide all labor, equipment, tools, and parts required to maintain and repair all types of refrigeration and air conditioning systems in use at the Hamburg Center. To received detailed specifications, please fax request to the Purchasing Office at the Hamburg Center, Hamburg, PA 19526. FAX: (610) 562-6025

Department: Public Welfare
Location: Hamburg Center, Old Route 22, Hamburg, PA 19526
Duration: Anticipated Contract Period: January 1, 2002 through December 31, 2004
Contact: Beverly O. Epting, PA, (610) 562-6031



Janitorial Services

0110-05 Cleaning of the Office Areas and Restrooms at the Maintenance District 1-1 Building. Daily Cleaning: Mop Floors, Vacuum Carpet; clean/disinfect restrooms. Weekly Cleaning: Clean Desktops, cabinets, floors, window sills, blinds and all areas of cobwebs. Quarterly Cleaning: clean window blinds; scrub/buff floors, clean doors, frames and ceiling grills; sweep down outside entrance area of the building. Semi-Annually Cleaning: Strip old wax from floors, apply new wax and buff; vacuum fabric work station walls and all non-washable walls; wash/clean all washable walls/surfaces; including light fixtures, covers & diffusers.

Department: Transportation
Location: Maintenance District 1-1, 18492 Smock Hwy., Int. Rts. 322 & 102 Meadville, PA 16335
Duration: This contract will be for one (1) year with two (2) one year renewals upon agreement between vendor and the Dept.
Contact: Debbie Armel, (814) 332-6880

10881021 Provide cleaning services for the North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821.

Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821
Duration: 7/1/01—6/30/02
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

SP-10038001 Provide janitorial services for the Lebanon County Assistance Office. The office space consists of approximately 12,400 square feet. Complete details and specifications may be obtained by contacting the Procurement Office or faxing your request to: (717) 787-3560.

Department: Public Welfare
Location: 625 South 8th Street, P. O. Box 870, Lebanon, PA 17042
Duration: 01/01/2002—12/31/05 with an additional (1) one-year renewal.
Contact: Rose Wadlinger, (717) 783-3767

461465 JANITORIAL/CUSTODIAL SERVICES: Vendor will provide Daily, Bi-Weekly, Weekly, Monthly, Quarterly, Semi-Annual and annual maintenance. There will be a Mandatory Pre-Bid Meeting.

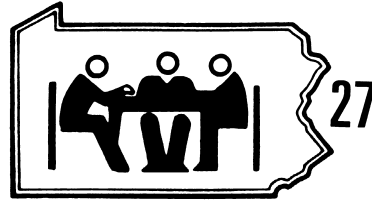
Department: Transportation
Location: PennDOT, Equipment Division, 17th and Arsenal Blvd., Harrisburg, PA 17120
Duration: This will be a five year contract
Contact: Bob McGill, (717) 783-3596



Laundry/Dry Cleaning & Linen/Uniform Rental

113-0411 Contractor to provide laundry services for resident clothing. Approximate quantity of laundry is 7,000 pounds per month. Service will require twice weekly pickup and delivery.

Department: Military Affairs
Location: Southwestern Veterans Center, 7060 Highland Dr., Pittsburgh, PA 15226
Duration: 9/01/01—8/31/03
Contact: Ken Wilson, (412) 665-6727



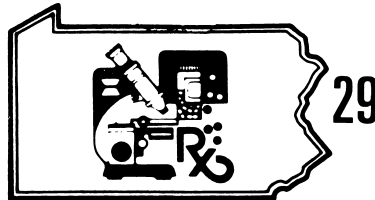
Lodging/Meeting Facilities

05-B-01 The Department of Labor and Industry's Pennsylvania Conservation Corp is soliciting bids for a Conference Site with recreational activities to be held in Western Pennsylvania. For a copy of bid package, call (717) 787-2877 or fax your request to (717) 787-0688, attention Cheri.

Department: Labor and Industry
Location: Department of Labor and Industry, Pennsylvania Conservation Corp., Seventh & Forster Streets, Harrisburg, PA 17120
Duration: August 27, 28 and 29, 2001
Contact: Cherianita Thomas/JB, (717) 787 2877

SP3510017694 Provide meeting facilities for the Department of Environmental Protection, Office of Chief Counsel's Annual Staff Meeting for approximately 120 attendees.

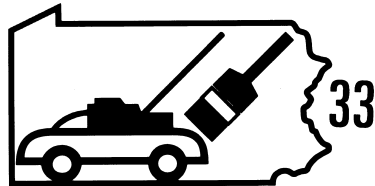
Department: Environmental Protection
Location: Within a 10-mile radius of downtown State College, Pennsylvania
Duration: Through December 31, 2001
Contact: Sharon Peterson, (717) 787-2471



Medical Services

10881002 Provide vision services for the North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821.

Department: Public Welfare
Location: North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821.
Duration: 7/1/01—6/30/02
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509



Property Maintenance

MI-800 Project Name: Dilworth Hall - New Windows. Scope of Work: Cut four openings in masonry wall, frame openings, furnish and install four new windows 3'X 7', sills, jams, and panning, blind pockets, also patch adjacent surfaces - interior and exterior. Plans Cost: No Charge. General Construction Estimated Cost Range: \$12,590—\$18,465 REAA Level: \$1,760 Prebid Date/Time: 05/3/01, 10:00 a.m. Room 232 Dilworth Building; Opening Date/Time: 06/08/01, 10:00 a.m. Room 323 Dilworth Building.

Department: State System of Higher Education
Location: Dilworth Building, Millersville University of Pennsylvania, Millersville, PA 17551
Duration: 112 calendar days (16 weeks) from the date of the Notice to Proceed including ordering materials, fabrication and installation
Contact: Jill M. Coleman, (717) 872-3730

461464 WALK-OFF MATS: Vendor will furnish, pickup, clean and even exchange every week for the contract period (7—3'X5', 13—4'X6', 11—3'X10').

Department: Transportation
Location: Equipment Division, 17th and Arsenal Blvd., Harrisburg, PA 17120
Duration: This will be a 2 year contract with the option of a (1) 2 year renewal
Contact: Jarrett Hoffman, (717) 787-2090

03379-000-00-AS-1-Re-bid REPAIRS TO TURNTABLE - REBID—The scope includes (but is not limited to) removal/reinstallation of rails, replacement of deteriorated wooden ties, and cleaning/painting all metal turntable bridge elements. Bidders will be required to submit demonstrated prior experience working on historic turntables along with their bids. Bidders will also be required to make a Mandatory Site Visit & Sign in and inspect the project during the bidding period. The visit must be arranged with the Railroad Museum at (717) 687-8628. (Contractors that did the site visit and sign in for the first bid are not required to make another site visit.) Bids received from firms who have not visited the site and signed in will be rejected. Bids received for this project in excess of \$25,000 will be subject to Commonwealth Prevailing Wage requirements. For directions contact the Project Manager, Kent Steinbrunner, at (717) 783-9931. All interested bidders (that have not submitted checks for 1st bid) should submit a \$25.00 (non-refundable) check and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053, ATTENTION: Judi Yingling; (717) 772-2401. OR FAX — (717) 214-2988. All proposals are due on Monday, June 4, 2001 at 11:45 am. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

Department: Historical and Museum Commission
Location: Railroad Museum of PA., P. O. Box 15, Strasburg, PA 17579
Duration: June 1, 2001 to June 30, 2002
Contact: Judi Yingling, (717) 772-2401

1375007171 Provide emergency and routine repair work for on-call roof repairs. The contractor must respond to the call within 2 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board by faxing a request to (717) 861-2932.

Department: Military Affairs
Location: Various Federal Bldgs, Ft Indiantown Gap, Annville, PA 17003-5002
Duration: DOA—30 Sep 2002
Contact: Vicky Lengel, (717) 861-8579



Railroad/Airline Related Services

3810018 Rental of aircraft with pilot for forest fire prevention and detection, including forest pest management work in PA Forest District 7. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at any DCNR approved airport within a 40 mile radius of the Penn Valley Airport.

Department: Conservation and Natural Resources
Location: Forest District 7, Laurelton
Duration: Upon receipt of Notice to Proceed through June 30, 2003
Contact: Pamela Stouffer, (717) 783-0760

3810019 Rental of aircraft with pilot for forest fire prevention and detection, including forest pest management work in PA Forest District 9. A 4-place, single engine, high or low wing aircraft with 150 horsepower or greater is required. All flights will begin and end at the DuBois or Clearfield Airport.

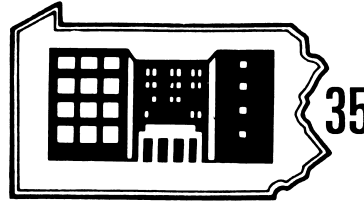
Department: Conservation and Natural Resources
Location: Forest District 9
Duration: Upon receipt of Notice to Proceed through June 30, 2003
Contact: Pamela Stouffer, (717) 783-0760

3810020 Rental of aircraft with pilot for forest fire prevention and detection, including forest pest management work in PA Forest District 12. A 4-place, single engine, high wing aircraft with 180 horsepower or greater is required. All flights will begin and end at the Williamsport Regional Airport, Lycoming County.

Department: Conservation and Natural Resources
Location: Forest District 12, Williamsport, PA
Duration: Upon receipt of Notice to Proceed through June 30, 2003.
Contact: Pamela Stouffer, (717) 783-0760

SP3810021 Rental of aircraft with pilot for forest fire prevention and detection, including forest pest management work in PA Forest District 18. A 4-place, single engine, high wing aircraft with 150 horsepower or greater is required. All flights will begin and end at any DCNR approved airport within 30 air miles of Cressona.

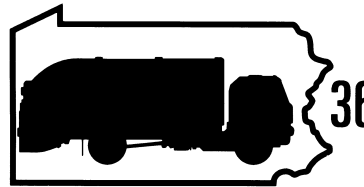
Department: Conservation and Natural Resources
Location: Forest District 18, Cressona
Duration: Upon receipt of Notice to Proceed through June 30, 2003
Contact: Pamela Stouffer, (717) 783-0760



Real Estate Services

93232 LEASE SPACE TO THE COMMONWEALTH OF PA Proposals are invited to provide the Pa. Board of Probation & Parole with 3,741 useable square feet of office space within a four (4) mile radius of the Agency's Headquarters Building located at 1101 South Front Street, Harrisburg. A minimum of 13 parking spaces will be required. The offered space must be located within 3 blocks of public transportation. First floor space preferred. Downtown locations will be considered. For more information on SFP #93232 which is due on July 2, 2001, visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Probation and Parole Board
Location: Room 505 North Office Harrisburg, PA 17125
Contact: John Hocker, (717) 787-4396



Sanitation

SP-22010035 Sewage Treatment Plant Operation.

Department: Fish and Boat Commission
Location: North East Marina, 11950 E. Lake Road, North East, PA 16428
Duration: 7/1/01 to 6/30/06
Contact: Dennis Grove, (717) 705-7195

092906 PennDOT Maintenance District 9-2, located in Hollidaysburg, Pa., is seeking bids on the disposal of approximately 150 tons of annual trash and refuse collected from along Commonwealth highways during the course of one year. Trash will be delivered to the landfill via PennDOT trucks. If interested, please contact Buster Graham at (814) 696-7288 no later than June 1, 2001.

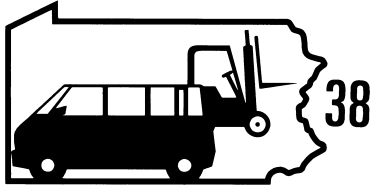
Department: Transportation
Location: PennDOT, Blair County Maintenance Building & Yard, 1598 North Juniata Street, Hollidaysburg, PA 16648
Duration: Two year initial contract with possible renewal
Contact: Clarence Graham, (814) 696-7288



Security Services

SP-260130 Furnish, install and maintain a leased 24-hour monitored Central Station Security Alarm System (including opening and closing reports) in Pennsylvania Wine and Spirits Shoppes and/or facilities.

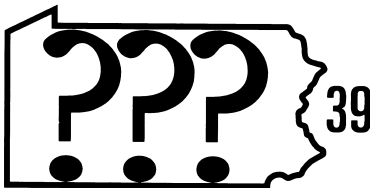
Department: Liquor Control Board
Location: Various
Duration: 5 years
Contact: Robert L. Isenberg, (717) 787-9855



Vehicle, Heavy Equipment and Powered Machinery Services

4420-21 Vendor is 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 three (3) years beginning July 1, 2001 and ending June 30, 2004
Contact: Dan Gilham, (787) 8884



Miscellaneous

RFP#01-8 Contractor to provide contract outpatient sex offender treatment for persons under the supervision of the Pennsylvania Department of Corrections, Bureau of Community Corrections and the PA Board of Probation and Parole who are residing in State operated Community Corrections Centers throughout the Commonwealth.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: One or two years
Contact: Linda Malinak, (717) 975-4931

000757 Removal of old Street Hawk and Jet Sonic light-bars from mini-van Patrol vehicles (30). Installation of NEW code 3 ExCaliber (model x47A) bar lights into Patrol Mini-vans and install Federal Unit Speaker (Model MS100-01) under the engine hood of the mini-vans (30).

Department: Public Utility Commission
Location: All installations to take place in the Harrisburg locale
Contact: Karen Rhinehart, (717) 772-2152

RFP#01-9 Contractor to provide contract facility, treatment services for persons under the supervision of the Pennsylvania Department of Corrections and the PA Board of Probation and Parole. Services are needed in the northeast counties of Reg. II.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: One to Five years
Contact: Linda Malinak, (717) 975-4931

3881190009A This is a Re-Advertisement. Contractor to supply and install 4,272 lin. ft. of 8 foot wire woven deer fence on State Forest Land in Greene Township, Pike County, Pennsylvania.

Department: Conservation and Natural Resources
Location: DCNR-Bureau of Forestry, Pike Co., PA
Duration: Completion by November 15, 2001
Contact: Tim Ladner, (570) 895-4000

RFP#01-10 Contractor to provide inpatient non-hospital drug and alcohol rehabilitation services for persons under the supervision of the PA Department of Corrections, Bureau of Community Corrections and the Pennsylvania Board of Probation and Parole. Services are needed in the northeast counties of Reg. II.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: One to Five years
Contact: Linda Malinak, (717) 975-4931

05-A-01 Printing Services of Employer's Report of Unemployment Compensation and Employer's Quarterly Report of Wages paid to each Employee. Approximately 1,000,200 forms. To request a bid package, please call (717) 787-2877 or fax your request to (717) 787-0688.

Department: Labor and Industry
Location: Department of Labor and Industry, Bureau of Employer Tax Operations, 1549B Bobali Drive, Harrisburg, PA 17104
Duration: Deliveries to be made August 16, 2001 (3rd Quarter Reports) and November 13, 2001 (4th Quarter Reports)
Contact: Cherianita Thomas/DK, (717) 787 2877

ADV 119 Indiana University of Pennsylvania (IUP) is seeking bids for textbooks and both chef and server uniforms for the IUP Academy of Culinary Arts. Requests for any or all of the bid packages should be made in writing, referencing Advertisement 119, directed to Dee Baker-Simon, Purchasing Agent, IUP, 650 S. 13th St., Indiana, PA 15705. Fax (724) 357-2670, phone (724) 357-2507, or e-mail at dbsimon@grove.iup.edu. Requests for bid package(s) will be accepted until May 25, 2001, only. The University encourages responses from small and disadvantaged, minority and women-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania (IUP)
Contact: Dee Baker-Simon, (724) 357-2507

LAUN-00-0174 The State Correctional Institution at Cresson is seeking bids for laundry cart, thirty (30) each, plastic, 17 cubic foot with lids. To have 6" pneumatic wheel casters. Catalog #ZM4416, as manufactured by Pro-Stor, P. O. Box 6958, Alhambra, CA 91802. Vendor to supply specification sheets with bid proposal. Bid on file in agency purchasing department.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: July 1, 2001—June 30, 2002
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, X166

SP 1111600027 CENTRIFUGAL CHILLERS - Contractor will provide for maintenance and emergency service to the centrifugal chillers at SCI-Chester. This contract would provide for annual winter maintenance, inspection, scheduled prevention maintenance and emergency service to the centrifugal chillers. More detailed information can be obtained from the Institution.

Department: Corrections
Location: SCI-Chester, 500 E. 4th St., Chester, PA 19013
Duration: October 1, 2001 to September 30, 2003
Contact: Jacqueline Newson, Purchasing Agent, (610) 490-4370

HUN 364 Electrical and building supplies: PVC pipe, wire, connectors and related materials. Contact the Agency for a complete written listing and specifications.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 5/13/01 to 10/01/01
Contact: Robert Jessell Pur. Agt, (814) 643-2400

[Pa.B. Doc. No. 01-897. Filed for public inspection May 18, 2001, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <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
8010-08	05/07/01	Sherwin-Williams Automotive Finishes	52,000.00
1284310-01	05/07/01	Vistacom Inc.	207,060.00
1294150-01	05/07/01	Audio Innovators/ dba Pro-Com Systems	258,426.22
1325210-01	05/07/01	Hertz Supply Co.	34,109.10
1333210-01	05/07/01	Rohrer Bus	34,488.00
1335040-01	05/07/01	Bio-Rad Laboratories	41,590.00
1365130-01	05/07/01	Bus Service	45,134.00
1371110-01	05/07/01	Westpointe Corp.	19,750.00
1373310-01	05/07/01	Allsafe Fire Equipment	30,369.70
1376210-01	05/07/01	LLI Technologies/dba Intelligent Electronic Systems	13,661.00
1377210-01	05/07/01	Best Buy Flooring Center	27,139.75
1381110-01	05/07/01	Bentley Associates	21,490.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
1400110-01	05/07/01	Modern Mfg.	24,600.00
1401130-01	05/07/01	Pennsy Supply	31,162.00
1405190-01	05/07/01	Digital Ink	36,500.00
1414210-01	05/07/01	Lionville Systems	30,532.20
1418340-01	05/07/01	Cer-Tec Inc.	73,600.00
1421210-01	05/07/01	Klingensmith dba/ Klingensmith Health Care	38,587.00
1434350-01	05/07/01	Advanced Pollution Instrumentation	53,592.00
1454040-01	05/07/01	George D. Boyer & Sons	24,995.00
1501110-01	05/07/01	Advanced Training Systems	72,519.00
1512200-01	05/07/01	Markl Supply Co.	20,680.00
1515200-01	05/07/01	BDS Technologies	64,938.00
7314490-01	05/07/01	ATD American	34,953.45
8187060-01	05/07/01	Aviation Maintenance & Avionics	31,482.50

GARY E. CROWELL,
Secretary

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