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PENNSYLVANIA BULLETIN

Volume 29

Number 24

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Pages 2955—3056

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

No. 295, June 1999

PENNSYLVANIA



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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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THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Existing Philadelphia County Orphans' Court Rules; President Judge General Court Regulation No. 99-01

Order

And Now, this 25th day of May, 1999, the Board of Judges of Philadelphia County having voted at the Board of Judges' Meeting held May 20, 1999 to rescind in their entirety existing Philadelphia Orphans' Court Rules and to adopt the following Philadelphia Orphans' Court rules, *It Is Hereby Ordered and Decreed* that all existing

Philadelphia Orphans' Court rules are rescinded and the following Philadelphia Orphans' Court Rules are adopted.

This General Court Regulation is promulgated in accordance with Pa. O.C. Rule 1.2 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Clerk of Orphans' Court, the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Orphans' Court Procedural Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

ALEX BONAVITACOLA,
President Judge

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Rule *105	Abandonment of Appeal. [Rescinded July 13, 1994, effective October 3, 1994.]	N/A
Rule *106	Grant of Jury Trial.	Rule 10.2.D.
Rule *107	Inheritance Tax Appeals.	Rule 10.2.E.

Jury Trials

<i>Rescinded Rule No.</i>	<i>New Title</i>	<i>New Rule No.</i>
Rule *110	Trial Judge.	Rule 11.2.A.
Rule *112.1	Motions After Trial.	Rule 11.2.B.

Special Petitions

<i>Rescinded Rule No.</i>	<i>New Title</i>	<i>New Rule No.</i>
Rule *121.1	Family Exemption. Additional Requirements.	Rule 12.1.A.
Rule *121.2	When Appraisal Unnecessary.	Rule 12.1.B.
Rule *121.3	Allowance.	Rule 12.1.C.

<i>Rescinded Rule No.</i>	<i>New Title</i>	<i>New Rule No.</i>
Rule *121.4	Voluntary Distribution.	Rule 12.1.D.
Rule *122.1	Allowance to Surviving Spouse of Intestate. Additional Requirements.	Rule 12.2.A.
Rule *122.2	Conclusiveness of Averments.	Rule 12.2.B.
Rule *122.3	Appraisal. Notice. Confirmation.	Rule 12.2.C.
Rule *123.1	Petition to Enforce the Rights of an Electing Spouse under Chapter 22 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 2201 et. seq.).	Rule 12.3.A.
Rule *123.2	Petition to Restrain the Payment of Transfer of Property under Section 2211(d) of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 2211(d)).	Rule 12.3.B.
Rule *123.3	Petition to Extend the Time for a Surviving Spouse to Elect to Receive an Elective Share in Accordance with Section 2210(b) of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 2210(b)).	Rule 12.3.C.
Rule *124.1	Appointment. Additional Requirements.	Rule 12.4.A.
Rule *124.2	Compensation.	Rule 12.4.B.
Rule *125.1	Minor's Estate. Appointing Judge.	Rule 12.5.A.
Rule *125.2	Minor's Estate. Exhibits.	Rule 12.5.B.
Rule *125.3	Minor's Estate. Restricted Account.	Rule 12.5.C.
Rule *125.4	Minor's Estate. When Guardian Unnecessary.	Rule 12.5.D.
Rule *125.5	Minor's Estate. Allowances.	Rule 12.5.E.
Rule *126.1	Appointment of a Trustee. Exhibits.	Rule 12.6.A.
Rule *127.1	Discharge of a Fiduciary. Additional Provisions.	Rule 12.7.A.
Rule *127.2	Discharge of a Personal Representative. Section 3184 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3184).	Rule 12.7.B.
Rule *127.3	Fiduciaries in Military Service. Appointment of Substituted Fiduciary Pro Tem. Section 4301 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 4301).	Rule 12.7.C.
Rule *128.1	Partition. Additional Provisions.	Rule 12.8.A.
Rule *129.1	Petitions for Leave to Sell Real Property at Public Sale under Sections 3353, 5155, 5521(23) and 7133(16) of the Probate, Estates and Fiduciaries Code.	Rule 12.9.A.

THE COURTS

<i>Rescinded Rule No.</i>	<i>New Title</i>	<i>New Rule No.</i>
Rule *130.1	Petitions for Leave to Sell or Exchange Real Property at Private Sale under Sections 3353, 5155, 5521(23) and 7133(16) of the Probate, Estates and Fiduciaries Code.	Rule 12.10.A.
Rule *130.2	Petitions to Fix or Waive Additional Security under Sections 3351 and 7141 of the Probate, Estates and Fiduciaries Code.	Rule 12.10.B.
Rule *131.1	Petitions for Leave to Mortgage or Lease Real Property under Sections 3353, 5155, 5521(23) and 7133(16) of the Probate, Estates and Fiduciaries Code.	Rule 12.11.A.
Rule *132.1	Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.) Public Sale. Contents of Petition. Additional Requirements.	Rule 12.12.A.
Rule *132.2	Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.). Public Sale. Exhibits.	Rule 12.12.B.
Rule *132.3	Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.). Public Sale. Notice. Confirmation. Security.	Rule 12.12.C.
Rule *132.4	Chapter 83 of the Probate, Estates and Fiduciaries Code 20 Pa.C.S. § 8301 et seq.). Private Sale. Contents of Petition. Additional Requirements.	Rule 12.12.D.
Rule *132.5	Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.). Private Sale. Exhibits.	Rule 12.12.E.
Rule *132.6	Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.). Private Sale. Security.	Rule 12.12.F.
Rule *132.7	Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.). Mortgage.	Rule 12.12.G.
Rule *132.8	Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.). Real Estate or Fiduciaries in Other Counties.	Rule 12.12.H.

Reviews

<i>Rescinded Rule No.</i>	<i>New Title</i>	<i>New Rule No.</i>
Rule *135	Petition for Review.	Rule 12.16.A.
Rule *136	Petitions for Declaratory Judgment.	Rule 1.2.P.

Incapacitated Persons

<i>Rescinded Rule No.</i>	<i>New Title</i>	<i>New Rule No.</i>
Rule *142.1 Rule *142.2 Rule *142.3 Rule *142.4 Rule *142.5	Petitions Under Chapter 55 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5501, et seq.).	Rule 14.2.A.
Rule *143.1	Practice and Procedure. In General.	Rule 14.2.B.
	Practice and Procedure. Small Estates.	Rule 14.2.C.
	Practice and Procedure. Special Petitions.	Rule 14.2.D.
	Practice and Procedure. Modification of Existing Orders and Adjudication of Capacity.	Rule 14.2.E.

Distribution

<i>Rescinded Rule No.</i>	<i>New Title</i>	<i>New Rule No.</i>
Rule *145	Accounts and Distribution.	Rule 6.10.C.

Short Title

<i>Rescinded Rule No.</i>	<i>New Title</i>	<i>New Rule No.</i>
Rule *161(b)	Philadelphia Orphans' Court Division Rules.	Rule 17.1.A.

Former Philadelphia Local Rule Number in []

LOCAL RULES

Rule 1.2.A. Petitions, Motions and Other Applications. [Rule *1.1]

Except for matters required to be filed with the Auditing or Hearing Judge:

(1) *Matters not Requiring Notice.* Petitions for citations and other petitions, motions and applications that do not require notice, or matters wherein consents of all parties in interest are attached, shall be filed with the Clerk, who shall transmit the matter to the Motion Judge or other appropriate Judge of this Division. Counsel shall certify on the backer of the document filed that no notice is required or that consents of all parties in interest are attached.

(2) *Matters Requiring Notice.* Where notice of the presentation of any petition, motion or other application is required to be given to counsel of record or to any party in interest:

(a) The moving party or counsel for the moving party shall give notice of the presentation of the matter. The notice shall state that unless written objections are filed with the Clerk within twenty (20) days of the date of the notice (or any longer period required by the Rule of Court or Act of Assembly), the Court will assume that the matter is uncontested. The date of the notice shall be the date of mailing, publication or service of the notice.

(b) A certification by counsel listing the persons notified and stating the date and manner of service, together with a copy of the notice given, shall be bound with the petition, motion or other application as a separate exhibit.

Probate Section Comment: The Clerk may design a standard printed form to be used as a certification of service of notice in all cases. Neither the notice nor the certification of notice is to be contained in the averments of the petition or motion itself. Service of notice may be

by personal service, regular mail, certified mail or publication depending upon type of petition and the location and identity of the person to be served with notice. See Sup. Ct. O.C. Rules 5.1—5.5.

(c) On the same day as, or the next business day following the date of the notice, the moving party or counsel for the moving party shall file the matter with the Clerk, who shall retain it until the expiration of the notice period.

(d) Objections to a petition, motion or other application shall be filed in writing with the Clerk on or before the last day of the notice period. The party objecting shall send simultaneously a copy of the objections to the moving party or counsel for the moving party.

(e) After the expiration of the notice period, the Clerk shall transmit the petition, motion or other application, together with any objections thereto, to the Motion Judge or other appropriate Judge of this Division, who shall set a time and place for hearing or making such other disposition thereof as the Judge deems proper.

(3) *Motion Judge.* From time to time, the Administrative Judge shall designate a judge of this Division who shall be known as the Motion Judge, to act pursuant to these Rules.

Rule 1.2.B. Argument List. [Rule *1.2]

(1) *When Heard.* The argument list will be heard at 10 a.m. on the third Wednesday of each month except July, August and September.

(2) *Matters Heard.* Exceptions to adjudications, supplemental adjudications, opinions, reports of auditors or masters appointed by other than an Auditing or Hearing Judge, or orders and decrees of a judge hearing a certification of the record; and motions for new trial or for judgment n.o.v. in jury trials shall be heard on the argument list. Preliminary objections will not be heard on the argument list.

(3) *Listing.* All matters shall be placed on an argument list at the time filed, in the manner set forth in Rule 1.2.B.(3)(a) and (b). Counsel for the petitioner or exceptant shall forthwith send notice of the date of the argument list on which such matters have been placed to all counsel of record.

(a) Counsel for the petitioner or exceptant may select a particular argument list at the time of filing by informing the Clerk of the monthly list desired. An argument list may be selected no later than 3 p.m. on the third Wednesday preceding the call of that list. Counsel may not select a list which is later than the third argument list scheduled after the filing date.

(b) If counsel for the petitioner or exceptant does not select a particular argument list at the time of filing, the Clerk shall place the matter on the third argument list therefrom. The Clerk shall forthwith send notice of said placement to said counsel, who shall notify all counsel of record as provided above.

(c) Counsel for any party in interest may request a matter on an earlier argument list by filing a praecipe with the Clerk which designates the particular monthly list desired. Such praecipe may be filed not later than 3 p.m. on the seventh Wednesday preceding the call of the designated list, except that in the case of a praecipe filed by counsel for the petitioner or exceptant, such praecipe may not be filed later than 3 p.m. on the third Wednesday preceding the call of the designated list. If more than one such praecipe is filed, the matter shall be heard on the earliest argument list designated which complies with the time limitations stated above. Counsel for the party requesting a matter to be placed on an earlier argument list shall forthwith send notice to all counsel of record which specifies the date of the earlier list.

(4) *Briefs.*

(a) Four copies of the brief for the petitioner or exceptant shall be filed with the Clerk not later than 3 p.m. on the third Wednesday preceding the call of the list. The briefs shall be typewritten or printed, with pages numbered consecutively, and shall contain, in the following order:

- (i) an index;
- (ii) a statement of the questions involved, as required by the Rules of the Supreme Court, including the manner in which the question was disposed of by the Judge, auditor or master;
- (iii) a copy of the adjudication or opinion of the Hearing Judge, or of the report of the auditor or master to which exceptions have been filed;
- (iv) a copy of the exceptions;
- (v) in cases begun by petition, copies of the pertinent docket entries and of the pleadings;
- (vi) a copy of the will and codicils or trust instrument and any other relevant documents;
- (vii) a history of the case; and
- (viii) the argument.

(b) Other parties in interest shall file four copies of their briefs, with the Clerk no later than 3 p.m. on the Wednesday preceding the call of the list. The brief shall be typewritten or printed with pages numbered consecutively and shall contain an argument, preceded, if desired, by a counter-statement of the questions involved and a counter-history of the case.

(c) Copies of the briefs, filed with the Clerk shall be delivered forthwith to counsel of record for opposing parties.

(d) *Typewriting*—Typewriting shall be legible, and, except for quotations, shall be double spaced.

(e) *Reproduction of Documents*—Reproduction of documents and exhibits will not be accepted by the Court unless clearly legible.

(5) *Absence of Counsel.* The argument list will be called three times. On the third call, whether or not counsel be present, a case may, in the discretion of the Court, be disposed of finally or stricken from the list. A case which has been stricken from the list will not be placed on a subsequent list, except with the express permission of the Administrative Judge.

(6) *Oral Argument.* Oral argument shall not exceed thirty (30) minutes per party except by special leave obtained from the Administrative Judge prior to the argument date.

Rule 1.2.C. Certification of Documents. Copies.
[Rule *1.4]

When a document is submitted to the Court, it shall be certified by counsel to be the original or a true and correct copy thereof.

Rule 1.2.D. Costs. [Rule *1.5]

When not otherwise regulated by law, the Court will allocate costs in such manner as it deems equitable.

Rule 1.2.E. Decrees. Satisfaction and Enforcement.
[Rule *1.6]

(1) *Satisfaction. Docket Acknowledgment.* Acknowledgment of satisfaction of all sums of money or property ordered to be paid or delivered by any award or decree of the Court may be made on the docket, and any party distributing, paying, or delivering money or property may, with leave of Court, require such satisfaction to be so entered by the party receiving the money or property, or by such party's counsel.

(2) *Order to Enforce Decree or Adjudication.* Any party in interest may petition the Court for an order to enforce compliance with the provisions of a decree or an adjudication. A copy of such order shall be served upon the respondent personally not less than ten (10) days before the date designated therein for payment or delivery.

(3) *Writ of Enforcement.* If the respondent fails to comply with the order, the petitioner may petition the Court for an appropriate writ to enforce compliance therewith.

Rule 1.2.F. Certificates of Appointment. Fiduciaries.
[Rule *1.7]

The Clerk shall not issue a certificate of the appointment of any fiduciary until the security, if any, ordered by the Court, has been entered.

Rule 1.2.G. Identification of Signatures. [Rule *1.8]

The name of each person signing any petition, pleading or document to be filed with the Court, shall be printed or typewritten beneath the signature.

Rule 1.2.H. Witnesses. Attachment. [Rule *1.9]

Attachment to compel the appearance of a witness will not be issued, except under special circumstances, unless

the witness shall have been served with a subpoena at least five (5) days before the date fixed for hearing.

Rule 1.2.I. Individual Sureties. [Rule *1.10]

(1) *Application for Approval. Affidavit.* Except as otherwise provided by paragraph (3) of this Rule, an application for the approval of an individual surety shall be accompanied by an affidavit of the proposed surety setting forth

(a) such individual's name, residence address, and occupation;

(b) the location of real property owned by such individual;

(c) the place, book and page of the recording of the deed thereto;

(d) the name in which title is held and a statement that no other person has any interest in the real property, and that the title is not subject to any express or constructive trust;

(e) the encumbrances upon the real property;

(f) the current tax assessment of the real property;

(g) a list of all other undertakings upon which the individual is surety; and

(h) such individual's net financial worth, after the payment of such individual's debts, engagements and liabilities.

(2) *Approval by Clerk.* When the bond does not exceed \$2,000, the surety may be approved by the Clerk.

(3) *Bond Without Surety. Confession of Judgment.* The Court in its discretion may permit a party in interest to execute an individual bond, without surety. When a party in interest is authorized to execute an individual bond, or an individual surety is approved, the Court may direct that the bond to be executed contain a warrant of attorney to confess judgment, with or without default, and that judgment thereon be entered of record in the office of the Prothonotary.

Rule 1.2.J. Corporate Sureties. Approval. [Rule *1.11]

Surety companies duly qualified under the provisions of Rules of Board of Judges of the Court of Common Pleas may become surety on any bond or obligation required to be filed in the Court.

Rule 1.2.K. Corporate Fiduciaries. Approval. Security. [Rule *1.12]

(1) *In General.* Corporations having fiduciary powers and authorized to do business in this Commonwealth, upon petition and pursuant to approval by the Court, may act as fiduciaries in matters pending in the Court; provided that a current certificate evidencing the approval of the state banking department, or a certified copy of the certificate from the Federal Reserve Board granting the right to exercise fiduciary powers, is on file with the Clerk.

(2) *Period of Approval.* The approval granted by the Court under paragraph (1) of this Rule shall be for a period of one year, and, thereafter, annually, subject, however, to compliance by the corporation with these Rules and with such other rules and regulations governing approval or continuance as the Court will, from time to time, promulgate.

(3) *Security.* Except when required by statute or for special cause shown, a bond will not be required of an approved corporate fiduciary.

Rule 1.2.L. Individual Fiduciaries. Assets and Investments. [Rule *1.13]

(1) *Segregation and Designation of Assets.* Assets held by individual fiduciaries subject to the jurisdiction of the Court shall be kept separate and apart from their individual assets and, except where otherwise permitted by Act of Assembly, shall be held in the name of the fiduciary as such.

(2) *Deposit of Uninvested Funds.* All funds held uninvested shall be deposited in a bank or banks, or trust company or trust companies, or a savings and loan association or savings and loan associations, the deposits of which are insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, in such manner as to obtain the maximum deposit insurance coverage.

Rule 1.2.M. Trusts Inter Vivos. [Rule *1.14]

The Rules of Court applicable to testamentary trusts shall apply to trusts inter vivos as far as appropriate.

Rule 1.2.N. Concurrent Jurisdiction. [Rule *1.15]

If any other Division of the Court of Common Pleas has previously assumed jurisdiction over any matter over which it has concurrent jurisdiction with the Orphans' Court Division, jurisdiction will not be entertained by this Division except upon written order of the President Judge of the Court of Common Pleas.

Rule 1.2.O. Depository of the Court. [Rule *1.16]

(1) *Official Depository.* The official depository of the Orphans' Court Division shall be a banking institution designated by the Board of Judges of the Court of Common Pleas.

(2) *Deposits.* Moneys and securities paid or delivered into the Court shall immediately, upon receipt thereof by the Clerk, be deposited by the Clerk with the Court depository to the credit of the proper estate or proceeding.

(3) *Withdrawals.* Withdrawals of money from the depository shall be authorized by decree or award of the Court and effected by check or order drawn by the Clerk, countersigned by a judge of the Court.

(4) *Accounting by Clerk.* In January of each year, or at such other times as the Court may direct, the Clerk shall settle the depository account at the bank and shall present to the Court an account of the moneys paid into and out of the account, and shall exhibit the transaction ledger and bank statement as a voucher for the correctness thereof.

Rule 1.2.P. Petitions for Declaratory Judgment. [Rule *136]

(1) *Commencement of Action.* Every action for declaratory judgment shall be commenced by petition and citation.

(2) *Contents of Petition.* The petition shall contain sufficient averments to entitle petitioner to the declaratory relief requested under the Pennsylvania Declaratory Judgments Act including:

(a) a concise statement of the facts relied upon to justify a declaratory judgment proceeding;

(b) the question(s) of law with respect to which declaratory relief is requested;

(c) a list of all persons whose interest may be affected by the resolution of the questions(s); and

(d) a prayer for the relief desired.

(3) *Exhibits*. The following exhibits shall be attached to the petition:

(a) a copy of the will or trust or other governing instrument; and

(b) a copy of any other document to be construed.

(4) *Final Decree*. A form of final decree setting forth the declaratory relief shall be attached to the face of the petition.

Probate Section Comment: The use of Declaratory Judgments Act (Chapter 75, subchapter C of Title 42 Pa.C.S.) in appropriate cases has been viewed favorably by the Philadelphia Orphans' Court Division: Pew Memorial Trust II, 5 D.&C. 3d 698 (1977), and Annenberg Trust, 28 Fiduc. Rep. 75 (1977). This Rule is intended to provide the procedural framework for commencing a proceeding for declaratory relief in appropriate circumstances.

CONSTRUCTION AND APPLICATION OF RULES

Rule 2.3.A. Definitions. [Rule *23.1]

The following words when used in these Rules, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(1) "Court of Common Pleas" means Court of Common Pleas of Philadelphia County;

(2) "Court" means the Orphans' Court Division of the Court of Common Pleas of Philadelphia County;

(3) "President Judge" means the President Judge of the Court of Common Pleas of Philadelphia County;

(4) "Administrative Judge" means the Administrative Judge of the Orphans' Court Division of the Court of Common Pleas of Philadelphia County;

(5) "Clerk" means the Clerk of the Orphans' Court Division;

(6) "Register" means the Register of Wills of Philadelphia County;

(7) "Fiduciary" includes a personal representative, a guardian of the estate of a minor, a guardian of the estate of an incapacitated person, and a trustee;

(8) "Exception" means a formal written disagreement with an adjudication, opinion, order or decree of a judge;

(9) "Objection" means an oral or written disagreement with any matter other than that which is covered by an exception; and

(10) "Verify" means attested to either by:

(a) an affidavit sworn to or affirmed before a Notary Public or other officer authorized to administer oaths; or

(b) a verified statement which shall set forth that it is subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

PLEADING AND PRACTICE

Rule 3.2.A. Pleadings. [Rule *32.1]

The pleadings in the Orphans' Court shall be limited to a petition, an answer, new matter, reply, preliminary objections, and an answer to preliminary objections.

(1) *New Matter*. Any defense which is not a denial of the averments of fact in the petition shall be set forth under the heading "New Matter."

(2) *Reply*. A reply shall be required when new matter is set forth in the answer.

(3) *Preliminary Objections*.

(a) Preliminary objections shall be limited to questions of (i) law, (ii) form, or (iii) jurisdiction, may be filed by any party, and shall be accompanied by one original brief prepared in conformity with Rule 1.2.B.(4)(a)(i)-(ii), (v)-(viii), (4)(c) and (4)(d).

(b) An answer to preliminary objections shall be accompanied by one original brief, prepared in conformity with Rule 1.2.B.(4)(b), (4)(c), and (4)(d), and shall be filed within twenty (20) days after service of the preliminary objections and accompanying brief.

Rule 3.2.B. Disposition of Pleadings. [Rule *32.2]

(1) *Failure to Answer a Petition*. If the respondent fails to file an answer to a petition, the Court may enter a decree granting the prayer of the petition.¹

(2) *Failure to Reply*. If the petitioner fails to file a reply to an answer which contains new matter, the averments of fact set forth under new matter shall be deemed admitted and the case will be ripe for disposition.

(3) *Disposition of Preliminary Objections*.

(a) The Assigned Judge shall rule on the preliminary objections. If no judge has been assigned, the Administrative Judge, at the request of any party in interest, shall assign a judge, on a rotation basis, to rule on the preliminary objections.

(b) *Preliminary Objections raising questions of fact*. Averments of fact raised in preliminary objections shall be deemed admitted if no answer is filed. If an answer is filed which denies averments of fact raised in preliminary objections, the Assigned Judge may schedule an evidentiary hearing.

(c) *Preliminary Objections which may be disposed of as a matter of law*. If no issues of fact are raised by the preliminary objections and answer, the Assigned Judge shall dispose of the preliminary objections as a matter of law, and shall deem all averments of fact in the pleading to which the preliminary objections have been filed to be admitted for the purpose of ruling on the preliminary objections.

(d) Oral argument on preliminary objections may be scheduled at the discretion of the Assigned Judge.

(4) *Joinder of Issue*. No formal joinder of issue is required.

(a) *Issues of Fact*. Issues of fact will not be heard on the argument list. Except as otherwise provided by Rules 7.1.A. and 10.2.C., when an issue of fact is raised by the pleadings, the Administrative Judge, upon the written request of any party, may refer the matter to a master, to the Auditing Judge if an account is to be filed, or to a Hearing Judge.

(b) *Issues of Law*. Pleadings that are closed shall be disposed of in conformity with Rule 3.2.B.(3)(a), (c) and (d), dealing with disposition of preliminary objections.

¹ If an answer is filed which raises issues of fact, either petitioner's counsel or respondent's counsel should write to the Administrative Judge and request that the pleadings be assigned to a Hearing Judge for disposition.

Rule 3.4.A. Form. Additional Requirements. [Rule *34.1]

(1) *Typing. Endorsement.* Every pleading shall be typewritten, double-spaced, or printed, and shall be endorsed with the name of counsel appearing in court.

(2) *Signature and Certification.* All pleadings shall be signed and verified by the parties. If this is impracticable, they may be signed and verified by someone familiar with the facts, in which case the reason for the failure of the parties to do so shall be set forth.

(3) *Decree.* Every decree shall bear the caption of the case and shall be attached to the face of the petition.

(4) *Consents.* The affidavit to the petition shall recite that all necessary consents are attached or shall set forth the names of the persons who do not consent. The Court may direct that notice be given or that a citation be issued, directed to persons who do not consent to show cause why the prayer of the petition shall not be granted.

Rule 3.5.A. Service of Copies of Pleadings. Exceptions. Objections. [Rule *35.1]

(1) *Pleadings. In General.* A copy of every pleading filed in a case shall be promptly served upon counsel of record for all parties in interest.

(2) *Exceptions. Objections.* Copies of exceptions or written objections shall be delivered to the Auditing or Hearing Judge and served upon the accountant or counsel to the accountant, and upon all parties adversely affected thereby, or their counsel of record.

Rule 3.5.B. Citation Procedure. [Rule *35.2]

(1) When, pursuant to the procedure of Rule 1.2.A.(1), a decree awarding a citation has been signed, the Clerk shall prepare the citation and the appropriate number of duplicate copies, returnable on the date fixed in the decree, or if no return date is so fixed, as counsel directs. Counsel shall obtain the citation and copies from the Clerk and shall arrange for service of the copies of the citation and of the petition. Proof of service shall be by return of the sheriff, or by affidavit or the person mailing, publishing, or personally serving the citation, or by written acceptance of service by or on behalf of the person to whom the citation is directed.

(2) Except as pertaining to citations issued pursuant to (a) Chapter 55 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5511) regarding alleged incapacitated persons and any rules pertaining thereto, and (b) Rule 12.3.B. pertaining to a petition by a surviving spouse to restrain the payment or transfer of property, the original citation with proof of service annexed or endorsed on a form printed on the reverse side shall be filed with the Clerk.

(3) When a person to whom the citation is directed has not filed an answer or preliminary objection, a motion for a default order may be presented to the Court without further notice.

(4) When a party to whom a citation has been awarded fails or is unable to serve the citation and petition within the time provided by law, an alias citation may be requested from the Judge who issued the decree awarding said citation. The alias citation and petition are to be served in the same manner as the original citation. If the party to whom an alias citation has been awarded fails or is unable to serve the alias citation within the time provided by law, a pluries citation may be requested from the Judge who issued the decree awarding said alias

citation. The pluries citation and petition are to be served in the same manner as the original citation.

Probate Section Comment: In selecting the return date when none has been fixed by the Court, counsel should take into consideration the time required to prepare the citation, the time necessary to effect service, the requirements of Section 765 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 765), and Sup. Ct. O.C. Rule 32. Counsel should be mindful of the method of service required in each case.

Rule 3.6.A. Philadelphia Orphans' Court Division Practice. [Rule *36.1]

(1) Except upon agreement of counsel, leave to take depositions, or obtain discovery or the production of documents, may be granted only on petition upon cause shown.

(2) Where leave has been granted by the Court, the procedure relating to depositions, discovery, and the production of documents shall be governed by the order of the Court.

Rule 3.6.B. Pre-Trial Conference. [Rule *36.2]

(1) In any action the Court, on its own motion or on motion of any party, may direct counsel for the parties to appear for a conference to consider:

- (a) the identification of the issues;
- (b) the necessity or desirability of amendments to the pleadings;
- (c) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; and
- (d) such other matters as may aid in the disposition of the action.

(2) The Court may make an order reciting the action taken at the conference, identifying the issues for trial, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered.

Rule 3.6.C. Perpetuation of Testimony and Court Records. [Rule *37]

To the extent not provided for by special order in a particular case, the practice and procedure relating to perpetuation of testimony and Court records shall conform to the practice and procedure in the Trial Division of the Court of Common Pleas of Philadelphia County.

NOTICE**Rule 5.1.A. Method. Legal Periodical. [Rule *51.1]**

The Legal Intelligencer shall be the legal periodical for the publication of legal notices in Philadelphia County, whenever publication in a legal periodical is required by Act of Assembly, or by Rule or order of Court.

Rule 5.1.B. Method. Public Sale of Real Property. [Rule *51.2]

Notice of the public sale of real property shall be given:

(1) by advertisement once a week for three successive weeks in a newspaper of general circulation in each county wherein any portion of the real estate is located and in the legal publication, if any, designated by Rule of Court of that county for publication of notices, the first publication to be made not less than twenty-one (21) days before the date of sale;

(2) by posting a notice at a conspicuous place on the premises; and

(3) at least twenty (20) days prior to sale, by notice to each party in interest by service on the attorney appearing of record for such party, or if there is no such attorney, by personal service or, if the party's residence is known, by delivery at such residence or by mail.

The advertisement and notices shall specify the time and place of the proposed sale and shall clearly identify the property by the street address or other adequate description.

Rule 5.2.A. Method. When No Fiduciary. [Rule *52.1]

Whenever notice is to be given to a person who is not sui juris, for whom there is no guardian, trustee, attorney-in-fact or other fiduciary, notice shall be given by service upon such person, if he or she is over fourteen (14) years of age, and, in all such cases, upon

- (1) such person's next of kin;
- (2) such person's spouse;
- (3) the person with whom such person resides or by whom he or she is maintained;
- (4) the superintendent or other official of the institution having custody of such person; or
- (5) in such manner as the Court by special order may direct.

Rule 5.2.B. Method. Presumed Decedents and Unascertained Persons. [Rule *52.2]

Whenever notice is to be given to an absentee, a presumed decedent, or to an unknown or unascertained person, it shall be given in the manner provided by Act of Assembly, or, in the absence thereof, in such manner as the Court by special order shall direct.

Rule 5.4.A. Return of Notice. Additional Requirements. [Rule * 54.1]

- (1) *In General.*
 - (a) *Copy of Notice to be Attached.* A copy of the notice required to be given shall be attached to the petition or return and shall set forth the date notice was given.
 - (b) *Personal Service.* Return of personal service of notice shall set forth the date, time, place and manner of service, and that a true and correct copy of the notice was handed to the person served.
 - (c) *Registered or Certified Mail.* Return of notice by registered or certified mail shall set forth the date and place of mailing and shall include the return receipt, or a photostatic copy thereof. When the person who gives notice by registered or certified mail has personal knowledge or cause to believe that such notice was not received by the person to be notified, it shall be so stated in the return. When a person resides in a foreign country, a statement that the notice was so mailed to that person at the designated address shall be sufficient unless otherwise ordered.
 - (d) *Publication.* Return of notice by publication shall consist of proofs of publication, together with affidavits of publication by the publisher or its agent.

(2) *Real Property. Return of Public Sale.* Return of public sale of real property for the purpose of approval or confirmation by the Court shall be in the form of an affidavit, which shall set forth

- (a) the notice given as provided by paragraph (1);
- (b) the price obtained; and

(c) the name and address of the purchaser and an averment that the purchaser was the highest bidder.

ACCOUNTS AND DISTRIBUTION

Rule 6.1.A. Form of Accounts. [Rule *61.1]

(1) Accounts shall be stated in conformity with the Uniform Fiduciary Accounting Principles and accompanying commentaries, illustrations and forms of account recommended by the Committee on National Fiduciary Accounting Standards in collaboration with the National Center for State Courts or in such other form of account as may be approved by the Supreme Court of the Commonwealth.

(2) Every account filed with the Register or Clerk shall be signed by each accountant and shall be verified by at least one accountant. The verification to a personal representative's account shall contain a statement that the Grant of Letters and the first complete advertisement thereof occurred more than four months before the filing of the account.

Rule 6.3.A. Time and Contents of Notice. [Rule *63.1]

Notice shall be given at least fifteen (15) days prior to the audit and shall set forth:

- (1) the date and place of the audit, the time and the courtroom to be furnished upon request unless given in the notice;
- (2) that (except as to non-residuary legatees or claimants whose legacies or claims have been or will be satisfied in full) a copy of the account and a copy of the will or trust instrument accompany the notice, or have been furnished previously, or will be sent upon request, as the case may be, and that any person who objects to the transactions shown in the account must appear in person or by counsel at the audit under penalty that the Court may otherwise assume that there is no objection and may approve the account as stated;
- (3) the accountant's understanding of the nature of the claim, interest or objection of the party notified; whether the claim, interest or objection is admitted or contested; if admitted, whether it will be paid in full or in part, and, if contested, that an appearance in person or by counsel must be made at the audit to press any such claim, interest or objection;
- (4) the amount of any receipt, disbursement, claim for counsel fee and/or fiduciary's commission, which does not appear in the account and which is to be reflected in the adjudication; and

(5) the accountant's interpretation of any dispute, or fairly disputable question, known to or reasonably ascertainable by the accountant, together with a copy of the instrument or material parts thereof containing any provision which forms the basis of the dispute, and a statement that if the person notified does not agree with the accountant's interpretation, he or she must appear at the audit in person or by counsel to present his or her contention, under penalty for failure to appear that the Court will assume that he or she agrees with the accountant's interpretation.

Probate Section Comment: Confirmation of the account of a terminated trust, guardianship or agency by annexation is authorized under Section 3501.2 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3501.2). Confirmation of the account of a distributed estate or trust is similarly authorized under Section 7188

of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 7188). Notice of such annexation (or piggybacking) of an account is required for confirmation.

Rule 6.3.B. Supplemental Notice. [Rule *63.2]

In any case in which an audit has been continued, notice of the rescheduled audit date must be given to parties in interest by the accountant or by such other person as the Court may direct.

Rule 6.4.A. Filing for a Particular Audit. [Rule *64.1]

Subject to the provision of Sup.Ct. O.C. Rule 6.4, an account to appear on a particular audit list must be filed not later than 3 p.m. on the fifth Wednesday preceding the day on which such list will be called.

Rule 6.4.B. When Audit Lists Called. Postponed or Adjourned. [Rule *64.2]

Generally, the audit lists shall be called during the week beginning with the second Monday of September and the weeks beginning with the first Monday of other months. The call of an audit list may be postponed or adjourned at the discretion of the Auditing Judge or the Court. When the first Monday of the month falls on a holiday on which the Courts are closed, the audit list shall be called on the next business day.

Rule 6.6.A. Advertisement of Accounts. Posting. [Rule *66.1]

The Clerk shall give notice of all accounts and of the time and place of the call of the audit list by:

(1) advertising once a week for two (2) successive weeks in *The Legal Intelligencer* and in one Philadelphia daily newspaper of general circulation; and

(2) posting copies of the audit lists in the office of the Clerk and on the day of the audit in or about the several courtrooms.

Rule 6.6.B. Division of Accounts. [Rule *66.2]

Accounts duly advertised for audit on a particular day shall be divided by the Clerk, under the supervision of the Court, into substantially equal audit lists, each of which shall be assigned by lot to a judge of the Court.

Rule 6.9.A. Filing of the Petition for Adjudication and Statement of Proposed Distribution. [Rule *69.1]

The petition for adjudication and statement of proposed distribution shall be filed with the Clerk at the time the account is filed. No account shall be accepted for filing and advertisement unless accompanied by the petition for adjudication and statement of proposed distribution.

Probate Section Comment: Those filing accounts are advised to see Rule 6.9.D. for other papers that may be required to be filed at the time that the account is filed.

Rule 6.9.B. Forms. Execution. Verification. [Rule *69.1.1]

Except by leave of the Auditing Judge, forms of the petition for adjudication and statement of proposed distribution authorized by the Court shall be used. The petition for adjudication and statement of proposed distribution shall be signed by each accountant and verified by at least one of them.

Rule 6.9.C. Additional Receipts and Disbursements. [Rule *69.1.2]

Receipts and disbursements subsequent to the date to which the account was stated and to be included in the

adjudication shall be set forth in the petition for adjudication and statement of proposed distribution and in the audit notice.

Probate Section Comment: The Court prefers that claims for counsel fees and fiduciary commissions appear as disbursements in the account. Rule 6.3.A.(4) states that claims for counsel fees and fiduciary commissions which are not included in the account must be included in the audit notice. Such claims should not be set forth on the attorney's appearance slip unless the requirements of Rule 6.3.A. concerning notice have been satisfied. Generally, appearance slips should be used to inform the Court of minor errors or discrepancies in the account, or additional filing fees and other nominal expenses incurred by the accountant since the closing date of the account that are to be included in the adjudication.

Rule 6.9.D. Papers to Be Filed with Accounts. [Rule *69.1.3]

(1) *All Accounts.* At the time of filing of an account, counsel shall file:

(a) a petition for adjudication and statement of proposed distribution;

(b) copies of all agreements with respect to settlements and compromises;

(c) copies of agreements, if any, with respect to the accountant's compensation, if credit therefor is taken in the account or requested at the audit;

(d) a waiver of an income accounting by those entitled to the income, if the account does not contain a complete income accounting and such a waiver is not attached to the account;

(e) the official receipt for any inheritance tax paid during the period of the accounting; and

(f) a statement of the method and date of giving notice to all parties in interest of the filing of the account and the petition for adjudication and statement of proposed distribution and of the time of the audit, or alternatively, an averment that such notice shall be given and a certification thereof shall be submitted at the audit as hereinafter set forth. In those instances where notice has been given, a copy of said notice, as well as the names and addresses of the parties notified, shall be appended to the petition for adjudication and statement of proposed distribution. In those instances where notice is yet to be given, a copy of said notice, as well as the names and addresses of the parties notified, shall be submitted to the Court at audit, together with a statement executed by the accountant or the accountant's counsel certifying that notice has been given.

(2) *Accounts of Personal Representatives.* In addition to the papers required by Rule 6.9.D.(1), at the time of the filing of an account of a personal representative, counsel shall file:

(a) the original letters, together with proof of advertisement thereof; and

(b) a typewritten copy of the inventory and of the will and codicils, certified by the accountant or counsel to be true and correct.

(3) *Accounts of Trustees.* In addition to the papers required by Rule 6.9.D.(1), at the time of the filing of an account of a trustee, counsel shall file:

(a) the original letters or the original trust instrument, if not submitted at a prior audit;

(b) a copy of the trust instrument, certified by the accountant or counsel to be true and correct; and

(c) a preliminary audit statement prepared on the form supplied by the Court and signed by the attorney who will appear for the accountant at the audit.

(4) *Accounts of Guardians of the Estates of Minors.* In addition to the papers required by Rule 6.9.D.(1), at the time of the filing of an account of a guardian of the estate of a minor, counsel shall file:

(a) a copy of the will, deed or decree by which the guardian was appointed;

(b) a statement that notice of the audit has been given to all known, unpaid claimants;

(c) a statement of the former minor or, if the former minor has been adjudicated an incapacitated person, of the guardian of the estate of the former minor, setting forth the date the former minor attained majority; and that the former minor or the guardian of the estate of the former minor:

(i) has examined the account;

(ii) approves the account and requests that it be confirmed; and

(iii) agrees that the guardian of the estate of the minor shall be discharged upon distribution to the former minor or to the guardian of the estate of the former minor of the balance shown in the account, subject to such additional credits as may be authorized by law and set forth in the adjudication.

(5) *Accounts of Guardians of the Estates of Incapacitated Persons.* In addition to the papers required by Rule 6.9.D.(1), at the time of the filing of an account of a guardian of the estate of an incapacitated person, counsel shall file:

(a) a statement of the manner and date of appointment of the guardian and a copy of the decree by which the guardian was appointed; and

(b) a statement of whether a personal representative has been appointed if the incapacitated person is deceased; and if so, the date and place of grant of letters and a valid certificate of appointment.

(6) *Distribution to Foreign Fiduciary.* In addition to the papers required by Rule 6.9.D.(a)(1), at the time of filing an account, when a share of the estate is distributable to a foreign fiduciary, counsel shall file:

(a) a certificate of appointment issued within three months of the date of the filing or a copy of the instrument evidencing the authority of the fiduciary to receive the fund, certified by the proper authorities at the place of issuance to be in effect at the time of the filing;

(b) an affidavit by the foreign fiduciary setting forth whether or not an ancillary administrator has been appointed in Pennsylvania, together with averments that:

(i) the foreign fiduciary is authorized, under the laws of the jurisdiction in which the foreign fiduciary qualified, to receive the fund to be distributed;

(ii) the filing of security has been waived, or the amount of the bond which has been filed and the name of the surety; and

(iii) there are no creditors within the Commonwealth of Pennsylvania of the estate for which the foreign fiduciary has been appointed and no rights of any resident of Pennsylvania will be adversely affected by the requested distribution.

(7) *Submission of Original Documents.* Unless otherwise ordered by the Auditing Judge, original documents, including, but not limited to, letters testamentary and deeds of trust, need not be refiled if they had been filed in connection with a prior proceeding and counsel certifies the date of the prior submission.

Probate Section Comment: Paragraph (5) applies to those who have been adjudged an incapacitated person by the Court, whether under Chapter 55 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5501 et seq.) or its predecessor.

The requirements of paragraph (6) are based on Chapter 41 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 4101 et seq.). Particular attention is directed to Section 4111 and its correlation with paragraph (6)(b)(iii) of the Rule. Under Section 4111, the Court has broad discretionary power to refuse distribution of a share of an estate to the domiciliary personal representative of a deceased nonresident creditor or other distributee and to require an ancillary administration in Pennsylvania.

Paragraph (7) describes situations in which original documents need not be filed with the audit papers. Letters testamentary, letters of administration, inheritance tax receipts and deeds of trust which are filed with the audit papers will customarily be returned to counsel once an adjudication is issued.

Rule 6.9.E. Appearances. [Rule *69.2]

Counsel for the accountant shall personally appear at the call of the audit list and enter an appearance on the form supplied by the Court. Counsel for any other party in interest who desires to raise objections or otherwise to be heard (or the accountant or other party in interest appearing pro se) shall also personally appear at the call of the audit list and enter an appearance on the form supplied by the Court.

Rule 6.9.F. Partition, Allotment or Distribution of Proceeds of Real Property. [Rule *69.3]

When an accountant or any party in interest requests a partition, allotment or distribution of proceeds of real property, the Court shall make such orders as are deemed advisable concerning the appointment of appraisers; the furnishing of an information certificate or distribution policy from a title insurance company, drawn in the name of the Commonwealth to the use of all persons interested; provisions for owelty; the giving of notice; and such other requirements as may be necessary under the circumstances to protect the parties.

Rule 6.10.A. Under Direction of Auditing Judge. [Rule *70.1]

Objections to an account or statement of proposed distribution shall be made at the audit in such manner as the Auditing Judge shall direct.

Rule 6.10.B. Objections. [Rule *76]

(1) *Family Exemption.*

(a) *Prior to Audit.* Written objections to the allowance of the family exemption shall be filed with the Clerk within twenty (20) days of the filing of the petition for allowance. Such objections shall be referred to the Auditing Judge for disposition, or, in special circumstances the petition will be assigned to a judge for hearing and determination. In the absence of objection, the family allowance may be granted on petition.

(b) *Audit.* Objection to the allowance of the family exemption at the audit shall be presented in such form and shall be disposed of in such manner as the Auditing Judge may deem proper.

(2) *Allowance to Surviving Spouse of Intestate.* Written objections to the setting aside of real or personal property to the surviving spouse of an intestate shall be filed with the Clerk within twenty (20) days of the filing of the petition for allowance. Such objections will be referred to the Auditing Judge for disposition, or, in special circumstances, the petition will be assigned to a judge for hearing and determination. In the absence of objection, real or personal property may be set aside to the surviving spouse of an intestate on petition and subsequent confirmation.

(3) *Report of Master. Appointment by Auditing Judge or Hearing Judge.* Objections to the report of a master appointed by an Auditing Judge to assist the Court in the audit of an account, or by a Hearing Judge to whom a case has been assigned, shall be filed with the appointing judge, who shall make such disposition thereof as the Court deems proper.

(4) *Appraisal.* Objections to appraisals shall be filed in writing with the Clerk prior to confirmation or approval, or with the Court on the date fixed for confirmation or approval. Such objections shall be assigned to the Judge who appointed the appraisers for his disposition.

(5) *Real Property. Sale or Mortgage.* Objections to a petition for the proposed sale or mortgage of real property shall be filed with the Clerk within twenty (20) days of the filing of such petition. Such objections will be referred to the Auditing Judge for disposition, or, in special circumstances, the petition will be assigned to a judge for hearing and determination. In the absence of objection, a decree may be entered approving the proposed sale or mortgage of real property.

(6) *Proceeding under Section 3102 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3102) regarding Small Estates. Estates of Minors or Incapacitated Persons.* Written objections to a petition in a proceeding under Section 3102 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3102) regarding small estates, or to any petition filed in connection with the estate of a minor or the estate of an incapacitated person, other than matters properly presented at the audit of an account, shall be filed with the Clerk within twenty (20) days of the filing of such petition. If no objection is made by any party in interest, a decree may be entered ex parte. If objection is made, the petition shall be assigned to a judge for hearing and determination.

(7) *Not Otherwise Covered by Rule.* Objections not otherwise covered by these Rules shall be presented at such time and place, and in such form, as the Court may direct.

(8) *Effect Upon Distribution.* When the matters which are the subject of a schedule of distribution, or the report of an auditor or master, are so separate and distinct that an objection to any one or more, whether sustained or dismissed, cannot affect the remainder, and the accountant will not be prejudiced by the distribution of such remainder, confirmation of the schedule of distribution or report shall not be suspended, except as to those matters to which objections have been taken; distribution may proceed as to the remainder; and any party from whom such distribution has been withheld may petition the Court to order distribution.

Rule 6.10.C. Accounts and Distribution. [Rule *145]

The practice and procedure with respect to the filing and audit of accounts, as well as the distribution of the assets comprising the estate, shall conform with the practice and procedure governing trustees' accounts.

Rule 6.11.A. Schedules of Distribution. [Rule *72]

(1) *Filing.* When directed by the Auditing Judge or at the election of the accountant, a Schedule of Distribution, in the form approved by the Court, shall be filed with the Clerk. The Auditing Judge, in his or her discretion, may direct that only awards of real property or personal property to be distributed in kind need be included in the schedule of distribution.

(2) *Certification.* The attorney for the accountant shall certify that the schedule is correct and in conformity with the adjudication. See (3)(a), (3)(b)(ii) and (6)(b) for additional statements to be included in the certification where appropriate.

(3) *Consent or notice.*

(a) Written consents to the schedule of distribution may be attached thereto. The attorney for the accountant shall certify whether or not the parties whose consents are attached constitute all parties in interest affected by the filing of the schedule and all other parties to whom notice was directed by the Court.

(b) Notice of the filing of the schedule shall be given to all parties in interest affected thereby and to such other parties as the Court may direct, except those parties whose consents are attached. The notice shall state the date of filing, that a copy of the schedule accompanies the notice or will be sent upon request, and that any party who objects to the schedule must file objections within twenty (20) days of the filing of the schedule under penalty that the Court may otherwise assume that there is no objection and may approve the schedule as filed.

(i) Notice shall be given no later than the day of the filing of the schedule, by a letter addressed to the last known address of the party or to his or her attorney of record.

(ii) It shall be sufficient return of notice for the attorney for the accountant to certify on the schedule that due notice of the filing thereof was given as required by this Rule. A copy of the letter of notice and a list of those to whom notice was sent shall be submitted with the schedule.

(4) *Objections.*

(a) Objections may be filed within twenty (20) days of the filing of the schedule, and shall indicate the basis for the objections and in what respect the schedule fails to conform to the adjudication. In no event may objections raise questions which actually were or could have been raised at the audit of the account or which could be raised by exceptions to the adjudication.

(b) Objections shall be filed in duplicate with the Clerk, who shall deliver a copy to the Auditing Judge. The Auditing Judge shall re-examine the subject matter; may hold a hearing or argument thereon, at the Auditing Judge's discretion; and may make such disposition of the objections as the Auditing Judge deems proper in a supplemental adjudication.

(5) *Approval.*

(a) Where the consents of all necessary parties are attached, the Court may approve the schedule immediately upon filing. Where notice was given to any party, the Court may approve the schedule twenty (20) days after the filing thereof.

(b) In the absence of objections, the schedule shall become absolute on the date of approval thereof.

(c) Where objections have been filed, any party may file exceptions to the Auditing Judge's disposition of the objections within twenty (20) days thereof. Where the objections are dismissed and the schedule is approved, the schedule shall become absolute on the twentieth day following approval.

(d) Upon absolute approval of the schedule, the accountant shall have the authority to make necessary assignments and transfers of any property awarded, and the schedule will be attached to and become part of the adjudication.

(6) *Confirmation of Title to Real Property.* Approval of the schedule of distribution shall constitute confirmation of title in the distributees.

(a) *Separate Awards.* A schedule of distribution shall set forth separate awards of real property in separate paragraphs.

(b) *Description. Certification by Counsel.* Real property shall be described in the same detail and with the same particularity as is commonly required to be included in deeds, and, in addition, shall include information pertinent to the derivation of title. Counsel for the accountant shall certify that counsel or counsel's agent has examined the last recorded deed or the record thereof in the public office for recording deeds in the county in which the real estate is located and that the description in the schedule is in conformity therewith.

(c) *Certification by Clerk.* The Clerk shall, upon request, certify excerpts from an approved schedule of distribution for recording in any public office for recording deeds.

Rule 6.11.B. Settlement of Small Estates under Section 3102 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3102). [Rule *73]

(1) *Contents of Petition.* A petition for the settlement of a small estate shall set forth:

(a) the name, date of death and residence of the decedent;

(b) the name and address of the petitioner and petitioner's relationship to the decedent;

(c) if petitioner be the surviving spouse, the date and place of the ceremonial marriage, and the name and official capacity of the person who performed the ceremony; or, in case of a common-law marriage, all averments necessary to establish the validity of such a marriage;

(d) whether the decedent died testate or intestate; if letters were granted, where, to whom and when they were granted; and the amount of bond (if any) given by the personal representative;

(e) the names, relationships and a brief description of the interests of all persons entitled to share in the decedent's estate under the will or intestate laws; a statement as to whether any of them is a minor, an incapacitated person or deceased, with the name of his or her fiduciary, if any; and a statement as to whether any of them has received or retained any property of the

decedent under Section 3101 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3101), or otherwise;

(f) the person or persons, if any, entitled to the family exemption and, if a claim is to be made in the petition, any additional facts necessary to establish the right thereto, as required by Rule 12.1.A.;

(g) a list of the assets of the decedent and the value of each asset, either incorporated in the petition or attached as an exhibit;

(h) an itemized list, either incorporated in the petition or attached as an exhibit, setting forth under separate headings:

(i) all disbursements made prior to the filing of the petition, including the amounts and dates paid, the names of the payees and a description of the purposes of the disbursements; and

(ii) all unpaid claims against the estate, including the amounts of such claims, the names of the claimants, the bases for such claims and indicating which claims are admitted.

In the case of an insolvent estate, such disbursements and unpaid claims shall be listed under separate categories according to the order of priority of payment under Section 3392 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3392).

(i) an averment as to the status of the inheritance tax;

(j) an averment that twenty (20) days written notice of the presentation of the petition has been given to every unpaid beneficiary, heir or claimant who has not joined in or consented to the petition, and, if the decedent's heirs are unknown, to the Attorney General; and

(k) a prayer for distribution of the personal property to those entitled and, in appropriate cases, for the discharge of the personal representative and the release of any surety.

(2) *Exhibits.* The following exhibits shall be attached to the petition:

(a) a copy of the decedent's will certified by counsel to be a true and correct copy;

(b) consents to the petition signed by those unpaid beneficiaries, heirs and claimants who do not join in the petition, and the names of any of them who do not consent and a copy of the notice which has been given to them; and

(c) a copy of the official Inheritance Tax Assessment and, if an inheritance tax payment was made prior to the date of filing the petition, a copy of the inheritance tax receipt.

(3) *Notice.* Any party in interest who does not join in or consent to the petition shall receive written notice of the intended presentation of the petition to the Court.

(4) *Decree.* A proposed decree, setting forth a list of all disbursements and distributions of the assets of the estate and, in appropriate cases, providing for the discharge of the personal representative and the release of any surety, shall be attached to the face of the petition.

(5) *Appraisal.* No appraisal of the decedent's personal property is required, unless ordered by the Court.

Probate Section Comment: If the identity or whereabouts of a distributee is unknown or if there are no known heirs, it is suggested that a report in the form provided by Rule 13.3.A. be attached to the petition.

EXCEPTIONS**Rule 7.1.A. Exceptions. Rules Governing. [Rule *77.1]**

(1) All challenges to an order, decree, opinion, or adjudication of an account shall be raised by written exceptions. An order, decree, or opinion shall become final, and an adjudication of an account shall be confirmed absolutely as of course, after the expiration of twenty (20) days after the date of such order, decree, opinion, or adjudication, unless written exceptions thereto are filed within said twenty (20) days.

(2) Notwithstanding the provisions of paragraph (1) hereof, the Court will not entertain exceptions to the decree of a Hearing Judge awarding a jury trial or to any other interlocutory order or decree.

(3) Notwithstanding the provisions of provisions of paragraph (1) hereof, exceptions to the disposition of schedules of distribution by the Auditing Judge shall only be filed in accordance with Rule 6.11.A.(5)(c).

(4) Exceptions shall be filed with the Clerk, served in accordance with Rule 3.5.A.(2), and listed for argument as provided in Rule 1.2.B.(3).

(5) Exceptions shall be in writing, numbered consecutively, and signed by the exceptant or the exceptant's attorney. Each exception shall:

- (a) be specific as to description and amount;
- (b) in no event raise questions which could have been raised previously by claim or objection;
- (c) raise but one issue of law or fact, but if there are several exceptions relating to the same issue of law or fact, all such exceptions shall be included in one exception; and
- (d) set forth briefly the reason or reasons in support of the exception.

Probate Section Comment: Under this Rule, the filing of timely exceptions is necessary to preserve an issue for appellate review. See *Estate of Volkhardt*, 484 Pa. 52, 398 A.2d 656 (1979). This Rule does not, however, address the issue of whether an order, decree, or opinion is otherwise appealable or final under the appellate rules. See generally Hunter, Pennsylvania Orphans' Court Commonplace Book, Appeals § 6; Pa. R.App.P. §§ 301-342.

Rule 7.1.B. Exceptions. Effect Upon Distribution. [Rule *77.2]

When the matters which are the subject of an adjudication are so separate and distinct that an exception to any one or more, whether sustained or dismissed, cannot affect the remainder, and the accountant will not be prejudiced by the distribution of such remainder, confirmation of the adjudication shall not be suspended, except as to those matters to which exceptions have been taken; distribution may proceed as to the remainder; and any party from whom such distribution has been withheld may petition the Court to order distribution.

AUDITORS AND MASTERS**Rule 8.1.A. Appointment. [Rule *80]**

(1) *Auditor to Examine and Audit Account.* An auditor to examine and audit an account may be appointed by the Court when all parties in interest, or their counsel, consent thereto in writing.

(2) *Auditor to State Account.* An auditor to state an account may be appointed by the Court when a proper

account cannot be obtained from a fiduciary. Such appointment may be made sua sponte or upon petition of any party in interest. The auditor may be required to file the account and to participate in such further proceedings as the Court may direct.

(3) *Master Amicus Curiae.* A master or an amicus curiae with the powers of a master may be appointed by the Court, sua sponte or upon petition of any party in interest.

Rule 8.1.B. Manner and to Whom Given. [Rule *81.1]

(1) The Court appointed auditor, master, or amicus curiae shall give written notice of such appointment and of the time and place of such appointee's first hearing to all persons who have appeared of record, and to such other persons and in such manner as the Court may direct.

(2) Notice of succeeding hearings given by the auditor, master or amicus curiae at a hearing of which proper notice has been given shall constitute sufficient notice of such succeeding hearings.

Rule 8.2.A. Where Filed. [Rule *82.1]

(1) *Report of Auditor.* Reports of auditors shall be filed with the Clerk.

(2) *Reports of Master; Amicus Curiae.* Reports of a master or an amicus curiae, shall be filed with the Appointing Judge.

Rule 8.7.A. Report of Auditor or Master. [Rule *87.1]

(1) *Auditor to Examine and Audit Account.*

(a) *Time and Contents of Notice.* At least thirty (30) days prior to filing the report, the auditor appointed to examine and audit an account shall give notice to all parties in interest or their counsel which shall state:

- (i) the date upon which the report filed;
- (ii) that a copy of the report is either enclosed or will promptly be sent upon request; and
- (iii) that any person who objects to the report must file written objections thereto with the auditor prior to the intended filing date under the penalty that the Court may otherwise assume that there is no objection and may accept the report as submitted.

(b) *Objection to Report.* Prior to the date set by the auditor for filing the report, any party in interest may file with the auditor written objections to the report. In such event, the auditor shall supplement the report by a full consideration of the objections seriatim, setting forth concisely all reasons for recommending that the Court sustain or dismiss each objection. The auditor shall then file the report, together with a copy of the objections and the supplemental report, giving the parties in interest or their counsel concurrent notice of such filing and a copy of the supplemental report.

(2) *Auditor to State Account.* Objections to the report of an auditor who states an account shall be asserted as objections to the auditor's account, as provided in Rule 6.10.A.

(3) *Master Amicus Curiae.* Paragraph (1) shall apply to a master and an amicus curiae with the powers of a master.

Probate Section Comment: Objections to the report of an auditor appointed to examine and audit an account, a

master or an amicus curiae should be presented in a form substantially similar to exceptions to an adjudication.

Rule 8.8.A. Filing With Clerk. [Rule *88.1]

The Court may require that security be filed with the Clerk for the compensation and expenses of the auditor, master, or amicus curiae.

OFFICIAL EXAMINERS

Rule 9.1.A. Charitable Trusts. Visitorial Powers. [Rule *92]

(1) *Exercise: In General.*

In the exercise of its visitorial and supervisory powers over charitable trusts, in general, the Court will, in its discretion, from time to time, by general rule or special order, direct the official examiner, or a special examiner appointed for the purpose, to make an examination of the assets of a designated trust and an investigation to determine whether the purposes of the trust are being carried out in the manner provided by the trust instrument; and to submit to the Court a written report thereon which shall follow as nearly as may be the form prescribed by these Rules for a master's report and shall contain specific recommendation for the Court's consideration.

(2) *Cemetery Trusts.*

In the exercise of its visitorial and supervisory powers over cemetery trusts, the Court will, from time to time, appoint a cemetery trust examiner, or examiners, who shall, periodically, inspect all cemetery lots and places of interment or sepulcher maintained under cemetery trusts subject to the jurisdiction of the Court; audit, informally, trustee's accounts pertaining thereto; examine the assets thereof; and submit written reports thereon to the Court in accordance with such rules and regulations as the Court will, from time to time, promulgate.

Rule 9.1.B. Termination of Trust. [Rule *93]

A trustee making distribution of the corpus of a trust upon its termination without formal accounting shall obtain from the distributees a receipt and waiver of accounting which shall be delivered to the examiner and attached to the examiner's report thereof. Such receipt and waiver shall not constitute an approval by the Court of the administration of the trust, nor operate as a discharge by the Court of the trustee or the trustee's sureties. If an estate is distributed without an accounting, the fiduciary shall be personally liable for the compensation of the examiner, unless provision is made therefor at the time of distribution.

Rule 9.1.C. Compensation. [Rule *94]

(1) *In General.* Each estate shall be liable for the compensation of the examiner based upon a schedule of fees fixed by the Court. In special circumstances, the compensation of the examiner will be fixed by special order of the Court.

(2) *Charitable Trusts.*

(a) *In General.* Each estate shall be liable for the compensation of the examiner in such amount as the Court shall specifically fix in each case.

(b) *Cemetery Trusts.* The cemetery trust examiner, or examiners, appointed under Rule 9.1.A.(2), supra, shall be paid by the trustees in an amount fixed by the Court.

REGISTER OF WILLS

Rule 10.2.A. Certification of Record. [Rule *102]

(1) *Contents of Petition.* A petition to fix a date for a hearing upon a certification of record to the Court from the Register shall be filed with the Clerk and thereafter promptly presented to the Administrative Judge or his or her designee and shall set forth:

- (a) the nature of the proceedings before the Register;
- (b) the basis for the certification of record; and
- (c) the names and addresses of all parties in interest, including those who have not been made parties to the record.

(2) *Certification by Register.* When the record has been certified by the Register, the petition required by paragraph (1) shall be presented by the party who instituted the contest, or, in special circumstances, as the Court may direct.

(3) *Citation.* Upon allowance of the petition by the Administrative Judge or his or her designee, a citation will be issued, directed to all parties in interest, including those not represented on the record, to show cause why the matter upon which the certification is requested or based, as the case may be, should not be determined by the Court.

Rule 10.2.B. Certifications. Assignment to an Audit List. Notice. [Rule *103]

(1) Certifications allowed pursuant to Rule 10.2.A, after filing proof of service of the citation, shall be placed on the audit list and assigned by the Clerk to the Judges in rotation. In special circumstances, the Administrative Judge may assign a judge to hear the matter. Where proof of service is filed before 3 p.m. on the fifth Wednesday preceeding an audit list, the matter shall be placed on that audit list.

(2) The Clerk shall forthwith send notice to counsel who filed the petition for citation of the date when the matter will appear on the audit list.

(3) The Clerk shall, at least fifteen (15) days prior to the call of such audit list, give notice in writing to all parties in interest of the following:

- (a) that the matter has been placed upon an audit list, and the date, the time and the courtroom scheduled for the call of the audit;
- (b) the nature of the interest of the person to whom such notice is given; and
- (c) a brief description of the nature of the dispute.

(4) In those instances where the matter has been specially assigned by the Administrative Judge to a Hearing Judge, notice shall be given by such party, and at such time and in such form, as the Hearing Judge may direct.

Rule 10.2.C. Appeal from Register. [Rule *104]

(1) *Commencement of Appeal.*

(a) Appeals from the judicial acts or proceedings of the Register shall be initiated by filing a notice of appeal with the Clerk on the form supplied by the Clerk and with respect to an Inheritance Tax Appeal, a copy shall be filed with the Register.

(b) After the notice of appeal has been filed with the Clerk, the Register upon request shall forthwith transmit the record to the Clerk.

(2) *Petition for Citation.*

Contemporaneously with the filing of the notice of appeal, the appellant shall file a petition for citation with the Clerk which shall set forth:

- (a) the nature of the proceedings before the Register;
- (b) the basis for the appeal together with copies of all wills involved in the controversy known to be in existence;
- (c) the names and addresses of all parties in interest, including those who have not yet been made parties to the record; and
- (d) the facts upon which jurisdiction is based.

(3) *Issuance of Citation.*

If the petition sets forth a prima facie case, a citation will be issued, directed to all parties in interest, including those not represented on the record, to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside.

(4) *Service of Citation.*

In accordance with Rule 3.5.B., service of the citation, together with a copy of the petition for citation, shall be made on all parties in interest within thirty (30) days of the issuance of the citation by the Clerk and the original citation with proof of service endorsed or annexed thereon shall be filed with the Clerk.

(5) *Placement on Audit List.*

The Clerk shall place the appeal upon the next available audit list sixty (60) days after the issuance of the citation.

(6) *Notice of Audit List.*

The appellant, at least fifteen (15) days prior to the call of such audit list, shall give notice in writing to all other parties in interest of the following:

- (a) that the matter has been placed upon an audit list, and the date, the time, and the courtroom scheduled for the call of the audit;
- (b) the nature of the interest of the person to whom such notice is given; and
- (c) a brief description of the nature of the dispute.

(7) *Special Notice.*

In those instances where the matter has been specifically assigned to a Hearing Judge, notice shall be given by such party, and at such time and in such form, as the Hearing Judge may direct.

Rule 10.2.D. Grant of Jury Trial. [Rule *106]

(1) On appeal from the Register, or in a proceeding removed from or certified by the Register, the Hearing Judge in his or her discretion may impanel a jury at any stage of the proceedings and forthwith proceed with a jury trial.

(2) On appeal from the Register, or in a proceeding removed from or certified by the Register, the Hearing Judge in his or her discretion may, either at the conclusion of all the evidence presented by proponents and contestants or before all such evidence has been produced, when the Hearing Judge is satisfied that sufficient evidence has been presented so to warrant, grant a jury trial at a future date.

(3) If a jury trial is granted, as provided in paragraph (1) or (2) hereof, the Hearing Judge shall enter a decree

specifying the issues to be tried, which may be in the form agreed upon by the parties, or as the Hearing Judge shall determine.

Rule 10.2.E. Inheritance Tax Appeals. [Rule *107]

An appeal from an inheritance tax appraisal shall be filed in the office of the Register on the form provided by the Register. Thereafter, appellant shall file with this Court a petition in accordance with Rule 10.2.B. and proceed as provided in Rule 10.2.C.

JURY TRIALS**Rule 11.2.A. Trial Judge. [Rule *110]**

When a jury trial has been granted by a Hearing Judge as provided in Rule 10.2.D.(1), the Hearing Judge impaneling the jury shall proceed to the trial of the case; however, when a jury trial has been granted as provided in Rule 10.2.D.(2), the case will be assigned to the Judges in rotation, or, in special circumstances, the Administrative Judge may assign a judge to preside.

Rule 11.2.B. Motions After Trial. [Rule *112.1]

Motions after trial shall be placed by the Clerk on the argument list, as of course.

SPECIAL PETITIONS**Rule 12.1.A. Family Exemption. Additional Requirements. [Rule *121.1]**(1) *Contents of Petition.*

A petition for the family exemption shall also set forth in separate paragraphs:

- (a) the name, residence and date of death of decedent;
- (b) the name, address, and relationship of the petitioner to the decedent, and whether the petitioner was a member of the same household as the decedent at the date of his death;
- (c) if petitioner be the surviving spouse, the date and place of the ceremonial marriage, and the name and official capacity of the person who performed the ceremony; or, in case of a common-law marriage, all averments necessary to establish the validity of such a marriage;
- (d) whether the decedent died testate or intestate; where, when, and to whom letters were granted; if decedent died intestate, the names, relationship, and addresses of those interested as next of kin;
- (e) the location and valuation of the property claimed; and
- (f) that twenty (20) days' prior notice of the filing of the petition has been given to the personal representative, or when no letters have been granted, to the parties adversely affected.

(2) *Exhibits.* The following exhibits shall be attached to the petition:

- (a) a copy of the will;
- (b) a copy of the inventory showing the valuation of the property claimed, when the exemption is claimed from personal property, and the gross estate exceeds the amount of the family exemption provided by law; and
- (c) a verified return of notice.

Rule 12.1.B. When Appraisal Unnecessary. [Rule *121.2]

Unless otherwise directed by the Court, no appraisal shall be required, if the exemption is claimed:

(1) from personal property and the gross value of the decedent's estate does not exceed the amount of the family exemption provided by law; or

(2) wholly or in part from real estate, if all parties in interest agree on the valuation.

Rule 12.1.C. Allowance. [Rule *121.3]

(1) *Prior to Audit.*

(a) *Personal Property.* If the petition requests the exemption prior to audit, the petitioner shall file the petition with the Clerk and thereafter shall give twenty (20) days' written notice of such intention to all persons adversely affected thereby who do not join in the prayer of the petition. In the absence of objection, on presentation of a verified return of notice, an appropriate decree may be entered.

(b) *Real property.* If the petition requests the exemption prior to the audit and the parties in interest do not agree upon the valuation, the practice and procedure shall be as provided by Rule 12.2.C.

(2) *At Audit.* The petition may be filed with the Clerk at any time prior to the audit in order that the demand may be a matter of record, and the filing thereof shall be brought to the attention of the Auditing Judge, or the request may be presented at the audit. The Auditing Judge may require that the property claimed be appraised or that notice be given in such manner as the Auditing Judge shall direct.

Rule 12.1.D. Voluntary Distribution. [Rule *121.4]

When the personal representative without the Court's approval delivers assets of the estate in satisfaction of the family exemption the same shall be set forth as a disbursement in the account and may be the subject of objection by any claimant or party in interest.

Rule 12.1.E. Procedure Under Section 3546 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3546). [Rule *74]

(1) *Contents of Petition.* A petition under Section 3546 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3546) for the determination of title shall set forth:

(a) the name of the petitioner and petitioner's relationship to the decedent;

(b) the facts on which the claim of the petitioner is based;

(c) whether the decedent died testate or intestate, and where, when, and to whom letters were granted;

(d) a description of real property located within the Commonwealth, and the place, book, and page of recording the last deed thereto;

(e) the names and addresses of all known creditors and parties in interest; and

(f) the facts material to a determination of the title.

(2) *Exhibits.* The following exhibits shall be attached to the petition:

(a) the notice which has been given to creditors, and parties in interest; if the heirs of the decedent are unknown, a copy of the notice given to the Attorney General; and

(b) a copy of decedent's will.

Rule 12.2.A. Allowance to Surviving Spouse of Intestate. Additional Requirements. [Rule *122.1]

(1) *Contents of Petition.* A petition for the allowance to the surviving spouse of an intestate shall also set forth in separate paragraphs:

(a) the information required in a petition for family exemption under Rule 12.1.A., as far as appropriate;

(b) the death of decedent, intestate, without issue or adopted children; the names, addresses, and the relationship of those interested as next of kin; and

(c) that ten (10) days' prior notice of the intended presentation of the petition has been given to the personal representative; or, if no personal representative has been appointed, to those interested as next of kin; and, if there be no next of kin, to the Attorney General.

(2) *Exhibits.* The following exhibits shall be attached to the petition:

(a) if a ceremonial marriage occurred, a certified copy of the marriage certificate;

(b) if there were prior marriages by either spouse, a copy of the death certificate, if dissolved by death; or a certified copy of the decree of divorce by which such marriages were dissolved;

(c) a copy of the inventory and appraisement; and

(d) a verified return of notice.

Rule 12.2.B. Conclusiveness of Averments. [Rule *122.2]

If the averments of the petition are not conclusive as to the right of the spouse to the allowance being claimed, the matter may be referred to a master, to a Hearing Judge or to the Auditing Judge.

Rule 12.2.C. Appraisal. Notice. Confirmation. [Rule *122.3]

(1) *Filing of Appraisal.* The appraisers shall, within thirty (30) days after their appointment, file with the Clerk an appraisal of the property claimed.

(2) *Notice of Appraisal.* Upon the filing of the appraisal, notice thereof shall be given to the personal representative, and to the next of kin; and, if there be neither personal representative, nor next of kin, to the Attorney General. The notice shall contain a copy of the petition and the appraisal, and a statement that confirmation of the appraisal and the setting apart of the real estate to the surviving spouse will be requested and may be allowed by the Court, of which not less than ten (10) days' notice is given therein, unless objections are filed. If the address or whereabouts of any of the next of kin in unknown, notice shall be given in such manner as the Court shall direct.

(3) *Confirmation and Setting Apart of Allowance.* In the absence of objection, at the expiration of ten (10) days after giving of notice under paragraph (2), and after the last appearance of the advertisement, if any, upon submission of proof of notice, the Court may enter a decree.

Committee Comment: The Rule recognizes the present practice of making the award of real estate in satisfaction of the spouse's allowance a part of the distribution decree when a Court accounting is filed. While this Rule will be employed only in a minimum of instances for the foregoing reason and also because of the availability of Section 3546 of the Probate, Estates and Fiduciaries Code, it,

nevertheless, is considered advisable to preserve it in its altered form as a guide when it is to be employed.

Rule 12.3.A. Petition to Enforce the Rights of an Electing Spouse under Chapter 22 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. 2201 et. seq.). [Rule *123.1]

(1) *Contents of Petition.* The petition by an electing spouse shall set forth the following:

(a) the name, date of death and residence of the decedent;

(b) the name and address of the petitioner, and the petitioner's residence on the date of the decedent's death;

(c) an averment that the petitioner is the surviving spouse of the decedent; the date and place of the ceremonial marriage, and the name of the official capacity of the person who performed the ceremony; or, in case of a common-law marriage, all averments necessary to establish the validity of such a marriage;

(d) whether the decedent died testate or intestate; if letters were granted, where, to whom and when they were granted;

(e) the approximate value of all assets which may be subject to the spouse's election, to the extent known by petitioner;

(f) the date of the filing of the election, and the date and method of notice to the decedent's personal representative of the filing;

(g) a description of the party or parties against whom relief is sought, including whether each party is a fiduciary, custodian or obligor, and whether each is the original beneficial recipient or a successive donee to the property or its proceeds;

(h) a description of the relief sought, describing the specific acts to be performed or the extent of the personal liability to be imposed;

(i) any other information relevant to the disposition of the petition; and

(j) a prayer for a citation to show cause why the relief sought should not be granted, or if no citation is required, a prayer for the relief requested.

(2) *Exhibits.* The following shall be attached to the petition:

(a) a copy of the decedent's will, deed of trust or other instrument of conveyance (if any) pertaining to the property with respect to which relief is requested; and

(b) consents to the relief requested signed by those parties in interest who have consented thereto and who have not jointed in the petition.

(3) *Service of Citation and Notice.*

(a) *Petitions Requiring the Issuance of a Citation.*

(i) In accordance with Rule 3.5.B., service of the citation shall be made on all parties to whom the citation is directed, and the original citation with proof of service endorsed or annexed thereon shall be filed with the Clerk.

(ii) Petitioner shall give written notice to all other parties in interest who have neither joined in the petition nor consented to the requested relief by letter and copy of citation mailed to all such parties at least twenty (20) days prior to the return date of the citation.

(iii) Counsel to petitioner shall file with the Clerk, prior to the return date of the citation, a certification of mailing which shall list the names and addresses of all parties to whom notice was so given, including a copy of the notice given.

(b) *Notice in the Case of Petitions Not Requiring the Issuance of a Citation.* In accordance with Rule 1.2.A., petitioner shall give written notice of the intended presentation of the petition to the Court and shall attach to the petition a certification in the form required by Rule 1.2.A.(2)(b).

(4) *Decree.* There shall be attached to the face of the petition:

(a) In the case of petition requiring the issuance of a citation, a preliminary decree in approved form awarding a citation as requested in the petition; and

(b) A final decree in approved form providing for the relief requested. In appropriate cases, the decree will fix the amount of security, if any, to be entered.

Comment: Under Section 764 of the Probate, Estates and Fiduciaries Code Section (20 Pa.C.S. § 764), jurisdiction of the person is obtained by citation awarded by the Orphans' Court Division. Accordingly, petitioner should request the award of a citation directed to each person over whom personal jurisdiction is required in order to obtain the relief requested.

Rule 12.3.B. Petition to Restrain the Payment or Transfer of Property under Section 2211(d) of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 2211(d)). [Rule *123.2]

(1) *Contents of Petition.* The petition by a surviving spouse shall set forth the following:

(a) the same information which is required under paragraphs (1)(a) through (d) under Rule 12.3.A.;

(b) if an election has been filed, the date of the filing, and the date and method of notice to the decedent's personal representative of the filing;

(c) an averment that the property whose transfer or payment the petitioner seeks to restrain is property which may be subject to election as set forth in Section 2203 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 2203) and a detailed description of the property to the extent known by the petitioner, which shall include the following:

(i) the nature of the property and its approximate fair market value;

(ii) the names of all persons holding title to the property at the time of the decedent's death and at the time of presenting the petition;

(iii) the identification of any fiduciary having an interest in the property; and

(iv) the nature of the decedent's interest in the property and the date of any transfers of any interest held by the decedent in the property;

(d) an averment that failure to restrain the transfer or payment of the aforesaid property may result in irreparable injury to the petitioner;

(e) any other information relevant to the disposition of the petition; and

(f) a prayer for a citation, directed to all persons whom the petitioner alleges may transfer or make payments of the property described in paragraph (1)(c) hereof, to show

cause why they should not be restrained from making payments or transfers of the aforesaid property.

(2) *Exhibits.* The following shall be attached to the petition:

(a) a copy of the decedent's Will, deed of trust or other instrument of conveyance (if any) pertaining to the property with respect to which relief is requested; and

(b) consents to the relief requested signed by those parties in interest who have consented thereto and who have not joined in the petition.

(3) *Service of Citation and Notice.*

(a) Service of the citation shall be made on all parties to whom the citation is directed, and the original citation with proof of service endorsed or annexed thereon shall be presented at the hearing.

(b) Petitioner shall give written notice to all other parties in interest who have neither joined in the petition nor consented to the requested relief, by letter and copy of citation mailed to all such parties at least twenty (20) days prior to the hearing. At the hearing counsel to petitioner shall present a certification of mailing which shall list the names and addresses of all parties to whom notice was so given, including a copy of the notice given.

(4) *Decree.* There shall be attached to the face of the Petition:

(a) A preliminary decree in approved form awarding a citation as requested in the petition and fixing a date for a hearing; and

(b) A final decree in approved form providing for the relief requested. In appropriate cases, the decree will fix the amount of security, if any, to be entered.

Rule 12.3.C. Petition to Extend the Time for a Surviving Spouse to Elect to Receive an Elective Share in Accordance with Section 2210(b) of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 2210(b)). [Rule *123.3]

(1) *Contents of Petition.* A petition by a surviving spouse shall set forth the following:

(a) The same information which is required under paragraphs (1)(a) through (d) under Rule 12.3.A.;

(b) The fact relied upon to justify an extension of time in which to file an election;

(c) any other information relevant to the disposition of the petition; and

(d) a prayer for the extension requested.

(2) *Exhibits.* The following shall be attached to the petition:

(a) a copy of the decedent's will, deed of trust or other instrument of conveyance (if any) pertaining to the property which may be subject to the spouse's elective rights; and

(b) consents to the extension requested signed by those parties in interest who do not join in the petition, and the names of those parties who do not consent and a copy of the notice which has been given to them.

(3) *Notice.* Any party in interest who does not join in the petition or consent to the extension shall receive written notice of the intended presentation of the petition to the Court.

(4) *Decree.* A proposed decree in approved form shall be attached to the face of the petition.

Rule 12.4.A. Appointment. Additional Requirements. [Rule *124.1]

(1) *In General.* A guardian ad litem and/or a trustee ad litem will be appointed when the discharge of a trustee or of the trustee's estate is sought, a distribution of corpus is to be made, in any other matter in which the Court considers that the interest of a minor, incapacitated person, absentee, presumed decedent or unborn or unascertained person is not adequately represented by other living persons sui juris who have similar or non-adverse interests or in any other circumstance that the Court deems desirable. If the fiduciary is willing to accept an adjudication without prejudice to the rights of minors and unascertained interests, the Court may waive such appointment.

(2) *Procedure.* Counsel for the accountant or any party in interest, at least two weeks prior to the date upon which the case is listed for audit or hearing, shall present to the Auditing or Hearing Judge either a petition for appointment of a guardian ad litem and/or trustee ad litem or a written request for the waiver of the appointment of a guardian ad litem and/or trustee ad litem.

(a) A petition for any such appointment shall set forth the information required by Sup. Ct. O.C. Rule 12.4(c).

(b) A request for waiver of any such appointment shall set forth:

(i) the name, address, and, if applicable, date of birth of the minor, incapacitated person, absentee, presumed decedent or unborn or unascertained person and the relationship to the decedent or settlor;

(ii) the interest of the minor, incapacitated person, absentee, presumed decedent or unborn or unascertained person and the provisions of any instrument creating such interest;

(iii) the name, address and interest of each sui juris party in interest who has a similar interest to the minor, incapacitated person, absentee, presumed decedent or unborn or unascertained person and whose interest is not adverse to such person;

(iv) a statement why the accountant or other party in interest believes that such party in interest is qualified to represent the interest of the minor, incapacitated person, absentee, presumed decedent or unborn or unascertained person; and

(v) a statement that notice of the audit or hearing has been given to such party in interest so identified as representative of the minor, incapacitated person, absentee, presumed decedent or unascertained person.

(3) *Appointment.* A guardian ad litem and/or a trustee ad litem shall be appointed only by the Auditing Judge or Hearing Judge assigned to preside at the audit or hearing at which the guardian ad litem and/or trustee ad litem shall appear and act on behalf of such persons as he or she has been appointed to represent.

(4) *Time of Filing of Report.* The guardian ad litem and/or trustee ad litem shall file the report within 60 days after appointment by the Court unless the time for filing is otherwise shortened or extended by (a) the Court or (b) agreement of the parties.

(5) *Contents of Report.* The report of the guardian ad litem and/or trustee ad litem shall contain the following:

(a) a statement of when, how and why the guardian ad litem and/or trustee ad litem was appointed;

(b) the identity and interests of persons on whose behalf the guardian ad litem and/or trustee ad litem has been appointed;

(c) a review of the account, if applicable;

(d) a statement of the legal and other issues involved and the position of the guardian ad litem and/or trustee ad litem with respect thereto; and

(e) such other information as the guardian ad litem and/or trustee ad litem deems relevant.

The report may also contain a request by the guardian ad litem and/or trustee ad litem for compensation.

(6) *Discharge.* The guardian ad litem and/or trustee ad litem shall be deemed discharged upon the date that the adjudication or judgment becomes final or upon final approval of the schedule of distribution, if one is required, unless reappointed by the Court on its motion with compensation as directed by the Court.

Probate Section Comment: In most instances it is inappropriate for an ad litem to file exceptions.

Rule 12.4.B. Compensation. [Rule *124.2]

Each estate shall be liable for the compensation of the guardian ad litem or the trustee ad litem based upon a schedule of fees fixed by the Court. In special circumstances, the compensation of the guardian ad litem or the trustee ad litem will be fixed by special order of the Court.

Rule 12.5.A. Minor's Estate. Appointing Judge. [Rule *125.1]

The Judge who appoints a guardian or who awards a fund to a minor or to the minor's parent as natural guardian will be designated "Appointing Judge." Generally, all matters pertaining to the administration of the minor's estate will be referred to the Appointing Judge.

Rule 12.5.B. Minor's Estate. Exhibits. [Rule *125.2]

The following exhibits shall be attached to the petition:

(1) *Consent of Parents or Person in Loco Parentis.* Written consent of the parents or surviving parent of the minor to the appointment of a guardian for his or her estate or person is required. If both parents are deceased, such consent is required of the adult person with whom the minor resides or of the superintendent or other official in charge of the institution having custody of the minor, and in all cases of a married minor, of such minor's spouse. If such consent is not obtained, the petitioner shall set forth the reason and give such notice of the petition as the Court may direct.

(2) *Consent of Individual Guardian.* When the proposed guardian is an individual, his or her written consent to act as such shall contain, in addition, the following statements:

(a) his or her business, and domicile;

(b) that he or she is a citizen of the United States, able to speak, read and write the English language; and

(c) if the minor and proposed guardian reside in the same household, that it is not the intention of the guardian to apply for an allowance for the support or education of the minor during minority.

(3) *Funds Arising from Litigation.* If any part of the minor's estate was obtained as the result of litigation or compromise of litigation in a Court of record, a copy of the decree approving the compromise and distribution of the proceeds of the suit shall be attached to the petition.

Rule 12.5.C. Minor's Estate. Restricted Account. [Rule *125.3]

(1) *Waiver of Security.* In lieu of the entry of security, the Court, in the decree appointing the guardian, may authorize the guardian:

(a) to deposit the funds of the minor in an interest-bearing deposit; or

(b) to invest in a building and loan association of which the principal office is located in Philadelphia in an amount not to exceed that which is authorized under the laws of the Commonwealth of Pennsylvania; subject to the express restriction, to be noted on the records of the institution, that no withdrawals shall be made therefrom without order of Court, with a further requirement that the evidence of the deposit or investment, marked to indicate the restriction, shall be promptly exhibited to the Court.

(2) *Limitation.* A deposit or investment of principal under this Rule shall not exceed the amount which is fully insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation.

(3) *Payment at Majority of Minor.*

(a) When the gross estate does not exceed \$12,000.00, the decree of the Court may contain a further provision that if no withdrawals are made from the account during minority, the institution may pay over the funds when the minor attains majority; upon the joint order of the guardian and the late minor without further order of the Court.

(b) If the deposits or investments of principal under this Rule exceed \$12,000.00 or if, upon subsequent order of the Court, withdrawals have been made from the account during minority, the guardian shall file a petition for the guardian's discharge upon the minor's attaining majority. There shall be attached to the petition:

(i) a statement in the nature of an account, containing items of administration, distribution, principal, and income, which shall be separately stated;

(ii) an affidavit by the guardian setting forth that the guardian has received no additional assets belonging to the minor; and that all claims of which the guardian has notice have been paid; and

(4) *Additional Assets.* When the guardian has received assets in addition to the deposit or investment made in accordance with this Rule, the guardian shall account as if the restricted account did not form part of the estate.

(5) A depository in which a guardian of the estate of a minor or an incapacitated person has deposited the funds of said estate in a restricted savings account or certificate pursuant to Court order is authorized to release sufficient funds therefrom to pay income taxes levied by the state or federal government upon said estate upon the signature of the guardian without Court approval.

Rule 12.5.D. Minor's Estate. When Guardian Unnecessary. [Rule *125.4]

(1) *Disposition. In General.* If the value of the real and personal estate of a minor does not exceed the statutory limitation, the Court may:

(a) authorize payment or delivery thereof to the minor, or the parent or other person maintaining the minor;

(b) direct the deposit of the money in a restricted account, in the name of a natural guardian of the minor, or of the minor himself; or

(c) make such provision for the retention or deposit of securities or other assets, as the Court shall deem for the best interests of the minor.

(2) *Mortgage or Sale of Real Property.* If the entire estate of a minor does not exceed the statutory limitation, the Court, upon petition, may authorize the parent or other person maintaining the minor to convey or mortgage any real property forming a part or all of such estate, without the appointment of a guardian or the entry of security. The petition shall conform to the requirements of the Rules governing the sale or mortgage of real property by a guardian. The order of the Court may be conditioned upon the deposit of the proceeds of the sale or mortgage in a restricted account.

Rule 12.5.E. Minor's Estate. Allowances. [Rule *125.5]

(1) *In General.*

(a) *Responsibility of Guardian.* Expenditures from income for the benefit of the minor, and counsel fees in a nominal amount for routine services, whether payable from principal or income, should ordinarily be made by the guardian upon the guardian's own responsibility without application to the Court for approval.

(b) *Petitions. Permissive. Mandatory.*

(i) *Permissive.* The guardian may petition the Court for approval of periodical payments from income needed from the maintenance, support or education of the minor, the minor's spouse or children.

(ii) *Mandatory.* No payments shall be made by the guardian, unless approval by the Court is first obtained, when payment is to be made from principal, except as provided in paragraph (1)(a) of this Rule, or, when special services have been performed by counsel and the guardian is in doubt as to the reasonableness of the fee.

(2) *Contents of Petition. Allowance for Maintenance, Support or Education.* A petition for an allowance from a minor's estate, for the maintenance, support or education of the minor, the minor's spouse or children, shall set forth:

(a) the manner of the guardian's appointment and qualification, and the dates thereof; and the terms of the instrument creating the estate;

(b) the age and residence of the minor; whether the minor's parents are living; the name of the person with whom the minor resides; and, if married, the name and age of the minor's spouse and children;

(c) the value of the minor's estate, real and personal, and the net annual income;

(d) the circumstances of the minor, whether employed or attending school; if the minor's mother or father, or other person charged with the duty of supporting the minor, is living, the financial condition and income of such person and why such person is not discharging his or her duty to support the minor; and whether there is adequate provision for the support and education of the minor, or the minor's spouse and children;

(e) the date and amount of any previous allowance by the Court, and the name of the Judge who granted it;

(f) the financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary; and

(g) if the petition is presented by someone other than the guardian, that demand was made upon the guardian

to act, and the reason, if any, given by the guardian for the guardian's failure to do so.

(3) *Contents of Petition. Allowance of Counsel Fee.* A petition for the allowance of counsel fee shall set forth the views of the guardian with respect to the reasonableness of the fee and contain sufficient facts to enable the Court to pass judgment on the matter. The following exhibits shall be attached to the petition:

(a) a statement of counsel setting forth in detail the nature and extent of the services performed;

(b) the joinder of the minor's parents or surviving parent; or, if both parents are deceased; the joinder of the adult person with whom the minor resides, or the superintendent or other official in charge of the institution having custody of the minor, and in all cases of a married minor, of his or her spouse; and

(c) the joinder of the minor, if over eighteen (18) years of age.

Rule 12.6.A. Appointment of a Trustee. Exhibits. [Rule *126.1]

The following exhibits shall be attached to the petition for the appointment of a trustee:

(1) a copy of the trust instrument;

(2) the written consent of the proposed trustee to act as such; and

(3) the written consent of any co-trustee.

Rule 12.7.A. Discharge of a Fiduciary. Additional Provisions. [Rule *127.1]

(1) *Affidavit.* The affidavit to the petition shall include an averment that the parties who have signed the consents to discharge are all the parties interested in the estate, or the reason for the failure of any party to consent. In the latter instance, the Court may, if the circumstances require, direct the issuance of notices by citation or otherwise.

(2) *Exhibits. Consents.* Written consent of the surety, of all parties in interest, and of the surviving or successor fiduciary shall be attached to the petition. Such consent may be included in a satisfaction of award attached to the petition.

Rule 12.7.B. Discharge of a Personal Representative. Section 3184 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3184). [Rule *127.2]

When the gross real and personal estate of a decedent does not exceed the statutory limitation, the personal representative, after the expiration of one year from the first complete advertisement of grant of letters, may present a petition to the Court with an account attached under the provisions of Section 3184 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 3184). The petition shall conform as far as practicable to the requirements of a petition under Rule 6.11.B.

Rule 12.7.C. Fiduciaries in Military Service. Appointment of Substituted Fiduciary Pro Tem. Section 4301 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 4301). [Rule *127.3]

(1) *Contents of Petition.* A petition under Section 4301 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 4301) shall set forth:

(a) the facts necessary to confer jurisdiction upon the Court;

- (b) the estimated value of the estate;
 - (c) the names of all parties in interest, the nature and extent of their interest, stating who are minors or incapacitated persons, with the names and the record of the appointment of their guardians, committees, or trustees;
 - (d) that notice of the presentation of the petition has been given to all parties in interest who are sui juris;
 - (e) the name and address of the person proposed as a substitute fiduciary pro tem, if such an appointment is requested; the nature and relationship of such person to the estate or to the parties; and
 - (f) such other facts as may be necessary to enable the Court to pass judgment on the matter.
- (2) *Exhibits.* A copy of the will or deed creating the trust, the consent of the co-trustees and a verified return of notice shall be attached to the petition.

Rule 12.8.A. Partition. Additional Provisions. [Rule *128.1]

(1) *Account. Auditor.* The fiduciary selling real property in a partition proceeding shall file an account after the sale is completed. The Court may dispose of the matter at the audit of the fiduciary's account or may appoint an auditor to ascertain whether there are any liens or other encumbrances on such real property affecting the interest of the parties.

(2) *Distribution Policy.* If distribution of the proceeds of sale in partition or owelty is made by the Court, a distribution policy, issued by a title insurance company, drawn in the name of the Commonwealth to the use of all persons interested in the fund, shall be submitted to the Court. The premium charge for this policy shall be educated from the fund as costs.

Rule 12.9.A. Petitions for Leave to Sell Real Property at Public Sale under Sections 3353, 5155, 5521(23) and 7133(16) of the Probate, Estates and Fiduciaries Code. [Rule *129.1]

(1) *Contents of Petition.*

- (a) A petition by a personal representative shall set forth the following information:
 - (i) the name, residence and date of death of the decedent; whether he died testate or intestate; and the date letters were granted to the petitioner;
 - (ii) that the petitioner is not otherwise authorized by statute to sell; or is not authorized to do so by the will; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;
 - (iii) the total value of the property set forth in the inventory and the date it was filed;
 - (iv) the value at which the real property to be sold was included in the inventory;
 - (v) if bond was entered, the name of the surety and the amount of such bond;
 - (vi) the names and relationships of all parties in interest; whether or not they are sui juris, and, if not, the names of their fiduciaries (if any) and a statement of how they were appointed; and whether or not they join in the petition or consent to the sale;
 - (vii) the street address or other adequate description of the property to be sold, a brief description of the building erected upon the property, the current occupant of the property and the current tax assessment;

- (viii) a list of all liens of record known to the petitioner; and (ix) sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) A petition by a trustee shall set forth the following information:

- (i) how title was acquired, stating the date and place of probate of the will or recording of the deed to the trustee;
- (ii) a recital of the relevant provisions of the will or deed of trust pertaining to the real property to be sold and a recital of the history of the trust;
- (iii) that the petitioner is not otherwise authorized to sell by statute; or is not authorized by the deed of trust; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;
- (iv) the total approximate current value of property held in trust; and
- (v) the same information as is required under subparagraphs (a)(v) through (ix) in a petition by a personal representative.

(c) A petition by a guardian of a minor's estate shall set forth the following information:

- (i) the circumstances of the petitioner's appointment;
- (ii) the name, age and residence of the minor; the names of the minor's parents and whether either of them is deceased;
- (iii) how title was acquired;
- (iv) if an inventory was filed, the total value of the property set forth therein and the date it was filed, and the value at which the real property to be sold was included therein;
- (v) the total approximate current value of property held by the petitioner;
- (vi) a recital of the provisions of the will or deed of trust relating to the real property to be sold;
- (vii) that the petitioner is not authorized to sell the real property; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;
- (viii) the nature and extent of the interest of the minor, of the petitioner and of third persons in the real property;
- (ix) sufficient information to enable the Court to find that the proposed sale is in the best interest of the minor; and
- (x) the same information as is required under subparagraphs (a)(v) through (ix) in a petition by a personal representative.

(d) A petition by a guardian of an incapacitated person's estate shall set forth the following information:

- (i) the date of the petitioner's appointment and the name of the Hearing Judge;
- (ii) the domicile of the incapacitated person and the institution, if any, at which the incapacitated person is maintained;
- (iii) how title was acquired;
- (iv) the total value of the property set forth in the inventory and the date it was filed;
- (v) the value at which the real property to be sold was included in the inventory;
- (vi) the total approximate current value of property held by the petitioner;

(vii) a statement of all claims of the incapacitated person's creditors known to the petitioner;

(viii) sufficient information to enable the Court to find that the proposed sale is in the best interest of the incapacitated person;

(ix) if the property to be sold is the incapacitated person's former residence, an averment that he is not likely to return to live in it; and

(x) the same information as is required under subparagraphs (a)(v) through (ix) in a petition by a personal representative.

(2) *Exhibits.* The following exhibits shall be attached to the petition:

(a) a copy of the will, deed of trust or decree (or other instrument) by which the petitioner was appointed; and

(b) consents to the sale signed by those parties in interest who do not join in the petition, and the names of those parties who do not consent and a copy of the notice which has been given to them.

(3) *Notice.* Any party in interest who does not join in the petition or consent to the sale shall receive written notice of the intended presentation of the petition to the Court.

(4) *Decree.* A proposed decree providing that the real property be offered for public sale and that a return of sale be filed with the Court shall be attached to the face of the petition.

(5) *Public Sale. Notice. Return of Sale. Confirmation.*

(a) *Notice.* After the allowance of a petition for public sale, notice in approved form shall be given in the manner provided by Rule 5.1.B.

(b) *Return of Sale.* The petitioner shall file with the Court a return of public sale in the form provided by Rule 5.4.A.(2).

(c) *Confirmation.* A proposed decree confirming the sale and, where appropriate, fixing the amount of security to be entered by the petitioner shall be attached to the face of the return sale.

Rule 12.10.A. Petitions for Leave to Sell or Exchange Real Property at Private Sale under Sections 3353, 5155, 5521(23) and 7133(16) of the Probate Estates and Fiduciaries Code. [Rule *130.1]

(1) *Contents of Petition.* A petition under this Rule shall set forth, as nearly as may be practicable, the same information as is required under Rule 12.9.A. with regard to a petition to sell real property at public sale and, in addition, it shall set forth the following information:

(a) the name and address of the purchaser and a brief recital of the terms of sale; and

(b) the estimated net proceeds which the petitioner will receive at the time of settlement.

(2) *Exhibits.* The following exhibits shall be attached to the petition:

(a) a copy of the will, deed of trust or decree (or other instrument) by which the petitioner was appointed;

(b) consents to the sale signed by those parties in interest who do not join in the petition, and the names of those parties who do not consent and a copy of the notice given to them;

(c) a copy of the agreement of sale;

(d) a schedule setting forth the computation of the estimated net proceeds which the petitioner will receive at the time of settlement, including an itemized list of estimated closing expenses; and

(e) the affidavits of two real estate appraisers or brokers not of the same office, setting forth the information required under Sup. Ct. O.C. Rule 12.10(b).

(3) *Notice.* Any party in interest who does not join in the petition or consent to the sale shall receive written notice of the intended presentation of the petition to the Court.

(4) *Decree.* A proposed decree approving the sale and, where appropriate, fixing the amount of security to be entered by the petitioner shall be attached to the face of the petition.

Rule 12.10.B. Petitions to Fix or Waive Additional Security under Sections 3351 and 7141 of the Probate, Estate and Fiduciaries Code. [Rule *130.2]

(1) *Contents of Petition.*

(a) In a sale, whether public or private, of real property without benefit of an order of Court directing or authorizing such sale, where a personal representative or trustee was required to give a bond, a petition by a personal representative or trustee shall set forth the following information:

(i) the name, residence and date of death of the decedent; whether the decedent died testate or intestate; and the date letters were granted to the petitioner;

(ii) the total value of all assets set forth in the inventory;

(iii) the value at which the real property to be sold was included in the inventory;

(iv) if bond was entered, the name of the surety and the amount of such bond;

(v) the street address or other adequate description of the property to be sold; a brief description of the building erected on the property; the current occupant of the property; and the current tax assessment;

(vi) the name and address of the purchaser and a brief recital of the terms of the sale;

(vii) the estimated net proceeds which petitioner will receive at the time of settlement;

(viii) a list of all liens of record known to petitioner;

(ix) the names and relationships of all parties in interest; whether or not they are sui juris, and, if not, the names of their fiduciaries and a statement of how they were appointed; and whether or not they join in the petition or consent to the sale; and

(x) sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) A petition by a trustee shall set forth the following information:

(i) how title was acquired;

(ii) a recital of the relevant provisions of the will or deed of trust pertaining to the real property to be sold;

(iii) the estimated value of all assets currently held in trust; and

(iv) the same information required under paragraph (a) (iv) through (x) in a petition by a personal representative.

(2) *Notice.* Any party in interest who does not join in the petition or consent to the sale shall receive written notice of the terms of sale and of the intended presentation of the petition to the Court.

(3) *Exhibits.* Attached to the petition shall be the following:

- (a) a copy of the will or deed of trust;
- (b) a copy of the agreement of sale;

(c) a schedule setting forth the computation of the estimated net proceeds which petitioner will receive at the time of settlement, including an itemized list of estimated closing expenses; and

(d) consents to the sale signed by those parties in interest who do not join in the petition, and the names and addresses of those parties who do not consent and a copy of the notice which has been given to them.

(4) *Appraisals.* No appraisal shall be required where counsel for petitioner certifies that:

- (a) in counsel's opinion the estate is solvent; and

(b) counsel knows of no objection to the sale by a party in interest. In the absence of such certification, an appraisal by a qualified appraiser shall be presented with the petition. The Court may order the appointment of an appraiser in any case where it deems it appropriate or necessary for the disposition of the petition.

(5) *Decree.* A proposed decree shall be attached to the face of the petition. In the decree the Court shall fix the amount of security which the petitioner shall be required to enter, or excuse the petitioner from entering additional security. The corporate surety shall be the same as on the original bond, unless the Court directs otherwise.

Probate Section Comments:

1. *Petition by a Personal Representative or a Trustee:* When a personal representative is required to petition the Court to have additional security fixed or waived under Rule 12.10.B., the sale must meet with Court approval; otherwise personal representatives and trustees have statutory authority to sell real property without Court approval unless a specific devisee of the real property refused to join in the sale, the personal representative or trustee wishes to bid on the property, or the governing instrument denies the power to sell. See Probate, Estates and Fiduciaries Code Sections 3351, 3353, 3356 and 7141.

2. *Petition by a Guardian of a Minor's Estate:* A guardian of a minor's estate may be appointed by order of Court, by will in accordance with Section 2519(b) of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 2519(b)), or by instrument of conveyance in accordance with Section 5115 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5115). A Court appointed guardian does not have the power to sell real property without Court approval. See Section 5155 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5155). A will or instrument of conveyance appointing a guardian may give the guardian power to sell without Court approval. See Section 5146(a) of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5146(a)).

3. *Petition by a Guardian of an Incapacitated Person's Estate:* A guardian of an incapacitated person's estate does not have the power to sell real estate without Court approval.

4. With respect to petitions to sell real property under the Inalienable Property Act (Section 8301 et. seq. of the

Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.), see Rules 12.12.A. to 12.12.H.

5. The procedure and the information required for a petition for the private sale of real property to pay debts of a decedent shall conform, as nearly as practicable, to the procedure and information required of a petition presented under Rule 12.10.A.

Rule 12.11.A. Petition for Leave to Mortgage or Lease Real Property under Sections 3353, 5155, 5521(23) and 7133(16) of the Probate, Estates and Fiduciaries Code. [Rule *131.1]

(1) *Contents of Petition.* A petition by a fiduciary under this Rule shall set forth, as nearly as may be practicable, the same information as is required under Rule 12.9.A. with regard to a petition to sell real property at public sale by the same fiduciary; and, in addition, it shall set forth the name of the proposed mortgagee or lessee, the amount and terms of the proposed mortgage loan or lease and sufficient facts to enable the Court to determine whether the proposed mortgage or lease should be approved.

(2) *Exhibits.* The following exhibits shall be attached to the petition:

(a) a copy of the will, deed of trust, or decree (or other instrument) by which the petitioner was appointed;

(b) consents to the mortgage or lease signed by those parties in interest who do not join in the petition, and the names of those parties who do not consent and a copy of the notice given to them; and

(c) a statement by the proposed mortgagee agreeing to grant the mortgage loan.

(3) *Notice.* Any party in interest who does not join in the petition or consent to the mortgage or lease shall receive written notice of the intended presentation of the petition to the Court.

(4) *Decree.* A decree in approved form shall be attached to the face of the petition approving the mortgage or lease and, where appropriate, fixing the amount of security to be entered by the petitioner.

Rule 12.12.A. Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.). Public Sale. Contents of Petition. Additional Requirements. [Rule *132.1]

(1) *Trustee.* A petition to sell real property at public sale, under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.) shall also set forth in separate paragraphs:

(a) how title was acquired, stating the date and place of probate of the will or recording of the deed;

(b) a full description of the real property, its improvements, by whom it is occupied, its rental value, the current tax assessment, and the liens and charges to which it is subject;

(c) the interest of the petitioner, if a fiduciary, how and when such fiduciary was appointed; if other than a fiduciary, the name of the fiduciary, if any, and how and when such fiduciary was appointed;

(d) a recital of the history of the trust, and of the relevant provisions of the will or deed pertaining to the real property to be sold; the names of all parties and the nature and extent of their interests, stating which, if any, are minors or incapacitated persons, and giving the

names and record of appointment of their guardians, if any; and the names of the next of kin and the age of any minors;

(e) the limitations or defeasibility from which title is to be freed, following as closely as possible the language of Section 8301 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301); and that the purpose of the proceeding is to obtain a decree stating that the title transferred to the purchaser shall be indefeasible by any person ascertained or unascertained, or by any class of persons mentioned in the petition or decree having a present or expectant interest in the premises, and unprejudiced by any error in the proceedings of the Court;

(f) sufficient facts to enable the Court to determine whether the proposed sale will be to the interest and advantage of the parties, and whether the said sale may be made without prejudice to any trust, charity, or purpose for which the real property is held, and without the violation of any law which may confer an immunity or exemption from sale or alienation; and

(g) the names of any parties who do not voluntarily appear.

(2) *Guardian.* A petition by a guardian to sell real property at public sale, under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.), shall also set forth in separate paragraphs:

(a) that the petitioner was appointed guardian of the estate of the minor, stating the method, date and record of appointment; or, if the estate of the minor consists of an interest in real property of a value not exceeding the statutory limitation provided in Sections 5101 and 5102 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. §§ 5101 and 5102), that the petitioner is the natural guardian, or the person by whom the minor is maintained, stating the relationship of the petitioner to the minor;

(b) the interest of the minor and a full description of the real property proposed to be sold; its improvements; by whom it is occupied; its rental value; the current tax assessment; and the liens and charges to which it is subject;

(c) whether title was acquired by will, descent or deed, the date of decedent's death, the date and place of probate of the will or recording of the deed with respect to the real property proposed to be sold; and if the interest of the minor is partial, the names of the other parties, the nature of their interest, that they desire the sale to be made, and are willing to join in the deed;

(d) the age of the minor; the names of his or her next of kin; and the notice given them of the presentation of this petition; and

(e) sufficient facts to enable the Court to determine that it would be in the interest of such minor that the real property be sold.

Rule 12.12.B. Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.). Public Sale. Exhibits. [Rule *132.2]

The following exhibits shall be attached to a petition by a fiduciary to sell real property at public sale, under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.):

(1) a copy of the will, deed, or decree by which the fiduciary was appointed; and

(2) consents to the sale signed by those parties in interest who consent thereto, and the notice which has been given to those parties who do not consent, or voluntarily appear as petitioners or respondents; if all parties having an interest do not voluntarily appear as petitioners or respondents, a citation will be granted, directed to all parties who have not appeared, as provided by Section 8304 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8304).

Rule 12.12.C. Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.). Public Sale. Notice. Confirmation. Security. [Rule *132.3]

The practice and procedure with respect to notice, confirmation, and the entry of security shall conform to the appropriate provisions of Rule 5.1.B. governing notice.

Rule 12.12.D. Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.). Private Sale. Contents of Petition. Additional Requirements. [Rule *132.4]

(1) *Trustee.* A petition by a trustee to sell real property at private sale, under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.), shall also set forth in separate paragraphs:

(a) the information required under Rule 12.12.A(1);

(b) the name and address of the proposed purchaser, the price to be paid; the terms of the proposed sale; and that the price offered is better than can be obtained at a public sale; and

(c) when the proposed sale is of an undivided interest, that the other parties in interest desire the sale to be made and are willing to join in the deed.

(2) *Guardian.* A petition by a guardian to sell real property at private sale, under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.), shall also set forth in separate paragraphs:

(a) the information required under Rule 12.12.A.(2); and

(b) the name and address of the proposed purchaser, the price to be paid, the terms of the proposed sale, and that the price offered is better than can be obtained at a public sale.

Rule 12.12.E. Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.). Private Sale. Exhibits. [Rule *132.5]

The following exhibits shall be attached to a petition by a fiduciary to sell real property at private sale, under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.):

(1) a copy of the will, deed, or decree by which the fiduciary was appointed;

(2) a copy of the agreement of sale;

(3) affidavits by two real estate appraisers setting forth the information required by Rule 12.10.A.(2); and

(4) consents to the sale signed by those parties in interest who consent thereto and the notice which has been given to those parties who do not consent, or voluntarily appear as petitioners or respondents; if all parties having an interest do not voluntarily appear as petitioners or respondents, a citation will be granted,

directed to all parties who have not appeared, as provided by Section 8304 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8304).

Rule 12.12.F. Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.). Private Sale. Security. [Rule *132.6]

The Court, in the decree approving or confirming the sale, will fix the amount of security which the fiduciary shall be required to enter.

Rule 12.12.G. Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.). Mortgage. [Rule *132.7]

(1) *Contents of Petition.* A petition by a fiduciary to mortgage real property, under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.), shall conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed loan; and shall set forth sufficient facts to enable the Court to determine whether the proposed loan should be approved.

(2) *Exhibits. Security.* The exhibits required by Rule 12.11.A.(2) shall be attached to the petition, with the proviso regarding consents, that if all parties having an interest do not voluntarily appear as petitioners or respondents, a citation will be granted, directed to all parties who have not appeared, as provided by Section 8304 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8304). Security shall be fixed as provided by Rule 12.11.A.(4).

Rule 12.12.H. Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et. seq.). Real Estate or Fiduciaries in Other Counties. [Rule *132.8]

(1) Fiduciaries whose appointments originated in this county shall obtain leave of this Court to petition the Court of another county of this Commonwealth, under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.), to sell or mortgage real property located in that county. Such leave may be obtained by petition to this Court setting forth briefly the substantial averments of a petition for the sale or mortgage of real property.

(2) Fiduciaries whose appointments originated in other counties of this Commonwealth shall obtain leave of the Court of their appointment to petition this Court under Chapter 83 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 8301 et seq.) to sell or mortgage real property located in this county. The petition to this Court shall comply with the provisions of these Rules with regard to the sale or mortgage of real property, and shall include, as exhibits, copies of the petition and of the decree of the court of origin.

Rule 12.16.A. Petition for Review. [Rule *135]

Every petition for review of an adjudication or decree shall contain a certification that the Auditing Judge or the Judge who entered the decree to be reviewed has been previously informed of the intention to file the petition for review.

DISTRIBUTION—SPECIAL SITUATIONS

Rule 13.3.A. Content of Report. [Rule *69.5]

The report required by Sup. Ct. O.C. Rule 13.3 shall be submitted at the audit, and shall include, substantially, the following:

(1) *Unknown Distributee.* If it appears that the identity or whereabouts of a distributee is unknown, or there are no known heirs, the fiduciary shall submit a written report at the audit, verified by affidavit of the fiduciary or counsel for the fiduciary, in which shall be set forth:

(a) the nature of the investigation made to locate the heirs of the decedent, in complete detail; and

(b) in cases of intestacy, or where there are no known heirs, a family tree, as complete as possible under the circumstances, supported by such documentary evidence as the fiduciary has been able to obtain.

The term "investigation", as used in this Rule, shall include inquiry of or as to as many of the following as may be pertinent and feasible: residents of the household in which the decedent resided; friends and neighbors; labor union membership; places of employment; social, fraternal, or beneficial organizations; insurance records; church membership; school records; social security, Veterans' Administration, or military service records; naturalization records, if not native born; and such other sources of information as the circumstances may suggest.

(2) *Non-Resident Distributee.* If the fiduciary requests the Court to withhold distribution to a non-resident distributee, he shall submit a written report at the audit, verified by the affidavit of the fiduciary or counsel for the fiduciary, in which shall be set forth:

(a) the relationship of the distributee to the decedent, and any available information concerning the distributee's present whereabouts;

(b) in cases of intestacy, a family tree, as complete as possible under the circumstances, supported by such documentary evidence as the fiduciary has been able to obtain; and

(c) the reasons for the request that distribution be withheld, and the suggested manner of withholding.

INCAPACITATED PERSONS' ESTATES

Rule 14.2.A. Petitions Under Chapter 55 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5501 et seq.)

(1) *Contents.* Any petition filed under Chapter 55 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5501 et seq.) shall be in plain language and shall include the following (in addition to those paragraphs unique to the relief requested by the petition):

(a) The name, residence and post office address of the petitioner and the relationship, if any, of the petitioner to the alleged incapacitated person;

(b) The name, date of birth, social security number, residence, post office address and occupation, if any, of the alleged incapacitated person;

(c) The names, ages and addresses of the spouse, dependents, parents and presumptive adult heirs of the alleged incapacitated person;

(d) The names and addresses of the persons or institutions providing residential services to the alleged incapacitated person;

(e) The names and addresses of all other service providers;

(f) The names and addresses of the persons or entities whom petitioner asks to be appointed guardian and an averment that all proposed guardians have no interest adverse to the alleged incapacitated person;

(g) The reasons the guardianship is requested;

(h) A description of the functional limitations and of the physical and mental condition of the alleged incapacitated person;

(i) The steps taken to find less restrictive alternatives;

(j) The specific areas of incapacity over which the guardian is requested to be assigned authority;

(k) The qualifications of each proposed guardian and the written consent of each proposed guardian to serve;

(l) Where a guardian of the estate is sought, the gross value of the estate and net income from all sources to the extent known (including but not limited to salary, income or other benefits which the alleged incapacitated person is receiving or entitled to receive);

(m) A copy of the most recent annual report(s), if any has been filed, certified as true and correct by counsel and the date of filing of said report(s);

(n) A statement as to whether the alleged incapacitated person was a member of the United States Armed Forces and whether he or she is currently receiving veterans' benefits;

(o) A statement as to whether the alleged incapacitated person has executed a power of attorney or an advance directive for health care; and

(p) A statement as to whether any other court has ever assumed jurisdiction in any proceeding to determine the capacity of the alleged incapacitated person.

(2) *Decrees.* The following decrees shall be attached to the face of a petition for adjudication of incapacity:

(a) A preliminary decree awarding a citation directed to the alleged incapacitated person to show cause why he or she should not be adjudged an incapacitated person and a limited or plenary guardian appointed, and providing for a hearing at a time and place to be supplied by the Court. The preliminary decree shall also restate the requirements set forth in Rule 14.2.B.(4), (5) and (6).

(b) A final decree adjudicating incapacity, appointing a limited or plenary guardian of the person and/or estate, directing the filing of an annual report and fixing security, if any.

(3) *Presentation of Petitions.* All petitions under Chapter 55 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5501 et seq.) shall be filed with the Clerk of the Court in the county in which the alleged incapacitated person resides, or is domiciled, or in which previous matters under this Chapter have been filed by the proposed guardian, the Court appointed guardian or any interested party.

(4) *Alleged Incapacitated Persons: Resident/Non-resident.*

(a) The Court may determine the incapacity of persons domiciled or residing in the Commonwealth, and appoint guardians of the person and/or estate of the incapacitated person.

(b) The Court may determine the incapacity of persons not domiciled in the Commonwealth, having property in the Commonwealth, and appoint a guardian of the estate of the incapacitated person. The Court shall give preference in its appointment to the foreign guardian of the non-resident incapacitated person, unless such appointment would not be in the best interests of the incapacitated person.

Probate Section Comment: Section 5512.1 of the Pennsylvania Probate, Estates and Fiduciaries Code (20

Pa.C.S. § 5512.1) elaborates the basis upon which the Court shall make a finding of incapacity. The description and the steps taken to find less restrictive alternatives must include sufficient information to satisfy the requirements of § 5518 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5518). Section 5511 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5511) establishes that the Court may adjudicate an individual incapacitated and appoint a guardian only upon petition and hearing and upon the presentation of clear and convincing evidence.

Rule 14.2.B. Practice and Procedure. In General.

(1) *Assignment of Petitions.* Petitions for the appointment of guardians of alleged incapacitated persons will be assigned to the Judges of the Court in rotation.

(2) *Consent of Proposed Guardian.* The written consent of the proposed guardian to act as guardian, containing the information required to be given by a guardian of the estate of a minor, under Rule 12.5.B.(2), shall be attached to the petition.

(3) *Hearing Judge.* The Judge to whom a petition is assigned will be designated "Hearing Judge." Generally, all matters pertaining to the administration of the incapacitated person's estate will be referred to the Hearing Judge.

(4) *Service on Alleged Incapacitated Person and Notice to Interested Parties.*

(a) Personal service on the alleged incapacitated person shall be made by petitioner, or petitioner's representative, no less than twenty (20) days before the hearing. At the time of service, the petition and citation shall be explained to the maximum extent possible in language the alleged incapacitated person will be most likely to understand and the petition and the citation shall be left with him or her. The form of notice provided to the alleged incapacitated person shall be in large type and simple language, indicate the purpose and seriousness of the proceedings and the rights that could be lost as a result of the proceedings. Such notice shall include:

(i) The date, time and place of hearing;

(ii) An explanation of all rights of the alleged incapacitated person (including the right to counsel, to have an independent evaluation, to have the cost of counsel and of such independent evaluation reimbursed by the Commonwealth if the alleged incapacitated person is unable to pay); and

(iii) A statement that if the alleged incapacitated person does not attend the hearing or does not reply to the petition, the Court may assume that there is no objection to the petition and grant the requested relief.

(b) At least twenty (20) days before the hearing, notice consisting of copies of the petition and citation shall be sent by petitioner by certified mail to all persons who are sui juris and entitled to share in the estate of the alleged incapacitated person if he or she died intestate at that time. If there are no known intestate heirs, notice shall be given to the Attorney General at the Eastern Regional Office in Philadelphia. Notice shall also be provided to such person or institution providing residential services to the alleged incapacitated person and to such other parties as the Court may direct, including other service providers.

(c) The petitioner must notify the Court at least seven (7) days prior to the hearing if counsel has not been retained by or on behalf of the alleged incapacitated person.

(5) *Proof of Service and of Notice.*

(a) The following shall be submitted at a hearing for determination of incapacity:

(i) An affidavit of service of the petition and citation on the alleged incapacitated person, attached to or endorsed upon the original citation, reciting that the petition and citation were explained to the maximum extent possible in language likely to be understood by the alleged incapacitated person and that a copy of each was left with him or her; and

(ii) An affidavit reciting the manner of giving notice of the hearing and identifying those persons to whom such notice was given as required in Rule 14.2.B.(4).

(b) For all other petitions, proof of service and of notice shall be in accordance with Rule 1.2.A. or as the Court shall otherwise direct.

(6) *Attendance at Hearing.* The petitioner and the alleged incapacitated person shall be present at the hearing unless:

(a) The Court is satisfied, upon the deposition or testimony of or sworn statement by a physician or licensed psychologist, that the physical or mental condition of the alleged incapacitated person would be harmed by his or her presence; or

(b) It is impossible for the alleged incapacitated person to be present because of his or her absence from the Commonwealth, in which case it shall not be necessary for the alleged incapacitated person to be represented by a guardian ad litem.

The Court may, in its discretion, hold a closed hearing or a hearing without a jury, subject to the right of the alleged incapacitated person or his or her counsel to demand an open hearing, or a hearing with a jury. The hearing may be held at such location as the Court shall direct, including the alleged incapacitated person's residence.

(7) *Emergency Proceedings.*

(a) *Appointment:* The Court, upon petition and hearing at which clear and convincing evidence is shown, may appoint an emergency guardian or guardians of the person and the estate of an alleged incapacitated person, when it appears that the person lacks capacity, is in need of a guardian and a failure to make such appointment would result in irreparable harm to the person or estate of the alleged incapacitated person. The Court may also appoint an emergency guardian of the person pursuant to Chapter 55 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5501 et seq., including § 5513) for an alleged incapacitated person who is present in this Commonwealth but is domiciled outside the Commonwealth, regardless of whether he or she has property in this Commonwealth.

(b) *Applicability of Other Provisions:* The provisions of § 5511 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5511), including those relating to counsel, shall be applicable to such proceedings, except when the Court has found such provisions to be impractical.

(c) *Duration of Emergency Guardianship:*

(i) Person: An emergency order appointing an emergency guardian of the person may be in effect for up to seventy-two (72) hours. If the emergency continues, then, upon application to the Hearing Judge, the emergency order may be extended for no more than twenty (20) days from the expiration of the initial emergency order. After

the expiration of the emergency order or any extension, a full guardianship proceeding must be instituted pursuant to § 5511 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5511).

(ii) Estate: An emergency order appointing an emergency guardian of the estate shall not exceed thirty (30) days. After thirty (30) days, a full guardianship proceeding must be initiated pursuant to § 5511 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5511).

(d) *Electronic Filing:* By leave of Court, a copy of the petition and preliminary decree may be transmitted electronically to the Hearing Judge, e.g., by facsimile transmission, with the originals to be delivered to the Court on the next business day.

(8) *Evidence of Incapacity.*

(a) *Testimony:* The petitioner must present testimony, whether in person or by deposition, from individuals qualified by training and experience in evaluating incapacities of the type alleged by petitioner, which establishes the nature and extent of the alleged incapacities and disabilities and the person's mental, emotional and physical condition, adaptive behavior and social skills.

(b) *Independent Evaluation:* If, pursuant to § 5511(d) of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5511(d)), the Hearing Judge upon his or her own motion or on petition by the alleged incapacitated person for cause shown, shall order an independent evaluation to meet the requirements of § 5518 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5518): (1) the evaluator shall file a report of findings with the Hearing Judge before the hearing and shall send a copy thereof to each counsel of record and to such other interested parties or persons as the Court may direct; (2) the Hearing Judge shall determine the charges for the independent evaluation and the persons responsible for the payment and shall give due consideration to any evaluator nominated by the alleged incapacitated person.

(9) *Filing of An Inventory.* Within three months of the adjudication of incapacity, every guardian of the estate of an incapacitated person shall file an inventory with the Clerk of the Court in accordance with the provisions of § 5521(b) of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5521(b)) upon forms supplied by the Clerk of the Court.

(10) *Filing of Annual Reports.* Within twelve (12) months of a guardian's appointment, and annually thereafter, the guardian of an incapacitated person shall file a report in accordance with § 5521(c)(1) of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5521(c)(1)) with the Clerk of the Court.

(11) *Testamentary Writings.* A copy of all testamentary writings of the incapacitated person found by the guardian, or in the possession of any other person, certified to be true and correct, shall be submitted by the guardian or such other person to the Hearing Judge for inspection within thirty (30) days of such guardian's appointment, or when such testamentary writing(s) is subsequently discovered.

(12) *Certificates of Appointment.* The Clerk, in addition to issuing certified copies of the decree appointing a guardian, will issue a "Guardian's Certificate" in accordance with the decree when the security, if any, ordered by the Court has been entered.

Probate Section Comment: See Rule 3.5.B. for the citation procedure and required manner of service. Notwithstanding paragraph (4), a shorter time period for service may be permitted in connection with petitions for the appointment of an emergency guardian. If the alleged incapacitated person is in a hospital, nursing home or other institution, service must be made by an attorney or authorized personnel of the institution (in accordance with Rule 5.2.A.) and notice of the hearing should be given to the director or other authorized official of such facility. If the alleged incapacitated person is a veteran, notice of the hearing must be given to the Veterans' Administration. Although paragraph (8)(a) permits testimony by deposition, such evidence may not necessarily be considered adequate to establish incapacity. In relying on such evidence, counsel takes the risk that the petition will be denied or that the hearing will be continued so that a witness may be produced to give "live" testimony.

Note: Pursuant to the Pennsylvania Mental Health Procedures Act, § 109, the Court is required within seven days of finding an individual incapacitated to file a "Notification of Mental Health Commitment" form with the Pennsylvania State Police.

Rule 14.2.C. Practice and Procedure. Small Estates.

If at a hearing the incapacity is established, and it appears that the gross estate does not exceed the statutory limitation, the Court may award the entire estate to the person or institution maintaining the incapacitated person, or make such order as may be appropriate under the circumstances. In such case, a decree in approved form, in lieu of the final decree appointing a guardian, shall be attached to the face of the petition.

Probate Section Comment: Sections 5101 and 5505 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5101 and § 5505) prescribe the statutory limitation for small estates.

Rule 14.2.D. Practice and Procedure. Special Petitions.

(1) *Allowances.*

(a) In General: Expenditures for the maintenance or support of an incapacitated person or for a dependent of the incapacitated person, or for payment of counsel fees, shall be governed by the appropriate provisions of Rule 12.5.E.(1) and (3); but, otherwise, as hereinafter provided.

(b) Presentation of Petition and Decrees: A petition for distribution from the incapacitated person's estate, during incapacity, shall be filed with the Clerk of the Court by the guardian or any interested party. A final decree shall be attached to the face of the petition. When the petitioner is not a guardian, a preliminary decree containing a provision for the time and place for hearing to be fixed by the Court shall also be attached to the face of the petition. Notice shall be given to the guardian and to such other parties as the Court may direct.

(c) Additional Contents of Petition: In addition to the provisions set forth in Rule 14.2.A.(1), the petition shall also set forth:

(i) The name of the guardian, the date of his or her or appointment, the nature of the guardianship of the estate or person (limited or plenary) and the name of the Hearing Judge;

(ii) If the petitioner is not a guardian, his or her relationship to the incapacitated person, and, if not related, the nature of his or her interest;

(iii) A statement of all previous distributions allowed by the Court since the date of the last Court approved accounting, if any;

(iv) An itemized statement of all claims of the incapacitated person's creditors known to petitioner;

(v) A statement of the requested distribution and the reasons therefor; and

(vi) A prayer for the distribution requested. If the allowance requested will involve a matter which will require annual petitions for substantially similar relief, the petitioner may request the Court to make the grant of the allowance applicable to more than one (1) year, but not to exceed three (3) years, unless otherwise permitted by the Court.

(d) Restrictions Governing Allowance:

(i) Except in cases of extreme emergency, requests for allowances will not be approved prior to the filing of the inventory or the last required annual report, as the case may be.

(ii) If any portion of the incapacitated person's estate is received from the United States Veterans' Administration or its successor, or any agency of the Commonwealth, notice of the request for allowance shall be given to such agency.

(2) *Sales.*

(a) Real Property: A petition to sell real property shall comply with the appropriate provisions of the rules governing sale under Rule 12.12.A, as far as practicable.

(b) Personal Property: The Court shall be asked to approve sales of personal property only when the circumstances are unusual or where the nature of the property is such that the incapacitated person may wish to receive it in kind if he or she regains his or her capacity.

(3) *Reserve for Funeral.* In accordance with § 5537 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5537), the Court may authorize a funeral reserve.

(4) *Estate plan.* In accordance with § 5536(b) of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5536 (b)), the Court may substitute its judgment for that of the incapacitated person with respect to the incapacitated person's estate planning and other affairs.

(5) *Other Petitions.* The provisions of Rule 14.2.D. do not preclude the filing of other petitions for special relief. All other petitions shall be filed with the Clerk of the Court by the guardian or any interested party.

Probate Section Comment: Section 5521 of the Pennsylvania Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 5521) gives the guardian authority to sell personal property without court approval. Therefore, for instance, such approval should not be sought for the routine sale of publicly traded securities; however, court approval may be sought for sales of other types of personal property, such as the alleged incapacitated person's personal effects, household furnishings or closely held stocks.

Rule 14.2.E. Practice and Procedure. Modification of Existing Orders and Adjudication of Capacity.

(1) *Petition to Modify An Existing Order.* A petition to modify an existing order shall include a request for the appropriate modification of the existing order in accordance with the evidence as presented of the incapacitated person's capacity or other change in circumstance.

(2) *Petition for Adjudication of Capacity.* A petition for adjudication of capacity shall include a request that the incapacitated person be declared no longer incapacitated, that the guardian be directed to file a final account and that such other action as the circumstances may require be approved.

ADOPTIONS

Probate Section Comment: In Philadelphia County, exclusive jurisdiction in adoption matters is vested in the Family Court Division of the Court of Common Pleas.

SHORT TITLE

Rule 17.1.A. Philadelphia Orphans' Court Division Rules. [Rule *161(b)]

The Local Rules of the Orphans' Court Division of the Court of Common Pleas of Philadelphia County shall be known as the Philadelphia Orphans' Court Division Rules, and shall be cited as Phila. O.C. Div. Rules.

[Pa.B. Doc. No. 99-925. Filed for public inspection June 11, 1999, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CUMBERLAND COUNTY

Rules of the Court of Common Pleas; No. 21-95-945 Orphans Court

Order

And Now, this 27th day of May, 1999, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective August 1, 1999, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word reflecting the text in the hard copy version, one (1) copy to the Supreme Court Orphans Court Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the Cumberland Law Journal.

By the Court

GEORGE E. HOFFER,
President Judge

Rule 15.1-1.

All reports and petitions relating to adoption shall be filed with the Register of Wills and shall be in such form as is designated from time to time by the Court. After such report or petition has been fully indexed as set forth in C.C.O.C.R. 15.7-1, the same shall be returned to the custody of the hearing judge who shall retain the same until the adoption is completed. Upon the completion of any proceedings relative to adoption, all documents in connection therewith shall be handled in the manner set forth in C.C.O.C.R. 15.7-1.

Adopted May 15, 1990, effective July 1, 1990. Amended June 1, 1999, Effective August 1, 1999.

[Pa.B. Doc. No. 99-926. Filed for public inspection June 11, 1999, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Adoption of Local Criminal Action Rules 39-1107; Miscellaneous Docket, Volume 5, Page 250

Order

May 25, 1999, the following Criminal Action Rule is adopted for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, both the Franklin and Fulton County Branches: 39-1107 to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

39th Jud. Dist. R. Crim. P. 39-1107.

Juror Information Questionnaires.

1107.1 General. Confidential Juror Information Questionnaires ("questionnaires") will be maintained securely in the office of the court-appointed official custodian. The questionnaires shall not constitute a public record.

1107.2 Copies. Complete and accurate copies of the original questionnaires ("copies") shall be collated into numbered binders which shall be available only to judges, attorneys for the Commonwealth and defendants' attorneys. Attorneys and judges may examine copies prior to jury selection by making arrangements with the designated custodian. In the Franklin County Branch, the Court Administrator shall be the official custodian; in the Fulton County Branch, the Clerk of Courts shall be the official custodian. Copies shall be made available and shall be signed out from and returned to the office of the official custodian. Copies shall not constitute public records.

1107.3 Restrictions. Copies shall not be removed from the designated area except upon prior court order for good cause shown. In the Franklin County Branch, the designated area shall be any floor of the Courthouse or Courthouse Annex on which any courtroom is located; in the Fulton County Branch, the designated area shall be the first and second floors of the Courthouse. Copies shall not be duplicated, distributed or published. Defendants may not be given copies of the questionnaires.

1107.4 Disposition of Questionnaires and Copies.

(A) **Impaneled jurors; original questionnaires.** All original questionnaires of all impaneled jurors shall be retained by the Court Administrator in a sealed file and shall not be destroyed until the commencement of the trial term one (1) year after the trial term in which they were selected, unless otherwise ordered by the Court.

(B) **Impaneled jurors; copies.** At the completion of selection of all juries for each trial term, all copies shall be returned to the trial judge and destroyed, unless otherwise ordered by the trial judge upon timely request of any defendant, any defendant's attorney, or the attorney for the Commonwealth.

(C) **Jurors not impaneled.** All originals and all copies of questionnaires of all prospective jurors not impaneled

and not selected for any trial service shall be destroyed upon completion of the jurors' service.

1107.5 Supplemental Questionnaire. The Court Administrator is hereby authorized to require the completion of a supplemental confidential juror information questionnaire, in addition to the standard, confidential juror information questionnaire mandated by Pa.R.Crim.P. 1107.

1107.6 Completion of Questionnaires and Supplemental Questionnaires. The Court Administrator of the judicial district shall develop appropriate procedures for distributing or mailing, collecting, collating, copying, maintaining, securing and destroying questionnaires, supplemental questionnaires and all copies, as provided and required by law. In addition, the Court Administrator shall develop an information sheet advising jurors of the procedures for maintaining confidentiality of the questionnaires.

[Pa.B. Doc. No. 99-927. Filed for public inspection June 11, 1999, 9:00 a.m.]

GREENE COUNTY

Consolidated Rules of Court; C.A. No. 5 of 1992

Order

And Now, this 28th day of May, 1999, it is *Ordered*:

1. The following amendments and additions to the Greene County Rules of Procedure (G.Co.R.) are adopted as Rules of this Court, effective July 1, 1999 or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later.

2. The Court Administrator of Greene County shall:

(a) File ten (10) certified copies of this Order and the following Rules with the Administrative Office of Pennsylvania Courts;

(b) Distribute two (2) certified copies of this Order and the following Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy of this Order and the following Rules with the Pennsylvania Civil Procedure Rules Committee;

(d) File proof of compliance with this Order in the docket at the above number and term, which shall include a copy of each letter of transmittal; and

(e) Cause a copy of this Order and the following Rules to be published one (1) time in the Greene Reports.

It is further *Ordered* that on the effective date of the following local rules, all previous local rules are rescinded.

By the Court

H. TERRY GRIMES,
President Judge

Rule G2: Sessions of Court.

Deleted.

Rule G211: Argument Court.

a. The Prothonotary, Clerk of Court, and Clerk of Orphans' Court, shall immediately place on the next available argument list any case where preliminary objections, exceptions, motions for summary judgment, or any other request for determination of law has been filed.

b. The legal brief or memorandum of the moving party shall be filed with the appropriate Court office and served upon opposing counsel or unrepresented parties not less than fifteen (15) days prior to the date of argument. The reply legal brief or memorandum shall be filed with the appropriate court office and served upon opposing counsel or unrepresented parties not less than five (5) days prior to the date of argument. Failure to strictly comply with the briefing schedule shall constitute a default authorizing the Court to grant or deny the relief at issue, prohibit the failing party to make oral argument, and to take such other action as the Court deems necessary for the proper administration of justice.

Rule G216: Continuances.

a. A filing fee of twenty five (\$25.00) dollars shall be paid to the Prothonotary upon filing of the motion for continuance and receipt received prior to the Prothonotary's time stamp and prior to presentment to this Court.

b. The Prothonotary shall remit said filing fee on a monthly basis to the Court Administrator for expenditure on the Greene County Law Library.

c. Motions for continuance shall contain the following information:

1. A statement of the number of prior continuances, if any,

2. A clear, concise and certain reason for the request, and

3. In the event the reason for requesting a continuance is a prior commitment to another Court appearance or administrative agency, a copy of the notice of the conflicting hearing shall be attached as an exhibit.

d. If the continuance is by consent, all counsel and all parties must sign the application.

e. Granting of a continuance pursuant to this Rule and Pa.R.C.P. 216 shall be at the discretion of the Court.

Rule G1901: Protection from Abuse (23 Pa.C.S.A. 6101): Procedure.

a. All police and detention authorities shall familiarize themselves with this rule so as to provide efficient enforcement of the protection from abuse law and to ensure speedy relief for the parties.

b. Commencement and Referral. The Prothonotary and the District Justice shall provide written and oral referrals to any person wishing to file a petition under the Protection From Abuse Act, 23 Pa.C.S.A. § 6101, et seq., to Greene County Women's Center, the Southwestern Pennsylvania Legal Aid Society, or the Court Administrator of Greene County. The Prothonotary shall accept petitions without requiring prepayment of the filing fee and the Sheriff shall serve copies of any temporary order upon the defendant unless the Court orders otherwise.

Rule G1902: Protection from Abuse (23 Pa.C.S.A. 6101): Enforcement.

a. When an arrest is made for violation of an order, a complaint for indirect criminal contempt shall be completed and signed by either a police officer or the plaintiff and filed with the Prothonotary. When the complaint is filed by a police officer, neither the plaintiff's presence nor signature is required.

b. When an arrest is not effected, a complaint for indirect criminal contempt may be completed and signed by the plaintiff pursuant to 23 Pa.C.S.A. § 6113.1.

c. Defendants arrested for violation of an order shall be brought before the Court at the first business hour following the arrest. If the Court is unavailable, the defendant shall be taken to the District Justice for preliminary arraignment and instruction on rights and procedure. The defendant shall be given the right to post bail which may be subject to conditions such as eviction or abstaining from all contact with the plaintiff.

d. In the event of an arrest, the complaining party shall be present at the time the defendant is brought before the Court.

e. Defendants are entitled to be represented by an attorney at the contempt proceeding, and if a defendant qualifies by reason of indigency, an attorney will be appointed to represent him or her. The District Justice will, upon request, provide a defendant with an application for Court-appointed counsel.

f. Immediately upon the arrest and detention of a defendant for a violation of an order, or at the first opportunity thereafter, the arresting authority and/or the authorities at the detention center shall be responsible for notifying the Court Administrator, the defendant's attorney, or the Public Defender's Office if the defendant does not have an attorney.

g. In any case, the plaintiff may proceed by petition and rule to show cause why the defendant should not be found in civil contempt for violation of any provision of an order. Upon the presentation of a petition, the Court Administrator shall schedule a hearing date.

Rule G5002: Health Conditions in the Courthouse.

All persons are prohibited from smoking or otherwise using tobacco products in the Greene County Courthouse, and are prohibited from use, possession, or influence of alcoholic beverages or other drugs in the Greene County Courthouse. Attorneys are responsible for informing and enforcing this prohibition as to their clients and witnesses.

Rule G319-CRIM: Criminal Pre-Trial Procedures.

a. Plea Court. The Court shall designate two (2) days to be scheduled within two (2) weeks prior to the beginning of the criminal trial term as plea court. The District Attorney shall be responsible for determining the cases to be included and the order in which the cases are to be called.

b. Pleas may be scheduled for hearings at times other than the two (2) scheduled plea court days as scheduled by the Court.

c. Plea agreements will not be considered by the Court after the date of plea court although open pleas will be accepted at any time prior to the return of the jury.

Rule G1407-CRIM: Payment of Fines, Costs, and Restitution.

a. All fines, costs, and restitution assessed at the time of sentencing shall be payable within fifteen (15) days of sentencing, except in cases where the defendant can show a hardship the Greene County Probation and Parole Department may arrange a payment schedule with the defendant in order to provide that all such fines, costs and restitution are paid in full at least one (1) month prior to the maximum term of the sentence.

b. The Greene County Parole and Probation Department shall ensure that all cases where the defendant has not paid the fines, costs and restitution pursuant to the foregoing are scheduled for a violation hearing consistent with Pa.R.Crim.P. 1409 when a defendant unjustifiably is

not making payments agreed upon, but in any event, such hearing shall be scheduled not later than one (1) month prior to the termination of the maximum sentence of the defendant.

Rule G6.12-O.C.: Filing Dates.

a. Final accounts or petitions for settlement of small estate for all decedent's estates shall be filed within one year of the date of death unless an extension is granted by Court Order.

b. If the pleading has not been filed within ten months of the date of death, the Register of Wills shall notify counsel for the estate, or if no counsel is representing the estate, then the personal representative that the account must be filed pursuant to this rule.

c. The Register shall submit to the Court on the first working day following the expiration of one year from the date of death a list of all counsel of record, if any, and the personal representative where the account, etc. has not been filed within one year of the date of death.

d. In the event that the attorney for the estate, if any, and the personal representative do not strictly comply with this rule and Pa.O.C. Rule 6.12, sanctions shall be imposed unless good cause acceptable to the Court is shown.

[Pa.B. Doc. No. 99-928. Filed for public inspection June 11, 1999, 9:00 a.m.]

NORTHAMPTON COUNTY

Northampton County Rule of Criminal Procedure N1403—Aids in Imposing Sentence; Misc. No. 179-1999

Order

And Now, this 25th day of May, 1999, Northampton County Rule of Criminal Procedure N1403—Aids in Imposing Sentence—is hereby amended as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Seven (7) certified copies of the following rule shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Criminal Procedural Rules Committee. One (1) copy of these rules shall be kept available in the Office of the Clerk of Courts. A copy is directed to be published in the *Northampton County Reporter*:

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N1403. Aids in Imposing Sentence.

(a) Prior to filing the Information, the District Attorney shall obtain a report of the prior criminal convictions, if any, of the defendant. Within forty-five (45) days of receipt of the report, the District Attorney shall calculate the prior record score for guideline sentencing purposes.

(b) Upon request, the District Attorney shall make said report and calculation available to the Court, defense counsel, and, if unrepresented, the defendant.

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

(d) (1) If a pre-sentence investigation report is prepared, the Guideline Sentencing Form shall be prepared by the report preparer.

(2) If a pre-sentence investigation report has not been prepared, the Guideline Sentencing Form shall be prepared by defense counsel if defendant is represented. The defense counsel shall use the prior record score provided by the District Attorney unless there is a dispute with respect to the calculation, in which case the Court shall determine the prior record score.

(3) If a pre-sentence investigation report has not been prepared, the Guideline Sentencing Form shall be prepared by the District Attorney if defendant is unrepresented.

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

(f) The Clerk of Court—Criminal Division shall send a copy of the Guideline Sentencing Form to the Pennsylvania Commission on Sentencing.

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

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

[Pa.B. Doc. No. 99-929. Filed for public inspection June 11, 1999, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

PART III. GAME COMMISSION

[58 PA. CODE CH. 139]

Corrective Amendment to 58 Pa. Code § 139.16

The Game Commission has discovered a discrepancy between the agency text of 58 Pa. Code § 139.16(a)(1) and (4) (relating to deer damage areas) as deposited with the Legislative Reference Bureau and the official text published at 29 Pa.B. 2576 (May 15, 1999) and which will be codified in the July 1999 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 296). The text adopted at 29 Pa.B. 2576 did not reflect amendments to the proposed version of § 139.16(a)(1) and (4) made by the Game Commission.

Therefore, under 45 Pa.C.S. § 901: The Game Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 139.16. The corrective amendment to 58 Pa. Code § 139.16 is effective as of May 15, 1999, the date the defective official text appeared in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 139.16(a)(1) and (4) appears in Annex A, with ellipses referring to the existing text of the regulation.

DONALD C. MADL,
Executive Director

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.16. Deer damage areas.

(a) This section provides for the hunting and taking of antlerless deer during the antlered deer season on certain lands designated by the Executive Director as "Deer Damage Areas."

(1) To qualify as a designated deer damage area, the landowner or lessee of the eligible farmland shall be enrolled as a participant in the Commission's cooperative farm game program or safety zone program. All contiguous land owned or leased must be enrolled in the program and remain open to public hunting throughout the hunting license year.

* * * * *

(4) Deer damage area signs provided by the Commission shall be conspicuously posted on the boundary of and along all public roadways traversing the property by the landowner/cooperator on all contiguous acres of the farm under agreement. Posting should be completed prior to the opening of the fall archery deer season, but no later than October 31.

* * * * *

[Pa.B. Doc. No. 99-930. Filed for public inspection June 11, 1999, 9:00 a.m.]

STATEMENTS OF POLICY

Title 10—BANKS AND BANKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 21]

Insurance and Annuities Statement of Policy

On December 13, 1996, the Department of Banking (Department) adopted the Insurance and Annuities Statement of Policy which was codified in 10 Pa. Code § 21.61. The Department's Insurance and Annuities Statement of Policy was published at 26 Pa.B. 5991 (December 14, 1996). The Insurance and Annuities Statement of Policy advised the banking industry of the Department's position that Pennsylvania State-chartered banks, bank and trust companies and savings banks may act as agents in the sale of insurance and annuities. Subsequently, Act 40 of 1997 was enacted on June 25, 1997. Act 40 of 1997 provides statutory authority for financial institutions to become licensed by the Insurance Department to sell insurance and annuity products in this Commonwealth. Consequently, the Department's Statement of Policy has been superseded by the Pennsylvania General Assembly through the enactment of Act 40 of 1997. The Department

has determined to delete its Insurance and Annuities Statement of Policy to alleviate confusion within the banking industry.

Effectiveness/Sunset Date

This deletion is effective immediately.

DAVID E. ZUERN,
Secretary

(Editor's Note: The regulations of the Department, 10 Pa. Code Chapter 21, are amended by deleting the statement of policy in § 21.61.)

Fiscal Note: 3-39. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 10. BANKS AND BANKING

PART II. BUREAU OF BANKS

CHAPTER 21. GENERAL PROVISIONS FOR ALL STATE-CHARTERED BANKING INSTITUTIONS

INSURANCE AND ANNUITIES

§ 21.61. (Reserved).

[Pa.B. Doc. No. 99-931. Filed for public inspection June 11, 1999, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of section 8 of the Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law (3 P. S. §§ 68.1—68.9) hereby establishes the commercial values per pound of nitrogen, phosphoric acid and potash.

The values are established as follows:

nitrogen	\$0.18 per pound
phosphoric acid	\$0.25 per pound
potash	\$0.15 per pound

Further Information

Further information is available by contacting John W. Breitsman, Program Specialist, Division of Agronomic Services, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

Effective Date

These commercial values are effective commencing July 1, 1999, and shall remain effective until further notice.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 99-932. Filed for public inspection June 11, 1999, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 1, 1999.

BANKING INSTITUTIONS

Bank Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-1-99	First Leesport Bancorp, Inc., Leesport, to acquire 100% of the voting shares of Merchants of Shenandoah Ban-Corp, Shenandoah	Leesport	Approved

Conversions

<i>Date</i>	<i>Name of Institutions</i>	<i>Location</i>	<i>Action</i>
6-1-99	Nesquehoning Savings Bank Nesquehoning Carbon County	Nesquehoning	Application Withdrawn

Application represented conversion from a State-chartered mutual savings bank to State-chartered stock savings bank solely to facilitate the proposed merger with and into First Star Savings Bank, Bethlehem.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-26-99	Northwest Savings Bank Warren Warren County	Warren	Approved
	Purchase of assets/assumption of liabilities of three branch offices of Mellon Bank, N.A., Pittsburgh, located at: 4 Perry Street Union City Erie County	815 Westminster Drive Loyalsock Lycoming County	
	Ridge Road & Pennsylvania Ave. Smithfield Huntingdon County		

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-99	First Star Savings Bank, Bethlehem, and Nesquehoning Savings Bank, Nesquehoning, Surviving Institution—First Star Savings Bank, Bethlehem	Bethlehem	Application Withdrawn

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-20-99	Northwest Savings Bank Warren Warren County	2296 S. Market St. Elizabethtown Lancaster County	Opened
5-20-99	Northwest Savings Bank Warren Warren County	201 W. Main Street New Holland Lancaster County	Opened
5-22-99	Main Street Bank Reading Berks County	124 Main Street Phoenixville Cbester County	Opened
5-24-99	S & T Bank Indiana Indiana County	162 S. Second Ave. Clarion Clarion County	Authorization Surrendered
5-24-99	FirstService Bank Lansdale Montgomery County	200 Radcliff St. Bristol Bucks County	Opened
5-25-99	Fidelity Deposit and Discount Bank Dunmore Lackawanna County	4010 Birney Avenue Moosic Lackawanna County	Opened
5-26-99	Main Street Bank Reading Berks County	1504 S. Fourth Street Allentown Lehigh County	Opened
5-26-99	Main Street Bank Reading Berks County	3321 Willow Lane Macungie Lehigh County	Opened
5-26-99	Union Bank and Trust Company Pottsville Schuylkill County	Redner's Market Gold Star Highway Shenandoah Schuylkill County	Opened
5-27-99	The Drovers & Mechanics Bank York York County	Northeast Quadrant of Pine Rd. & Route 382 Newberry Township York County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-28-99	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	<i>To:</i> 4900 Liberty Avenue Pittsburgh Allegheny County <i>From:</i> 4800 Liberty Avenue Pittsburgh Allegheny County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
5-26-99	Susquehanna Trust Company (In Organization) Lititz Lancaster	To amend and restate the Articles of Incorporation to provide for a change in corporate title to "Susquehanna Trust & Investment Company;" and to revise the first board of directors.	Approved and Effective

**SAVINGS ASSOCIATIONS
Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
5-27-99	Chelten Hills Savings Association, Abington, and Resolute Savings and Loan Association, Philadelphia Surviving Institution—Chelten Hills Savings Association, Abington	Abington	Filed

Branch Applications

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
5-26-99	Ambler Savings and Loan Association Ambler Montgomery County	Fort Washington Estates 1264 Fort Washington Ave. Fort Washington Montgomery County	Approved

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 99-933. Filed for public inspection June 11, 1999, 9:00 a.m.]

**DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES**

**Conservation and Natural Resources Advisory
Council Meeting**

Notice is given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, June 23, 1999. The meeting will be held at 1 p.m. at the Westin William Penn Hotel, 530 William Penn Place, Pittsburgh, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,
Chairperson

[Pa.B. Doc. No. 99-934. Filed for public inspection June 11, 1999, 9:00 a.m.]

**DEPARTMENT OF
EDUCATION**

**Application of Philadelphia College of Textiles and
Science for Approval to Amend and Restate its
Articles of Incorporation in Their Entirety**

*Notice of Opportunity for Hearing and
Invitation to Protest*

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Philadelphia College of Textiles and Science for a Certificate of Authority approving the institution's request to amend and restate its Articles of Incorporation in their entirety.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 15 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Any interested party desiring to initiate hearing procedures must file a notice of intervention, petition to intervene or protest and a request for hearing, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

All petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or

other accommodation to participate, should contact Dr. Evans at the listed phone number to discuss how the Department of Education may best accommodate their needs.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 99-935. Filed for public inspection June 11, 1999, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

Following the 30-day comment period, the 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, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

PA 0055981. Sewage, **Richard M. Bevilacqua, Jr., Bevilacqua Contracting, Inc.**, 6 Carey Drive, Ambler, PA 19002.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow treatment plant in Perkiomen Township, **Montgomery County**. This is an existing discharge to an unnamed tributary of the East Branch of the Perkiomen Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0055972. Sewage, **Benjamin Newman**, Plaza Apartments No. 526, 1250 Greenwood Avenue, Jenkintown, PA 19046.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow treatment plant in Perkiomen Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to the East Branch of the Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.0005 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0055999. Sewage, **Benjamin Newman**, Plaza Apartments No. 526, 1250 Greenwood Avenue, Jenkintown, PA 19046.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow treatment plant in Perkiomen Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to the East Branch of the Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.0005 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0088161. Industrial waste, SIC: 5171, **Columbia Petroleum Corporation**, Box 278, Richland, PA 17087.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to an unnamed tributary of Mill Creek, in New Holland Borough, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Holtwood Power Plant located in Martic Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for stormwater:

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

Persons 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.

PA 0088072. Stormwater, SIC: 4953, **Bridgeview, Inc.**, R. R. 1, Box 364, Morgantown, PA 19543.

This application is for issuance of an NPDES permit for a new discharge of stormwater to Hay Creek, in Robeson Township, **Berks County**.

The proposed effluent limits for Outfalls 001 through 010 are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	monitor and report
COD	monitor and report
TSS	monitor and report
Total Phosphorus	monitor and report
Total Kjeldahl Nitrogen	monitor and report
Total Iron	monitor and report
Oil and Grease	monitor and report
pH	monitor and report

Persons 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.

PA 0088064. Ruth Family Farms L.P., 357 Yorktown Road, Hershey, PA 17033.

Ruth Family Farms, L.P. has submitted an application for an individual NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Perry Meadows Farm located on the north side of SR 3004, 2.7 miles west of SR 3006 in Jackson Township, **Perry County**. The CAFO is situated near an unnamed tributary to Sherman Creek, which is classified as High Quality-Cold Water Fish. Construction of new manure storage facilities is not proposed. The CAFO is designed to handle 1,277 animal equivalent units containing 2,800 sows, 3,500 piglets and 54 boars.

The existing manure storage facilities consist of two lined impoundments having a total capacity of 4 million gallons with a leak detection system meeting the requirements of the Department's Final Strategy for Meeting Federal Requirements for Controlling the Water Quality Impacts of Concentrated Animal Feeding Operations, 29 Pa.B. 1439 (March 13, 1999) (Final CAFO Strategy). There will be no release or discharge to waters of this Commonwealth under normal operating conditions. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations and the Final CAFO Strategy, the Department has made a tentative determination to issue an individual NPDES permit (Document No. 3620-PM-WQ00514) for the operation subject to the terms and conditions, effluent limitations, monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit. The Administrator of EPA Region III may review or object to proposed NPDES permit actions.

Persons wishing to comment on the proposed permit are invited to submit written comments to the above address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name,

address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting or hearing may be held if the Department considers the public response or interest significant.

Following the 30-day comment period, the 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.

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

PA 0031321. Sewage, **Brownsville Area School District**, R. D. 1, Box 202, Grindstone, PA 15442.

This application is for renewal of an NPDES permit to discharge treated sewage from the Redstone Junior High School STP in Redstone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunlap 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 California Water Company.

Outfall 001: existing discharge, design flow of .027 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			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			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	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.

PA 0098817. Sewage, **Hickory Land Development**, 669R Nelson Road, Farmington, PA 15437.

This application is for renewal of an NPDES permit to discharge treated sewage from the Hickory Land Corporation Apartments sewage treatment plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Meadow 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 North Fayette County M.A. located on the Youghiogheny River.

Outfall 001: existing discharge, design flow of .0049 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6			12
(11-1 to 4-30)	15			30
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,500/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.3			0.7
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.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations

indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit action. 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 permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0085511	West Hanover Township Water & Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112	Dauphin County West Hanover Township	UNT to Manada Creek	TRC
PA0086142	Washington Township Municipal Authority P. O. Box 421 Bally, PA 19503-0421	Berks County Washington Township	UNT to West Branch Perkiomen Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or

amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received for industrial waste and sewage under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.

A. 3199401. Sewage, submitted by **Cassville Water and Sewer Authority**, P. O. Box 48, Cassville, PA 16623, in Cass Township, **Huntingdon County** to construct a new sewage treatment plant to serve Cassville Borough was received in the Southcentral Region on May 7, 1999.

A. 0596408 99-1. Sewage, submitted by **Chestnut Ridge Area Joint Municipal Authority**, P. O. Box 202, Alum Bank, PA 15521, in East and West St. Clair Townships, **Bedford County** to construct a new sewage collection and pump station system to serve adjacent areas of the Phase I project was received in the Southcentral Region on May 13, 1999.

A. 0195411 99-1. Sewage, submitted by **Borough of Carroll Valley**, P. O. Box 718, Fairfield, PA 17320, in the Borough of Carroll Valley, **Adams County** to add a secondary wetland/absorption area to a permitted onlot sewage treatment system was received in the Southcentral Region on May 14, 1999.

A. 6799404. Sewage, submitted by **Red Lion Municipal Authority**, Center Square, Red Lion, PA 17356, in Red Lion Borough, **York County** to replace three pump stations was received in the Southcentral Region on May 12, 1999.

A. 3699404. Sewage, submitted by **East Cocalico Township Authority**, 100 Hill Road, P. O. Box 402, Reamstown, PA 17567, East Cocalico Township, **Lancaster County** to replace approximately 3.6 miles of main interceptor was received in the Southcentral Region on May 24, 1999.

A. 3699403. Sewage, submitted by **Borough of Elizabethtown**, 600 South Hanover Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County** to replace approximately 5,000 feet of existing sanitary sewer line was received in the Southcentral Region on May 24, 1999.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

A. 0299412. Sewerage. **Department of the Army, Charles E. Kelly Support Facility**, 55 1LT Will Way, Oakdale, PA 15071-5501. Application for the renovation and operation of the existing WWTP which serves Site #63 located in South Fayette Township, **Allegheny County**.

A. 6575418, Amendment No. 1. Sewerage. **Laurelville Mennonite Association**, R. R. 5, Box 145, Mt. Pleasant, PA 15666. Application for the construction and operation of sewage treatment plant modifications located in Mt. Pleasant Township, **Westmoreland County**.

A. 6599406. Sewerage. **Rostraver Township Sewage Authority**, 202 Port Royal Road, Rostraver, PA 15012. Application for the construction and operation of the Collinsburg sewers and pump station and the Fellsburg pump station located in Rostraver Township, **Westmoreland County**.

INDIVIDUAL PERMITS

(PAS)

NPDES Individual

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

erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

Franklin County Conservation District, District Manager, 550 Cleveland Avenue, Chambersburg, PA 17201, (717) 264-8074.

NPDES Permit PAS-10-M073-R. Stormwater. **White Rock Inc.**, 3720 Clubhouse Drive, Fayetteville, PA 17222, has applied to discharge stormwater from a construction activity located in Guilford Township, **Franklin County**, to Conococheague and Antietam Creek.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.

Clinton County Conservation District, 36 Spring Run Rd., Mill Hall, PA 17751, (570) 726-3798.

NPDES Permit PAS101915. Stormwater. **James H. and Robert Mcquire**, P. O. Box 400, McElhattan, PA 17748, have applied to discharge stormwater from a construction activity located in Lamar Township, **Clinton County** to Long Run.

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

NPDES Permit PAS10W076. Stormwater. The **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106, has applied to discharge from a

construction activity located in Carroll and Nottingham Townships, **Washington County** to Pigeon Creek, Dry Run and Mingo Creek.

SAFE DRINKING WATER

Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

3599502. Public water supply. **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. David R. Kaufman, Oper Manager, 20 East Union Street, Wilkes-Barre, PA 18701. This proposal involves an extension to the existing PAWC system that services a large portion of **Lackawanna County**. The project will serve the PEI Power Park, to provide the necessary pressure to serve the PEI Power Park. Water will be taken from the existing White Oak Finished Water Storage Tank (1mg) and pumped to the new Salem Mountain finished water tank by way of a 16" water main. The Salem Mountain Water Tank (05.mg) feeds the PEI Power Park by gravity. The elevation difference from the White Oak Water Tank to the Salem Mountain Water Tank is approximately 300 feet. Thus, the booster station is required to adequately maintain the new Salem Mountain Water Tank. *Engineer:* John F. David, CECO Associates, Inc.

5499502. Public water supply. **Schuylkill County Municipal Authority**, Tremont Community Water System, David J. Holley, General Manager, Schuylkill County Municipal Authority, 221 South Centre Street, Pottsville, PA 17901. This proposal involves the construction and tie-in of a new well source along with construction of a new booster pump station and transmission line. Engineering drawings indicate two stream crossings. It is located in Tremont Borough, **Schuylkill County**. *Engineer:* William K. Corliss, P.E., Gannett Fleming, Inc.

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

A. 1099502. Public water supply. **LMR Enterprises**, P. O. Box 81, Herman, PA 16039. This proposal involves the addition of corrosion control treatment equipment for the water treatment at Hy-Vue Acres Mobile Home Park in Summit Township, **Butler County**.

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, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use 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 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 as 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 a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Ashland Chemical (Formerly American National Can), Falls Township, **Bucks County**. Brian FitzPatrick, QST Environmental, 5205 Militia Hill Road, Plymouth Meeting, PA 19462, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on May 6, 1999.

Elf Atochem North America, Inc., Technical Center, Upper Merion Township, **Montgomery County**. Mark Piazza, Elf Atochem North American, Inc., 2000 Market Street, 19th Floor, Philadelphia, PA 19103, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, 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 *Times Herald* on May 14, 1999.

7500 State Road Property, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on May 18, 1999.

Pennsylvania College of Optometry, City of Philadelphia, **Philadelphia County**. Michael Williams, Clayton Services Corp., 1201 Bethlehem Pike, Suite 105, North Wales, PA 19454, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX, petroleum hydrocarbons 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 *Philadelphia Daily News* on May 19, 1999.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

BRW Realty, Inc. (former Blue Ridge Winkler Textile plant), Bangor Borough, **Northampton County**. Stephen Skrapits, President, BRW Realty, Inc., 700 Savage Road, Suite 7, Northampton, PA 18067, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to have been contaminated with petroleum hydrocarbons and PCBs. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was published in *The Express Times*.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

New Holland Manufacturing Facility, New Holland Borough, **Lancaster County**. New Holland North America, 500 Diller Avenue, New Holland, PA 17557, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster New Era/Intelligencer Journal* on April 16, 1999.

Royer Tract, South Middleton Township, **Cumberland County**. BL TETHYS LLC, 2407 Park Drive, Harrisburg, PA 17110, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the background standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Carlisle Sentinel* on April 2, 1999.

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.

Marino Brothers Scrap Yard, Rochester Borough, **Beaver County**. William G. Weir, Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, and Rochester Borough, 300 West Park, Rochester, PA 15074, have submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The

applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Beaver County Times* on May 21, 1999.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an integrated plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001-4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

39-313-037A: Fluoro-Seal, Inc. (16360 Park 10 Place No. 325, Houston, TX 77084), for operation of a materials batch reactor in Hanover Township, **Lehigh County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-320-001B: Chiyoda America, Inc. (P. O. Box 470, Morgantown, PA 19543-0470), for a surface coating operation controlled by two thermal oxidizers in Caernarvon Township, **Berks County**.

07-05001A: Appleton Papers Inc. (100 Paper Mill Road, Roaring Spring, PA 16673), for operation of the No. 2 and No. 3 paper machines air flotation drying ovens at the Spring Mill in Roaring Spring Borough, **Blair County**.

21-2005A: Pennsylvania Department of Corrections, State Corrections Institute Camp Hill (2520 Lisburn Road, Camp Hill, PA 17001), for operation of a baghouse to control three boilers in Lower Allen Township, **Cumberland County**.

38-313-020A: Lebanon Chemical Corp. (1600 East Cumberland Street, Lebanon, PA 17042), for operation of a fertilizer drying system and two pug mills in South Lebanon Township, **Lebanon County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

OP-04-00052: Cutler-Hammer, Inc. (1 Tuscarawas Road, Beaver, PA 15009), for operation of switchgear/switchboard devices at Power Distribution Components Division in Vanport Township, **Beaver County**.

OP-63-00621: Accutrex Products, Inc. (112 Southpointe Blvd., Canonsburg, PA 15317), for operation of surface coating in Cecil Township, **Washington County**.

OP-65-00627: Seton Hill College (Seton Hill Drive, Greensburg, PA 15601), for operation of college in Greensburg, **Westmoreland County**.

OP-56-00252: Frances L. Hauger (R. D. 1, Berlin, PA 15530), for operation of animal crematory incinerator in Jefferson Township, **Somerset County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be

published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.

05-05005: Bedford Materials Co., Inc. (P. O. Box 657, Bedford, PA 15522), in Napier Township, **Bedford County**. The facility is a manufacturer of flexible insulating materials. The operation primarily emits volatile organic compounds (VOC).

28-05014: Jerr Dan (1080 Hykes Road, Greencastle, PA 17225), in Antrim Township, **Franklin County**. The facility's major sources of emissions include three paint booths which primarily emit VOC.

31-05002: Owens Corning (One Owens Corning Parkway, Toledo, OH 43659), in Huntingdon Borough, **Huntingdon County**. The facility is a manufacturer of continuous filament fiberglass mat. The operation primarily emits HAPs and VOCs.

67-05014: York Group, Inc. (2880 Blackbridge Road, York, PA 17402), in Manchester Township, **York County**. The facility is a manufacturer of burial caskets. The operation primarily emits VOCs and HAPs.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, Attn: Muhammad Zaman, (570) 327-3637.

TVOP-59-00003: Osram Sylvania Products, Inc. (One Jackson Street, Wellsboro, PA 16901), for their incandescent lightbulb facility located in Wellsboro Borough, **Tioga County**. The facility's major sources include a regenerative glass furnace, natural gas-fired boilers, a ceramic coating process, a chrome plating operation, solvent processes and several natural gas-fired processes. These sources emit major quantities of nitrogen oxides (NOx), sulfur oxides (SOx), hazardous air pollutants (HAPs) and particulate matter. As a result of the major quantities of NOx, SOx, HAPs and particulate matter emitted, the Osram Sylvania Products, Inc. facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The sources also emit carbon monoxide (CO) and volatile organic compounds (VOCs). This facility is also subject to all applicable requirements of Maximum Achievable Control Technology (MACT) as specified in 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks and Reasonably Available Control Technology (RACT) for NOx emissions.

Notice of Intent to Issue Title V Operating Permits Including Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators

The Department of Environmental Protection (Department) intends to issue a Title V operating permit under the Air Pollution Control Act and the section 111(d)/129 Emission Guidelines (EG) specified in 40 CFR Part 60, Subpart Ce. These Emission Guidelines, incorporated by reference in 25 Pa. Code § 122.3, apply to all existing hospital/medical/infectious waste incinerators (HMIWIs) that commenced construction on or before June 20, 1996. The following Title V facility is subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Article III including Chapter 127,

Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements).

TVOP 14-00003. The Pennsylvania State University. University Park Campus, State College, **Centre County.** *Primary Emissions:* Sulfur oxides (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), hazardous air pollutants (HAPs), volatile organic compounds (VOC) and particulate matter. *Affected HMIWI Unit:* Source ID. 120, Incinimite, hospital/medical/infectious waste incinerator, 600 pounds/hour.

Other Sources: Four bituminous coal-fired boilers having natural gas and #2 fuel oil cofiring capability, several #2 fuel oil/natural gas-fired boilers, space heaters, emergency generators, surface coating operations and other miscellaneous sources.

Copies of the Title V application, proposed permit and other relevant information are available for public inspection at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. An appointment to review the documents must be made by calling (570) 327-3693, between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V operating permit to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512, within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the permit number of the proposed Title V operating permit. The commentator should include a concise statement of objections to the issuance of the permit and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of the hearing at least 30 days prior to the date of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

The final Title V operating permit will contain all of the applicable requirements that apply to stationary air contamination sources at the Pennsylvania State University. The applicable requirements include the section 111(d)/129 requirements for HMIWI facilities.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

35-301-039: Finch Hill Veterinary Clinic (436 Route 106, Greenfield Township, PA 18407), for construction of an animal crematory in Greenfield Township, **Lackawanna County.**

39-313-029E: Carpenter Insulation Co. (57 Olin Way, P. O. Box 129, Foglesville, PA 18051), for modification of the polystyrene manufacturing operation in Upper Macungie Township, **Lehigh County.**

45-318-030: Custom Designs and Mfg. Co., Inc. (Harvest Lane, P. O. Box 216, Pocono Summit, PA 18346), for construction of a wood paint spray operation in Tobyhanna Township, **Monroe County.**

48-328-004: Mount Bethel Energy LLC (Two North Ninth Street, GENTW-8, Allentown, PA 18101), for construction of an electric power generation plant in accordance with the prevention of significant deterioration regulations (PSD) on Depues Ferry Road, Lower Mount Bethel Township, **Northampton County.**

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

PA-28-05021: Lane Construction Corp. (P. O. Box 215, Willow Hill, PA 17271), for installation of a portable drum mix asphalt plant powered by a diesel powered generator set at the Dry Run Quarry in Fannett Township, **Franklin County.** This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

36-03076A: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), for installation of a pulverizing mill at the Weaverland Quarry in East Earl Township, **Lancaster County.**

67-304-027B: R. H. Sheppard Co., Inc. (101 Philadelphia Street, Hanover, PA 17331), for installation of a blast cabinet in Hanover Borough, **York County.**

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-04-003A: P. F. Environmental, Inc. (1135 Butler Avenue, New Castle, PA 16101), for installation of rotary dryer at Kabuta Plant in Potter Township, **Beaver County.**

PA-04-700A: Mansell Industrial Services (1755 Pennsylvania Avenue, Monaca, PA 15061), for installation of rotary dryer at Industry Plant in Industry Borough, **Beaver County.**

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-10-037A: Witco Corp. (100 Witco Lane, Petrolia, PA 16050), for postconstruction of hydrogen unit flash drum which is controlled by the first stage flare in Fairview Township, **Butler County.**

PA-10-037B: Witco Corp. (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the D-204 fractionator vent in Fairview Township, **Butler County.**

PA-10-037C: Witco Corp. (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the V-63 low-pressure spray chamber in Fairview Township, **Butler County.**

PA-10-037D: Witco Corp. (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the Lo-Cat hydrogen recovery unit vent V-64 in Fairview Township, **Butler County.**

PA-10-037E: Witco Corp. (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the H-1 feed heater in Fairview Township, **Butler County.**

10-312-013A: Witco Corp. (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the H-2 stripper heater in Fairview Township, **Butler County.**

61-00181: Scrubgrass Generating Co. LP (Box 238, Kennerdell, PA 16374), for installation of SNCR controls

on two coal fired units on Lisbon Road in Kennerdell Township, Venango County.

**Notice of Intent to Issue
Plan Approval No. 18-322-001B**

Jersey Shore Steel Co. (P. O. Box 5055, Jersey Shore, PA 17740), has submitted an application to the Department of Environmental Protection (Department) for approval to construct a steel reheat furnace in Pine Creek Township, Clinton County. The information provided by the applicant and the Department's own analysis indicates that this reheat furnace may potentially result in the emission of 0.7 ton per 12 consecutive month period of non-methane organic compounds, 17.5 tons per 12 consecutive month period of sulfur oxides, 60.4 tons per 12 consecutive month period of nitrogen oxides (expressed as NO₂), and 8.7 tons per 12 consecutive month period of carbon monoxide. A preliminary review of the information submitted by the Jersey Shore Steel Company indicates that the proposed construction will meet all applicable air quality requirements. Based on this finding, the Department intends to approve the application and issue a plan approval to construct the proposed reheat furnace.

To ensure compliance with all applicable standards, the Department proposes to place the following conditions in the respective plan approval:

1. The reheat furnace is to be constructed in accordance with the plans submitted with the application (as approved herein).
2. This plan approval is issued for the construction of a 55,000,000 BTU/hour Bricmont, Inc. walking hearth reheat furnace.
3. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the only fuels to be fired in the reheat furnace shall be:
 - a. Natural gas;
 - b. No. 2 fuel oil with a sulfur content never to exceed 0.1% by weight;

c. Landfill gas generated from the Wayne Township Landfill;

or any combination of these fuels. Additionally, no reclaimed or waste oil or other waste material shall ever be fired in the respective reheat furnace.

4. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, during furnace startup no landfill gas shall be combusted in the furnace until the furnace's outlet temperature is at least 1,600°F.

5. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the furnace shall be equipped with a continuous temperature monitoring and recording device that shall accurately monitor and record the furnace's outlet temperature during any time landfill gas is combusted in the furnace.

6. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the furnace's landfill gas feeding system shall be interlocked with the furnace's temperature monitoring and recording system such that the flow of landfill gas shall be automatically shut off should the furnace's outlet temperature drop below 1,600°F. During any time that any amount of landfill gas is being combusted in the furnace, the landfill gas shall be subjected to a furnace outlet temperature of at least 1,600°F.

7. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, during any time that the furnace is combusting landfill gas, the furnace shall provide a non-methane organic compound destruction efficiency of at least 98%.

8. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the reheat furnace shall never exceed the following emissions limitations for nitrogen oxides (NO_x, expressed as NO₂), carbon monoxide (CO) and non-methane organic compounds (NMOCs):

Emission Limits for:

<i>NO_x</i>	<i>CO</i>
0.235 lbs/mm Btu	35 lbs/mm ft ³
0.243 lbs/mm Btu	5 lbs/1,000 gal
0.251 lbs/mm Btu	17 lbs mm ft ³

lbs/mm Btu = pounds per million Btu
 lbs/mm ft³ = pounds per million cubic feet of fuel
 lbs/1000 gal = pounds per thousand gallons of fuel

<i>NMOCs</i>	<i>When Firing:</i>
2.8 lbs/mm ft ³	natural gas
0.2 lbs/1000 gal	#2 fuel oil
1.2 lbs/mm ft ³	landfill gas

9. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the reheat furnace shall never exceed the following emissions limitations:

<i>Contaminant</i>	<i>Limit (tons per 12 consecutive month period)</i>
NO _x	60.4
SO _x	17.5
Carbon Monoxide	8.7
Non-methane Organic Compounds	0.7

10. The company shall upon Department request provide fuel analyses or fuel samples of the fuels used in the aforementioned furnace.

11. The company shall maintain comprehensive accurate records of the following:

- a. The volumes of natural gas, no. 2 fuel oil and landfill gas burned in the furnace on a monthly basis.
- b. The furnace outlet temperature including the dates and times the recordings were made.
- c. The dates and times that any landfill gas was burned in the reheat furnace.

12. Within 120 days of startup of the reheat furnace, the company shall perform stack testing upon the reheat furnace's exhaust for nitrogen oxides (NO_x, expressed as NO₂) while being fired on natural gas, no. 2 fuel oil and landfill gas (one set of tests per fuel type) and shall additionally perform non-methane organic compound test-

ing to demonstrate compliance with the destruction efficiency requirement specified in condition 7. All testing shall be performed using reference method test procedures while the respective furnace is operating at the maximum capacity at which it will ever be operated.

13. At least 60 days prior to the performance of any testing required by condition 12 a pretest plan shall be submitted to the Department for evaluation. This test plan shall contain the specific testing and analytical procedures to be used in performing the testing.

14. The Department shall be given at least 14 days advance notice of the specific dates and times for the performance of any testing required by condition 12 so that Department personnel can arrange to be present. The Department is under no obligation to accept the results of any testing performed without adequate advance notice having been given to the Department.

15. Within 60 days of completion of any testing required by condition 12, two copies of the test report shall be submitted to the Department. The report shall contain results of the testing, a description of the testing and analytical procedures actually used, all furnace operating data collected during the tests, a copy of all raw test data and a copy of the calculations generated during the data analysis.

16. Issuance of an operating permit for the aforementioned sources is contingent upon the sources being constructed, maintained and operated as described in the application and supplemental materials submitted for plan approval, as well as in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminants emitted from the sources are in compliance with the requirements specified in any condition contained herein as well as in compliance with the requirements specified in, or established under any applicable rule or regulation contained in 25 Pa. Code Article III.

17. The company shall immediately notify the Department of any malfunction of the sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Article III or in excess of the limitations specified in any condition contained herein or which otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

18. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

a. The Department must receive written notice from the owner or 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 the operator expects to commence operation.

b. Operation is authorized 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.

c. 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 or operator under subpart (a), above.

d. The owner or 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.

e. The notice submitted by the owner or operator under subpart (a), above, 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 commencement of operation.

19. Any notification required as a result of any condition herein should be directed to: John Twardowski, Air Pollution Control Engineer, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6523.

The incorporation of the above-referenced conditions into the plan approval is intended to do one or more of the following:

1. Identify the source and location.
2. Establish allowable air contaminant emission rates and source operating requirements.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Help ensure proper operation and adequate maintenance of the air contamination source.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address listed.

Persons wishing to protest the issuance of this plan approval or provide the Department with additional information which the individual believes should be considered prior to the issuance of the plan approval may submit the information to the Department at the address listed. All protests or comments must be received by the Department no later than 30 days after the publication of this notice. Each written protest or comment shall include the following: name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval No. 18-322-001B, and concise statements regarding the relevancy of the comments or any protests to the issuance of the plan approval.

A public hearing may be held, if the Department in their discretion, decides that such a hearing is warranted based on the information received. Persons submitting protests or comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines the notification by telephone is sufficient. All requests for a hearing must be received by the Department no later than 30 days after publication of this notice.

Written protests, comments or requests for a public hearing should be directed to David W. Aldenderfer, Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Region—Field

Operations, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3648.

For additional information regarding the Department's analysis of the plan approval application, contact John Twardowski, Air Pollution Control Engineer, Air Quality Program, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6523.

**REASONABLY AVAILABLE CONTROL
TECHNOLOGY**

(RACT)

Public Hearing

Peoples Natural Gas Co.

Mercer County

The Department of Environmental Protection (Department) will conduct a public hearing on Tuesday, July 6, 1999, beginning at 1 p.m. in the Air Quality conference room at the Meadville Regional Office located at 230 Chestnut Street.

The hearing is for the Department to accept testimony concerning its decision to approve, with conditions, the revised Reasonably Available Control Technology (RACT)

<i>Source</i>	<i>Control</i>	<i>Emission Limit</i>
660 BHP HRA-6 Engine #1	Plasma Ignition	20#/hr, 87.6 TPY NOx 3.37#/hr, 14.75 TPY VOC
660 BHP HRA-6 Engine #2	Plasma Ignition	20#/hr, 87.6 TPY NOx 3.37#/hr, 14.75 TPY VOC
660 BHP HRA-6 Engine #3	Plasma Ignition	20#/hr, 87.6 TPY NOx 3.37#/hr, 14.75 TPY VOC
82 BHP Standby Generator	Presumptive	
65 BHP Air Compressor	Presumptive	
1 MMBTU/hr Indirect Gas Heater	Presumptive	
32,000 BTU Hot Water Heater #1	Presumptive	
32,000 BTU Hot Water Heater #2	Presumptive	
40,000 BTU Furnace	Presumptive	
150,000 BTU Heater No. 1	Presumptive	
125,000 BTU Heater No. 2	Presumptive	
Glycol Dehydrator		
Vent Lines		
Fugitive emissions from Leaks		

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revisions. The public hearing is scheduled at the DEP Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335, on Tuesday, July 6, 1999, 1 p.m. to 3 p.m.

Persons wishing to present testimony at the hearing should contact Matthew Williams, Air Pollution Control Engineer, DEP, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations

plans by: Peoples Natural Gas Co., Truittsburg Station (625 Liberty Avenue, Pittsburgh, PA 15222) in Redbank Township, Mercer County, to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposals will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

The following is a revised summary of the preliminary NOx/VOC RACT determination for Peoples Natural Gas Co.:

to do so should contact Matthew Williams at (814) 332-6940 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to Matthew Williams, Air Pollution Control Engineer, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office. Appointments for scheduling a review must be made by calling the contact person noted previously.

Public Hearing
Molded Fiber Glass Companies
Erie County

Notice is given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) that the Department of Environmental Protection (Department) intends to issue a RACT approval to Molded Fiber Glass Companies (MFG) for their plant in Union City, Erie County. The facility has a Title V Operating Permit No. TV-25-00035. This RACT 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.

A public hearing will be conducted on July 27, 1999, beginning at 1 p.m. in the Air Quality conference room at the Meadville Regional Office located at 230 Chestnut Street. The hearing is for the Department to accept

testimony concerning its decision to approve, with conditions, the Reasonably Available Control Technology (RACT) plans by: Molded Fiber Glass Companies, 55 Fourth Avenue, Union City, PA 16438.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT approvals for the facility to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a revised summary of the preliminary VOC RACT determination for the above listed facility:

Process

RACT VOC Emission Limits

Open Molding:

Spray-up/Lay-up and Gel Coating

Maximum 45% VOC content of resins and gelcoats, as applied, averaged monthly over all resins and gelcoats used.

Closed Molding:

The use of closed molding technology, or newer technologies that emit less VOCs; and

Preform machines shall use water-based binder materials, or materials that contain less VOC than water-based technology.

Surface Coating:

20.0-tons VOC/year based on 12-month rolling total

4.0 lbs-VOC/gallon of coating/month, as applied, averaged over all coatings used.

For the above facility, a public hearing will be held for the purpose of receiving comments on the above proposed operating permit and the proposed SIP revisions. The public hearing is scheduled at the DEP Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335, on July 22, 1999, 1 p.m. to 3 p.m.

Persons wishing to present testimony at the hearing should contact Robert Huston, Air Pollution Control Engineer, DEP, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Robert Huston at (814) 332-6940 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to Robert Huston, Air Pollution Control Engineer, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office. Appointments for scheduling a review must be made by calling the contact person noted previously.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated 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 the 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.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Received

56803093. Permit renewal for reclamation only, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 79.6 acres, receiving stream unnamed tributaries to Buffalo Creek. Application received May 24, 1999.

56723082. Permit renewal for reclamation only, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of bituminous strip mine in Brothersvalley and Somerset Townships, **Somerset County**, affecting 55.4 acres, receiving stream unnamed tributary to Kimberly Run. Application received May 24, 1999.

56930113. Permit Renewal, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 52.7 acres, receiving stream unnamed tributaries to Laurel Run and Tubs Run. Application received May 25, 1999.

56663094. Permit Renewal, **Croner, Inc.** (P. O. Box 157, Berlin, PA 15530), commencement, operation and restoration of bituminous-auger mine in Brothersvalley Township, **Somerset County**, affecting 182.0 acres, receiving stream unnamed tributaries to Blue Lick Creek and to Blue Lick Creek. Application received May 26, 1999.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

65890104R. Purco Coal, Inc. (22 Van Voorhis Lane, Monongahela, PA 15063). Renewal application received for continued operation and reclamation of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**. Receiving streams: unnamed tributary to the Youghiogheny River and unnamed tributary to Barren Run to Jacobs Creek to the Youghiogheny River. Renewal application received: May 21, 1999.

26713049R. Luzerne Coal Corporation (200 Neville Road, Pittsburgh, PA 15225). Renewal application received for continued reclamation and discharge treatment on an existing bituminous surface mine located in Luzerne Township, **Fayette County**. Receiving streams: Minnow Run to the Monongahela River. Renewal application received May 21, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

17990111. Larry D. Baumgardner Coal Co., Inc. (P. O. Box 186, Lanse, PA 16849), commencement, operation and restoration of a bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 93.3 acres. Receiving streams: Little Laurel Run, Laurel Run. Application received May 17, 1999.

17990112. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 128 acres. Receiving streams: Banion Run and unnamed tributaries to Banian Run. Application received May 26, 1999.

Knox District Office, P. O. Box 669, Knox, PA 16232.

16940103. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Renewal of an existing bituminous surface strip, tipple refuse disposal, coal ash placement and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 764.0 acres. Receiving streams: Unnamed tributary to the Allegheny River, unnamed tributary to the Clarion River, Dunlap Creek to the Allegheny River. Application received May 24, 1999.

37820108. Ambrosia Coal & Construction Co. (R. D. 1, Edinburg, PA 16116). Renewal of an existing bituminous surface strip operation in North Beaver Township, **Lawrence County**, affecting 225.0 acres. Receiving streams: Unnamed tributaries to Sugar Creek to Honey Creek to North Fork Little Beaver Creek. Application for reclamation only. Application received May 28, 1999.

16880104. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous surface and tipple refuse disposal operation in Limestone, Monroe and Porter Townships, **Clarion County**, affecting 156.2 acres. Receiving streams: One unnamed tributary to Sloan Run, one unnamed tributary to Parsons Run to Piney Creek to the Clarion River to the Allegheny River. Three unnamed tributaries to Leatherwood Creek to Redbank Creek to the Allegheny River. Application for reclamation only. Application received May 28, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54820201C. Robert Shewokis (400 Valley Street, New Philadelphia, PA 17959), correction to an existing coal refuse reprocessing operation in New Philadelphia Borough, **Schuylkill County** affecting 52.1 acres, receiving stream—none. Application received May 25, 1999.

40920102R. Susquehanna Coal Company (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634), renewal of an existing anthracite surface mine operation in Newport Township, **Luzerne County** affecting 1,325.0 acres, receiving stream—none. Application received May 28, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Applications Received

09890301C7. Naceville Material (c/o Miller & Son Paving, Inc., 1371 West Street Road, P. O. Box 161, Warminster, PA 18974), renewal of NPDES Permit No. PA0594466 in West Rockhill Township, **Bucks County**, receiving stream—unnamed tributary to Ridge Valley Creek. Application received May 20, 1999.

06920301C. Martin Stone Quarries, Inc. (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES Permit No. PA0595641 in Washington Township, **Berks County**, receiving stream—unnamed tributary to Swamp Creek. Application received May 25, 1999.

6875SM3C. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0612383 in Armagh Township, **Mifflin County**, receiving stream—Honey Creek. Application received May 28, 1999.

7475SM4C3. Essroc Cement Corp. (3251 Bath Pike, Nazareth, PA 18064), renewal of NPDES Permit No. PA0121592 in Upper and Lower Nazareth Townships, **Northampton County**, receiving stream—unnamed tributary to East Branch Monocacy Creek. Application received May 28, 1999.

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Large Industrial Mineral (Noncoal) Permit Applications Received

4474SM14. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of an existing NPDES permit located in Bradford Township, **Clearfield County** affecting 39 acres. Receiving streams: unnamed tributary to Moravian Run. Application received May 12, 1999.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Small Industrial Minerals Applications Received

32992801. John P. Shawley (R. D. 1, Box 93A, Saltsburg, PA 15681), in Conemaugh Township, **Indiana County**, affecting 14.7 acres. Receiving stream Blacklegs Creek. Application received May 24, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons object-

ing to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E40-525. Encroachment. David E. and Denise J. Puterbaugh, 55 Tanager Way, Mountaintop, PA 18707-1845. To place fill in a de minimis area of wetlands equal to 0.02 acre within the drainage basin of Little Wapwallopen Creek (CWF) for the purpose of addressing a stormwater drainage issue on a residential lot. The project is located on Lot 23, Woodland Estates, Wilkes-Barre West, (PA Quadrangle N: 4.8 inches; W: 6.5 inches), Rice Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

E45-375. Encroachment. William J. and Eileen A. Burke, 1930 SW Seventh Street, Boca Raton, FL 33486. To place fill in a de minimis area of wetlands equal to 0.02 acre for the purpose of constructing a single-family home on a 0.34-acre lot. The project is located on Lot 3, Unit 3, Section 6, along the south side of Hillcrest Drive in Lake Naomi Estates (Pocono Pines, PA Quadrangle N: 21.1 inches; W: 8.8 inches) Tobyhanna Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E64-203. Encroachment. Fred and Barbara Pingel, R. R. 2, Box 2373, Beach Lake, PA 18405. To fill a 0.25 acre spring-fed artificial pond for the purpose of eliminating a potential safety hazard to children living in a nearby residence; and to construct and maintain a 12-inch outfall to a second-order tributary to the Delaware River (HQ-CWF). The project is located on the north side of T-519, approximately 300 feet west of the intersection of T-519 and T-626 (Narrowsburg, NY-PA Quadrangle N: 22.3 inches; W: 10.3 inches), Damascus Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E01-207. Encroachment. Conewago Enterprises, Inc., 660 Edgegrove Road, P. O. Box 407, Hanover, PA 17331. To place fill in 0.96 acre of wetlands to develop a lumber processing facility at the abandoned Glen Gary Brick property located south of Brickcrafters Road and west of Fleshman Mill Road (McSherrystown, PA Quadrangle N: 21.5 inches; W: 12.5 inches) in Mount Pleasant Township, **Adams County**. Permittee proposed to provide 2.63 acres of replacement wetlands.

E21-291. Encroachment. **Penn Township**, 1301 Centerville Rd., Newville, PA 17241. To construct and maintain a composite steel rolled I-beam bridge having a clear span of 48 feet with an underclearance of 18.62 feet over Yellow Breeches Creek (CWF) on T-344 (Farm Road) located in Hockersville Village (Dickinson, PA Quadrangle N: 18.1 inches; W: 14.2 inches) in Penn Township, **Cumberland County**.

E36-675. Encroachment. **Manheim Boro Authority**, 20 E. High Street, Manheim, PA 17545. To construct and maintain two 6-foot diameter off-stream overflow pipe culverts placed adjacent to the left side of the existing Rettew Lane bridge over Chickies Creek (WWF) at the Manheim Borough Wastewater Treatment Plant. The project's purpose is to increase the discharge capacity at Rettew Lane and reduce the upstream 100-year floodplain limits along Chickies Creek and Rife Run. The project will temporary impact a de minimis area of 0.026 acre of wetlands during the minor grading along the east bank of Chickies Creek to construct the overflow area. The project is located (Manheim, PA Quadrangle N: 5.25 inches; W: 4.25 inches) in both Penn Township and Manheim Borough, **Lancaster County**.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E14-344. Encroachment. **Al Hamilton Contracting Company**, R. R. 1, Box 87, Woodland, PA 16881. The applicant proposes to realign, operate and maintain the channel of an unnamed tributary to Mountain Branch (Cold Water Fishery) for the construction of an acid mine drainage abatement facility. The realignment work shall consist of constructing 970 feet of stream channel which will permanently impact 0.47 acre of existing wetland and 1,101 feet of existing waterway. The project is located along the eastern right-of-way of S. R. 0253, approximately 1.8 miles southeast of T-650 and S. R. 2007 intersection (Houtzdale, PA Quadrangle N: 7.4 inches; W: 11.2 inches) in Rush Township, **Centre County**. The project will permanently impact 0.47 acre of wetland which shall be mitigated with onsite replacement wetlands.

E14-345. Encroachment. **Linda Claar**, P. O. Box 63, Woodward, PA 16882. To construct, operate and maintain an agricultural crossing in an unnamed tributary to Pine Creek—an Exceptional Value Waterway. The agricultural crossing shall be constructed with a single culvert pipe that will have a minimum diameter of 24 inches and a length of 20 feet that will not impact wetlands while impacting 20 feet of waterway. The agricultural crossing is located along the northern right-of-way of SR0045 approximately 0.4 mile north of Pine Creek Road and SR0045 intersection (Millheim, PA Quadrangle N: 6.3 inches; W: 1.4 inches) in Haines Township, **Centre County**. This permit does not authorize any activity to be conducted in wetlands.

E14-347. Encroachment. **The Pennsylvania State University**, Office of Physical Plant, 101P Physical Plant Building, University Park, PA 16802. To remove an existing structure; (1) construct, operate and maintain a single cell stream enclosure of an unnamed tributary to Slab Cabin Run; and (2) construct, operate and maintain a foot bridge across wetlands associated to Slab Cabin Run. The unnamed tributary to Slab Cabin Run is designated as a Cold Water Fishery. The stream enclosure shall be constructed with 125-feet of horizontal elliptical reinforced concrete pipe (HERCP) that will have a rise of 32 inches and a span of 49 inches; and 100 feet of HERCP

that will have a rise of 14 inches and a span of 23 inches. The footbridge shall be constructed with a span of 80 feet and a width of 10 feet. The project will not permanently impact wetlands while impacting 225 feet of waterway that is located along the northern right-of-way of SR 0026 approximately 2,000 feet north of SR 3012 and SR 0026 intersection (State College, PA Quadrangle N: 11.25 inches; W: 13.00 inches) in College Township, **Centre County**.

E53-327. Encroachment. **Independence Pipeline Company**, 500 Renaissance Center, Detroit, MI 18243-1904. To install, operate and maintain a 36-inch diameter high pressure pipeline beneath Hunting Shanty Brook (High Quality-Cold Water Fishery); an unnamed tributary to Hunting Shanty Brook (High Quality-Cold Water Fishery); Bailey Run (Exception Value); First Fork, Sinnemahoning Creek (High Quality-Cold Water Fishery); Right Branch, Lushbaugh Run (Exceptional Value); four unnamed tributaries to Right Branch, Lushbaugh Run (Exceptional Value); Calhoun Branch, Trout Run (Exceptional Value); Summerson Branch, Trout Run (Exceptional Value); and wetlands associated with these respective streams for the conveyance of natural gas. The 36 inch natural gas pipeline shall be installed within the stream in the dry and at a minimal depth of 3.0 feet that will impact 110 linear feet of waterway and temporarily impact 0.4 acre of wetland. The project is located along the eastern and western right-of-way of SR 0872 approximately 1,500 feet north of East Fork Road and SR 0872 intersection (Wharton, PA Quadrangle N: 6.1 inches; W: 3.8 inches) in Portage Township and Wharton Township, **Potter County**. All impacts to the 0.40 acre of wetland shall be temporary and no mitigation will be required.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E65-725. Encroachment. **True Line Corporation**, 470 Old Frankstown Road, Monroeville, PA 15146. To place and maintain fill in 0.37 acre of wetlands (PEM) for the purpose of lot development and to construct 0.55 acre of replacement wetlands. The project is located off of School Street (Mt. Pleasant, PA Quadrangle N: 19.6 inches; W: 15.5 inches) in the Borough of New Stanton, **Westmoreland County**.

E11-277. Encroachment. **Borough of Cresson Municipal Authority**, P. O. Box 75, Cresson, PA 16630-0075. To expand and maintain the Cresson Borough Wastewater Treatment Plant and to construct and maintain an access roadway along an unnamed tributary to Little Conemaugh River (CWF) with the potential impact on 0.24 acre of wetlands (PEM). The project is located southwest of the intersection of S. R. 22 and S. R. 53 (Cresson, PA Quadrangle N: 15.3 inches; W: 13.5 inches) in Cresson Township, **Cambria County**.

E26-255. Encroachment. **Fayette County Commissioners**, Court House, 61 East Main Street, Uniontown, PA 15401-1030. To remove the deck and superstructure of Fayette County Bridge No. 11 having a span of 12.3 feet and an underclearance of 4 feet and to construct and maintain new deck and superstructure across Ramcat Run (CWF) located on T-880 (Ramcat Hollow Road) at a point approximately 0.5 mile south of the intersection of T-880 and T-892 (Ohiopyle, PA Quadrangle N: 12.9 inches; W: 1.3 inches) in Henry Clay Township, **Fayette County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E24-196. **DCNR Forestry Bureau**, P. O. Box 8451, Harrisburg, PA 17105-8541. To amend DEP Permit No.

E24-196 which authorizes PA DCNR, Bureau of Forestry to remove the existing bridge and to construct and maintain a timber bridge having a clear span of approximately 19 feet and an underclearance of 8 feet across Paige Run on Red Run Road in Elk State Forest approximately 1.6 miles northwest of SR 2004 (Quehanna Highway) (Driftwood, PA Quadrangle N: 3.75 inches; W: 16.75 inches) in Benezette Township, **Elk County**. The proposed amendment is to change the proposed structure to a 19-foot-wide by 8-foot-high concrete box culvert having a 1-foot invert depression providing a 7-foot-high waterway opening and rock riprap aprons extending approximately 16 feet upstream and downstream in the channel of Paige Run (HQ-CWF).

E25-404A. Encroachment. **Erie-Western Pennsylvania Port Authority**, 17 Dobbins Landing, Erie, PA 16507-1424. To perform periodic maintenance dredging near existing docks and facilities at the following eight locations: (a) Chestnut Street launch ramp (Erie North, PA Quadrangle N: 1.25 inches; W: 13.25 inches); (b) West Canal Basin (Erie North, PA Quadrangle N: 2.00 inches; W: 12.20 inches); (c) East Canal Basin (Erie North, PA Quadrangle N: 2.40 inches; W: 12.30 inches); (d) Erie Marine, Inc., dock (Erie North, PA Quadrangle N: 2.50 inches; W: 11.70 inches); (e) the ore dock (Erie North, PA Quadrangle N: 2.60 inches; W: 11.30 inches); (f) Erie International Marine Terminal (Erie North, PA Quadrangle N: 4.50 inches; W: 11.00 inches); (g) Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.20 inches; W: 10.00 inches); (h) East Avenue launch ramp (Erie North, PA Quadrangle N: 3.60 inches; W: 08.90 inches); and to dispose of this dredged material into the Lake Erie Confined Disposal Facility (CDF) Erie (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches) or to an upland disposal site. All of these facilities are located in Presque Isle Bay and Lake Erie in the City of Erie, **Erie County**.

E25-527. Encroachment. **Lake Pointe Community Church**, 32 Eagle Point Blvd., Erie, PA 16511. To place fill in a total of 0.22 acre of wetland to provide a permanent access road into the property owned by Lake Pointe Community Church. The project is located on the north side of Iroquois Ave. (SR 0955) approximately 600 feet west of the intersection of Iroquois Ave. (SR 0955) and Walbridge Road. This project will also include creation of 0.22 acre of replacement wetland on this property adjacent to existing wetlands (Harborcreek, PA Quadrangle N: 5.8 inches; W: 1.5 inches) in Harborcreek Township, **Erie County**.

E25-582. Encroachment. **National Fuel Gas Supply Corp.**, 1100 State Street, Erie, PA 16501-1918. To place, operate and maintain a 20-inch-diameter and a 12-inch-diameter steel natural gas pipelines across and under French Creek (WWF, Nominated 1-A Scenic) along the existing pipeline approximately 2,000 feet east of the Borough of Wattsburg boundary (Wattsburg, PA-NY Quadrangle N: 0.65 inch; W: 6.0 inches) in Venango Township, **Erie County**, and to operate and maintain the existing 20-inch-diameter and 12-inch-diameter steel natural gas pipelines across and under West Branch French Creek (WWF, Nominated 1-A Scenic) along the existing pipeline approximately 100 feet north of the SR 0089 bridge across West Branch French Creek (Wattsburg, PA-NY Quadrangle N: 1.9 inches; W: 8.45 inches) in Venango Township, **Erie County**.

E61-224. Encroachment. **Polk Borough**, P. O. Box 1037, Polk, PA 16342. To remove the existing Church Street bridge and to construct and maintain a reinforced

concrete adjacent box beam bridge with a clear normal span of 26.55 meters and a minimum underclearance of 2.66 meters on Church Street across Sandy Creek (WWF, Trout stocked). This project is located on Church Street across Sandy Creek approximately 150 meters southeast of the intersection of SR 0062 and Church Street in Polk Borough (Polk, PA Quadrangle N: 21.0 inches; W: 7.4 inches) in Polk Borough, **Venango County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

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, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

NPDES Permit No. PA-0020435-A1. Sewerage. **White Haven Municipal Authority**, 50 East Woodhaven Drive, White Haven, PA 18661, is authorized to discharge from a facility located in White Haven Borough, **Luzerne County**, to Lehigh River.

Permit No. 1399401. Sewerage. **White Haven Municipal Authority**, 50 East Woodhaven Drive, PA 18661. Permit to construct a sanitary sewer system to serve existing commercial establishments and proposed real estate development along Route 940 in Kidder Township, **Carbon County**.

Permit No. 5499201. Industrial waste. **Papetti's Acquisitions, Inc., d/b/a Quaker State Farms, Inc.**, P. O. Box 76, Klingertown, PA 17941-0076. Permit to modify and add to existing industrial waste treatment plant to

serve Quaker State Farms, located in Upper Mahantango Township, **Schuylkill County**.

INDIVIDUAL PERMITS

(PAS)

The following approvals for coverage under NPDES Individual Permit for discharge of stormwater from construction activities have been issued.

These actions of the Department of Environmental Protection (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 aggrieved persons 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). 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.

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PAS-10-H081. Individual NPDES. **Hooke & Suter**, 322 South Hanover Street, Carlisle, PA 17013. To implement an erosion and sedimentation control plan for a housing development called LeTort Meadows on 9.8 acres in Carlisle Borough, **Cumberland County**. The project is located on the eastside of PA 34 about 1,600 feet south of Interchange 14 of I-81 (Carlisle, PA Quadrangle N: 10.5 inches; W: 9.0 inches). Drainage will be to LeTort Spring Run.

Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G339	Morgan Brothers Builders 288 Lancaster Avenue P. O. Box 1074 Frazer, PA 19355	East Vincent Township Chester County	Unnamed Tributaries to French Creek

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101300-2	Blue Ridge Real Estate Co. P. O. Box 707 Blakeslee, PA 18610-0707	Carbon County Kidder Township	Porter Run
PAS10Q009-1R	Pointe West Associates 6866 Chrisphalt Drive Bath, PA 18014-8503	Lehigh County Upper Macungie, Lowhill, Weisenberg Township	Jordan, Little Lehigh, Hasson Creek
PAS10Q039-R	Mill Run Associates 7660 Imperial Way Allentown, PA 18195	Lehigh County Upper Macungie Township	Little Lehigh Creek
PAS10Q166	William F. King III 504 Carnegie Center Princeton, NJ 08540	Lehigh County South Whitehall Township	Little Lehigh Creek

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and/or Other General Permits.

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. 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 general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements, and other information are on file and may be inspected and arrangements made for copying at the contract office noted .

*List of NPDES and/or
other General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG-2

Facility Location

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
East Bradford Township Chester County	PAR10-G306	Regimental Development Corporation 835 West Baltimore Pike Kennett Square, PA 19348	Plum Run	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Dowingtown Borough Chester County	PAR10-G319	Borough of Downingtown 410 West Lancaster Avenue Downingtown, PA 19335	Brandywine Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Goshen Township Chester County	PAR10-G283	Megill Construction 2 Huntrise Lane West Chester, PA 19382	Pocopson Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
West Goshen Township Chester County	PAR10-G314	Electronics Boutique, Inc. 931 South Matlack Street West Chester, PA 19382	Unnamed Tributary to East Branch Chester Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Chester Heights Borough Delaware County	PAR10-J151	Darlington Square Shopping 1001 Baltimore Pike, Springfield, PA	Chester Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Merion Township Montgomery County	PAR10-T503	Upper Merion Area School District 535 Crossfield Drive King of Prussia, PA 19406	Tributary to Crow Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Salford Township Montgomery County	PAR10-T525	Indian Valley Properties 601 Dresher Rd. Horsham, PA 19044	Unnamed Tributary to Skippack Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Providence Township Montgomery County	PAR10-T527	Indian Valley Properties 1286 Black Rock Road P. O. Box 406 Oaks, PA 19456	Crossman Run	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Upper Merion Township Montgomery County	PAR10-T512	Liberty Property Trust, GVCC 65 Valley Stream Parkway Malvern, PA 19355	Matsunk Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Skippack Township Montgomery County	PAR10-T494	Philomeno and Salamone 450 South Gravers Plymouth Meeting, PA	Perkiomen Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Frederick Township Montgomery County	PAR10-T529	Philip Tyson 1075 Collegeville Rd. Collegeville, PA	Swamp Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Gwynedd Township Montgomery County	PAR10-T539	Corpus Christi Parish 900 Sumneytown Pike Lansdale, PA 19446	Tributary to Towamencin Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Providence Township Montgomery County	PAR10-T387	Emmanuel Demutis 174 Bridge Street Phoenixville, PA 19460	Unnamed Tributary to School House Run	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Carbon County East Penn Township	PAR101322	John H. Goss, Sr. P. O. Box F Ashfield, PA 18212	Lizard Cr.	Carbon CD (610) 377-4894
Carbon County Mahoning Township	PAR101323	Russell E. Eckhart, Jr. 458 Strauss Valley Dr. Lehighon, PA 18235	Mahoning Cr.	Carbon CD (610) 377-4894
Carbon County Mahoning Township	PAR101324	Carbon Co. Airport Auth. c/o Paul Smith 2321 Mahoning Dr. East Lehighon, PA 18235	Mahoning Cr.	Carbon CD (610) 377-4894
Wyoming County Clinton Township	PAR107611	Lackawanna Trail High School P. O. Box 85 Factoryville, PA 18419	Unnamed Tributary to Tunkhannock Cr.	Wyoming CD (570) 836-2589
Northampton County Lower Saucon Township	PAR10U116	K. Hovnanian @ Lower Saucon I 1842 Caryn Drive Hellertown, PA 18055	Saucon Creek	Northampton CD (610) 746-1971
Northampton County City of Bethlehem	PAR10U113	Patrick Loughlin Bethintermodal, Inc. 1170 Eighth Avenue Room 668, Martin Towers Bethlehem, PA 18016-7699	Saucon Creek	Northampton CD (610) 746-1971
Northampton County Bethlehem Township	PAR10U108	Santo & Victoria Calantoni Highland Park Partners 6065 William Penn Highway Easton, PA 18042	Nancy Run	Northampton CD (610) 746-1971
Oxford Township Adams County	PAR-10-0079	United Natural Foods, Inc. 100 Lincoln Street New Oxford, PA 17350	South Branch Conewago Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Straban Township Adams County	PAR-10-0078	Seward, Inc. c/o Wolfe & Rice 47 West High Street Gettysburg, PA 17325	Rock Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Bern Township Berks County	PAR-10-C277	Reading Fairgrounds Dave Souders, V.P. Reading Fair Assoc. P. O. Box 13368 Reading, PA 19612-3368	Trib. to Plum Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
North Middleton Township Cumberland County	PAR-10-H192	Shaffer Park Associates Shaffer Business Park 906 Newville Road Carlisle, PA 17013	Conodoguinet Creek	Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Southampton Township Franklin County	PAR-10-M168	Rohe Family Limited Partnership 405 Lurgan Avenue Shippensburg, PA 17257	Middle Spring Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
West Donegal Township Lancaster County	PAR-10-O-360	Rheems Fire Company P. O. Box 103 Rheems, PA 17570	Unt. Donegal Creek	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
Brecknock Township Lancaster County	PAR-10-O-369	Luke N. Ulrich 150 Netzley Drive Denver, PA 17517	UNT Muddy Creek	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717)299-5361
West Hempfield Township Lancaster County	PAR-10-O-373	Corporate Site Consultants 161 Woodlawn Avenue Depew, NY 14043	UNT Little Conestoga Creek	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAR-10-O-378	Lancaster Area Sewer Auth. 130 Centerville Road Lancaster, PA 17061	Swarr Run, Millers Run, UNT Swarr Run, UNT Little Conestoga	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
Mercer County Pine Township	PAR 104339	Montgomery Truss and Panel, Inc. P. O. Box 866, 803 Main St. Grove City, PA 16127	Wolf Creek Tributary	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Mercer County City of Hermitage	PAR 104340	Hermitage School District 419 North Hermitage Rd. Hermitage, PA 16148	Pine Hollow Run Tributary	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Bradford County Athens Township	PAR100814	Equity Enterprises 416 N. Elmira St. Sayre, PA 18840	Wolcott Creek	Bradford County CD R. R. 5, Box 5030C Stoll Natural Res. Center Towanda, PA 18848 (570) 265-5539

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Centre County Harris Township	PAR10F090	Development Co., Inc. P. O. Box 508 Lewistown, PA 17044	Unt. Spring Creek	Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Snyder County Selinsgrove Borough	PAR105916	Susquehanna University 514 University Ave. Selinsgrove, PA 17870	Unt. Penns Creek	Snyder County CD 403 W. Market St. Middleburg, PA 17842 (570) 837-0007

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Marshall Township	PAG046178	Margaret Dismukes and Dennis Delmonaco 365 Locust Drive Baden, PA 15005	UNT of Big Sewickley Creek	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).**

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

Permit No. 3998502. Public water supply. **Lehigh County Authority**, P. O. Box 3348, Allentown, PA 18106. This proposal involves installation of a chemical feed system to feed soda ash for raising the pH to approximately 7.5. It is located in Upper Milford Township, **Lehigh County**. Construction Permit issued on May 3, 1999.

Permit No. 4598507. Public water supply. **Penn Estates Utilities, Inc., Well No. 6.** This proposal involves a new well source (well no. 6) and wellhouse containing the hypochlorination system, meter and valving to distribution. It is located in Stroud Township, **Monroe County**. Construction Permit issued on May 14, 1999.

Permit No. 3599501. Public water supply. **Pennsylvania American Water Company, Abington District.** This proposal involves the installation of 10,000 linear feet of 16" diameter pipeline and improvements to the Brook Street Pump Station. It is located in South Abington Township, **Lackawanna County**. Construction Permit issued on May 7, 1999.

Minor Amendment to Borough of Ringtown Water Supply. Public water supply. This proposal involves corrosion control amendment to Wells No. 1 and 3. It is located in the Borough of Ringtown, **Schuylkill County**. Construction Permit issued on April 30, 1999.

Operations Permit Minor Amendment issued to **New Milford Municipal Authority**, New Milford Borough, **Susquehanna County**.

Operations Permit Minor Amendment issued to **Weatherly Borough Municipal Authority**, Weatherly Borough, **Carbon County**.

Operations Permit issued to **Honey Brook Water Company**, McAdoo Borough, **Schuylkill County**.

Operations Permit issued to **Hanson Park, Inc.**, Harveys Lake Borough, **Luzerne County**.

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

Permit No. 7380053. Public water supply, **Peter B. Shirk**, R. D. 2, Box 62A, Denver, PA 17517, Millcreek Township, **Lebanon County**. *Responsible Official:* Peter B. Shirk. *Type of Facility:* Installation and operation of public water supply system for Newburg Village consisting of a well, disinfection and finished water storage. *Consulting Engineer:* David Gettle, Kohl Bros., Inc. *Permit to Operate Issued/Denied:* May 14, 1999.

Permit No. 5099501. Public water supply. **Triple Crown Corporation**, Centre Township, **Perry County**.

Responsible Official: Mark DiSanto, Vice-President of Operations, 5351 Jaycee Ave., Harrisburg, PA 17112.

Type of Facility: The Department has issued a Construction Permit for a new community water system. It is to consist of two wells, hypochlorite disinfection, greensand filtration for manganese removal, finished water storage, a distribution system and a finished water booster station. This system is not designed to provide water for fire protection.

Consulting Engineer: Robert J. Fisher, P.E., R. J. Fisher & Associates, Inc., 1546 Bridge St., New Cumberland, PA 17070.

Permit to Construct Issued: May 25, 1999.

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

Permit No. 2599501. Public water supply. **North East Borough**, 58 East Main Street, North East, PA 16428, has been issued a public water supply permit for the construction of a transmission main for transporting water from Lake Erie to the entrance chamber of the

existing filter plant located on Filter Plant Road in North East Township, **Erie County**.

Type of Facility: Community Water Supply.

Consulting Engineer: August E. Maas, P.E., Hill Engineering, Inc., 8 Gibson Street, North East, PA 16428.

Permit to Construct Issued: May 25, 1999.

Permit No. 1098507. Public water supply. **CSC Academy (Summit Academy)**, 900 Agnew Road, Pittsburgh, PA 15227, has been issued a public water supply to use Well Nos. 1 and 3 at the Summit Academy in Herman, PA in Summit Township, **Butler County**.

Type of Facility: Community Water Supply.

Consulting Engineer: James R. Ryan, P.E., Killam Associates, 100 Allegheny Drive, Warrendale, PA 15086-7565.

Permit to Construct Issued: May 26, 1999.

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Notice of Settlement Under the Hazardous Sites Cleanup Act

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675) has entered into a settlement regarding past and future response costs related to the Strasburg Landfill Superfund Site. The settlement involves a Consent Decree to be lodged in the United States District Court for the Eastern District of Pennsylvania, between the Department, Somerset Strippers of Virginia, Inc., Buckley & Company, Inc., Robert R. Buckley, Sr. and Joseph M. Martosella, Sr.

The Strasburg Landfill Superfund Site (site) is located in Newlin and West Bradford Townships, Chester County, PA. The site encompasses approximately 300 acres and includes the groundwater, soil and other media affected by any release of hazardous substances from the Strasburg Landfill. The Strasburg Landfill accepted waste from February 1979, to May 1983. The Department's predecessor, the Department of Environmental Resources, suspended the Strasburg Landfill operating permit in May 1983, and ordered the landfill closed due to construction flaws and permit violations. The United States Environmental Protection Agency (EPA) placed the site on the National Priorities List on March 31, 1989. The EPA conducted a remedial investigation/feasibility study at the site, during which they determined that hazardous substances and contaminants, including but not limited to, VOCs, benzene, PCE, TCE, toluene, arsenic and chromium, has been released at the site. The EPA designated four operable units at the site, and has selected remedial responses for three of the four. The EPA has initiated implementation of the remedial actions relating to leachate collection and treatment (Operable Unit 1), site access control (Operable Unit 2), and subsurface remediation and construction of a landfill cap (Operable Unit 3). The Department has incurred \$1,907,705.53 in costs associated with the implementation of these remedial actions. The EPA has not yet selected a remedy for groundwater at the site (Operable Unit 4). The Department anticipates it will incur approximately

\$5,092,294 in future costs associated with completion, and operation and maintenance of the remedial actions at the site.

The Department has asserted that Somerset Strippers of Virginia, Inc., Buckley & Company, Inc., Robert R. Buckley, Sr. and Joseph M. Martosella, Sr. all have liability under section 701 of HSCA and section 107 of CERCLA associated with the releases of hazardous substances from the Strasburg Landfill because they were owners, alter egos of the owners or corporate officers of entities owning an interest in the property on which the landfill was located, during the time when releases or threatened releases of hazardous substances occurred.

Under the terms of the Consent Decree, the settling parties shall pay to the Department \$750,000 for their share of the costs incurred and to be incurred by the Department for the Strasburg Landfill site. Upon payment under the Consent Decree, Somerset Strippers of Virginia, Inc., Buckley & Company, Inc., Robert R. Buckley, Sr. and Joseph M. Martosella, Sr. resolve any liability they may have with the Department and are eligible for contribution protection under HSCA and CERCLA regarding matters addressed in the Consent Decree, as provided in HSCA section 705(c)(2), 35 P. S. § 6020.705(c)(2) and CERCLA section 113(f), 42 U.S.C.A. § 9613(f).

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). The Department intends to file the Consent Decree with the United States District Court for the Eastern District of Pennsylvania upon the filing by the Department of its response to the significant written comments. The Consent Decree which contains the specific terms of the settlement is available for public review and comment. The Consent Decree can be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting Tim Sheehan at (610) 832-6149. A public comment period on the Consent Decree will extend for 60 days from today's date. Persons may submit written comments regarding the Consent Decree to the Department by August 11, 1999, by submitting them to Tim Sheehan at the previous address.

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 to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's 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 Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

SMK-Speedy International, Inc., City of Chester, **Delaware County**. Sean Grexa, The Tyree Organization, Ltd., 1350 S. US Highway 130, Burlington, NJ 08016, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet site-specific standards.

Trust of Samuel H. Keiser, Pottstown Borough, **Montgomery County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Mad Platter, West Chester Borough, **Chester County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., 4050 Skyron Drive, Suite A1, Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Paulovic-Larrara Residences, Plumstead Township, **Bucks County**. Kevin P. Van Kuren, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons and site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Murata-Wiedemann Facility (Former), Upper Merion Township, **Montgomery County**. Dean C. Seman, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet background standards.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

909 Partners, LP Site, Susquehanna Township, **Dauphin County**. 909 Partners, LP, 3701 Perkiomen Avenue, Reading, PA 19606, has submitted a remedial investigation and final report concerning remediation of site groundwater contaminated with heavy metals and solvents. The report is intended to document remediation of the site to the site-specific standard.

Royer Tract, South Middleton Township, **Cumberland County**. BL TETHYS LLC, 2407 Park

Drive, Harrisburg, PA 17110, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to the background standard using an areawide contamination designation.

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) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program 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 (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 reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. 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 for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. 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's Regional Office under which the notice of the plan or report appears. If information concerning a plan or 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 acted upon the following plans and reports:

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Ray Brady Residence, St. Clair Boro, **Schuylkill County**. Arthur J. Raymond, R. A. West Associates, 865 South Eagle Road, Suite 359, Newtown, PA 18940, submitted a Final Report (on behalf of his client, Ray Brady, 41 Ann Street, East Mines, PA 17901) concerning the

remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide health standard and was approved on May 27, 1999.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

909 Partners, L. P., Site, Susquehanna Township, Dauphin County. 909 Partners, LP, 3701 Perkiomen Avenue, Reading, PA 19606, has submitted a Remedial Investigation and Final Report concerning the remediation of site groundwater contaminated with heavy metals and solvents. The final report demonstrated attainment of the site-specific standard, and the Remedial Investigation and Final Report were approved by the Department on May 25, 1999.

SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Southeast Regional Office: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Permit No. 400682. East Norriton-Plymouth-Whitpain Joint Sewer Authority, 200 Ross Street, Norristown, PA 19401. Permit was modified to increase the amount of sewage sludge allowed to be incinerated at the facility. No increase in waste acceptance limitations was included in the modification request. Permit modified by the Southeast Regional Office on May 12, 1999.

Permit No. 101411. MM SKB Energy LLC, 1221 Lincollet Mall, Suite 700, Minneapolis, MN 55403. Permit was issued to MM SKB for the continued operation of a landfill gas processing and energy recovery facility located in Upper Merion Township, **Montgomery County**. The permit issued for a new 10-year term and for permit reissuance from O'Brien Energy to MM SKB. The Southeast Region Office issued the permit on May 12, 1999.

Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 301307. Allegheny Liquid Systems, Inc., 1815 Washington Road, Pittsburgh, PA 15241. Operation of a residual waste processing facility in the City of Pittsburgh, **Allegheny County**. Permit modification reflecting the merger of Allegheny Liquid Systems, Inc. and Ellwood Processing, Inc. with the surviving corporation name and the permittee changed to Allegheny Liquid Systems, Inc. Permit modification issued in the Regional Office on May 20, 1999.

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

Southeast Regional Office: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

A. 101618. Thermal Pure Systems, Inc. c/o Ally Capital Corp., 17 East Sir Francis Drake Blvd., Larkspur, CA. Applicant withdrew its modification request for the Thermal Pure Systems, Inc. facility located in the City of Chester, **Delaware County**. The Southeast Regional Office returned the application on May 25, 1999.

AIR QUALITY OPERATING PERMITS

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

35-302-109GP: Scranton Lace Co. (1313 Meylert Avenue, Scranton, PA 18509), for construction and operation of a 500 HP Cleaver Brooks boiler in Scranton, **Lackawanna County**.

35-310-035GP: Linde Enterprises, Inc. (RR 1, Golf Hill Road, Honesdale, PA 18431), for construction and operation of a portable stone crushing plant at the PEI Power Park, Archbald Borough, **Lackawanna County**.

Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

14-399-009H: Murata Electronics North America, Inc. (1900 West College Avenue, State College, PA 16801-2799), on May 20, 1999, to specify different model number binder removal ovens and after-burners in Ferguson Township, **Centre County**.

08-316-014: Masonite Corp. (P. O. Box 311, Towanda, PA 18848), on May 20, 1999, to extend the allowable duration of hardboard resin formulation trials by 12 months in Wysox Township, **Bradford County**.

08-316-011A: Masonite Corp. (P. O. Box 311, Towanda, PA 18848), on May 20, 1999, to extend a stack test performance deadline by 30 days in Wysox Township, **Bradford County**.

08-318-024A: Masonite Corp. (P. O. Box 311, Towanda, PA 18848), on May 21, 1999, to decrease the allowable volatile organic compound emission rate of a surface coating operation (Coating II) from 103.9 tons per 12 consecutive month period to 77.9 tons per 12 consecutive month period in Wysox Township, **Bradford County**.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

07-302-031: Appleton Papers, Inc. (100 Paper Mill Road, Roaring Spring, PA 16673), issued May 21, 1999,

for a power boiler no. 4 at the Spring Mill in Roaring Spring Borough, **Blair County**. This source is subject to 40 CFR Part 60, Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

28-318-032: Grove U. S., L.L.C. (P. O. Box 21, Shady Grove, PA 17256), issued May 17, 1999, for a paint spray booth and drying oven controlled by dry filters in Antrim Township, **Franklin County**.

36-02012A: Quality Custom Kitchens, Inc. (P. O. Box 189, New Holland, PA 17557), issued May 1, 1999, for a wood cabinet surface coating operation at the New Holland Plant in Earl Township, **Lancaster County**.

36-02027A: R. R. Donnelley & Sons, Co. (216 Greenfield Road, Lancaster, PA 17601), issued May 6, 1999, for operation of a printing facility at the Lancaster East Plant in Lancaster City, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart QQ of the Performance for New Stationary Sources and 40 CFR Part 63, Subpart KK of the National Emission Standards for Hazardous Air Pollutants.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

30-000-099: West Penn Power Co. (800 Cabin Hill Drive, Greensburg, PA 15601), issued May 17, 1999, for operation of NOx and VOC sources at Hatfield Power Station in Monongahela Township, **Greene County**.

04-000-043: Centria (401 FSC Industrial Park, 14th St., Ambridge, PA 15003), issued May 17, 1999, for operation of coil coating at Ambridge Coil Coating Operations in Ambridge Borough, **Beaver County**.

Nitrogen Oxides (NOx) Allowance Program

Issuance of State Only Operating Permit

The Department of Environmental Protection (Department) has revised the State Only Operating Permit issued to the Cheswick Plant, owned and operated by Duquesne Light Company located in Springdale Borough, Allegheny County. The Operating Permit revised the NOx Allowances available to the facility.

Copies of the revised operating permit and other relevant information are available at the following address:

Bureau of Air Quality: Division of Permit, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

02-0054: Duquesne Light Company, Cheswick Plant (411 Seventh Avenue, Box 1930, Pittsburgh, PA 15230), located in Springdale Borough, **Allegheny County**.

NOx Affected Source:

Boiler Point ID: 001 Allowance: 2500

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

35-313-010: Taylor Chemical, Inc. (Stauffer Industrial Park, Taylor, PA 18504), on May 4, 1999, for

construction of a polyacrylamide operation in Taylor Borough, **Lackawanna County**.

45-320-003B: Mack Printing Co. (1991 Northampton Street, Easton, PA 18042), on May 10, 1999, for construction of new printing line in East Stroudsburg Borough, **Monroe County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

01-310-039B: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214), issued May 27, 1999, for modification of the No. 5 dust collection system at the Charmian in Hamiltonban Township, **Adams County**.

06-1003E: Lucent Technologies, Inc. (P. O. Box 13396, Reading, PA 19612-3396), issued May 17, 1999, for construction of a photoresist spray developer controlled by a catalytic oxidizer at the Reading Plant in Muhlenberg Township, **Berks County**.

06-1069D: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147), issued May 21, 1999, for construction of four lead grid casters and one associated lead pot located at Plant A-2 in Richmond Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart KK of the Performance for New Stationary Sources.

06-1069E: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147), issued May 28, 1999, for construction of a battery assembly operation controlled by a fabric collector at Plant A-1 in Richmond Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart KK of the Performance for New Stationary Sources.

38-03019A: Allied Veterinary Cremation Service (1587 Town Hill Road, York Springs, PA 17372), issued May 21, 1999, for installation of an animal crematory with built-in afterburner in South Londonderry Township, **Lebanon County**.

67-02008A: York International Corp. (P. O. Box 1592, York, PA 17405-1592), issued May 27, 1999, for construction of a paint spray booth at the Grantley Plant in Spring Garden Township, **York County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-32-055C: Homer City Generation, LP (1750 Power Plant Road, Homer City, PA 15748), issued May 25, 1999, for operation of Unit 1, Unit 2 and Unit 3 at Homer City Station in Center Township, **Indiana County**.

PA-56-262A: Mostoller Landfill, Inc. (420 Bedford Street, Suite 300, Lexington, MA 02173), issued May 25, 1999, for operation of municipal waste landfill in Somerset Township, **Somerset County**.

PA-65-408A: Perfect Plastic Industries (14th Street, Building 201, New Kensington, PA 15068), issued May 17, 1999, for operation of VOC evaporation in New Kensington, **Westmoreland County**.

Plan Approval extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

21-323-014: L. B. Smith, Inc. (2001 State Road, Camp Hill, PA 17011), on May 15, 1999, to authorize temporary operation of chrome plating tanks controlled by a fume suppressant and three-stage mist eliminator, covered under this Plan Approval until September 12, 1999, in Lower Allen Township, **Cumberland County**. This source is subject to 40 CFR Part 63, Subpart N of the National Emission Standards for Hazardous Air Pollutants.

22-322-001A: Dauphin Meadows, Inc. (Route 209, Millersburg, PA 17061), on May 23, 1999, to authorize temporary operation of a landfill gas extraction system, vaporator and internal combustion engine controlled by an enclosed ground flare, covered under this Plan Approval until September 19, 1999, in Upper Paxton and Washington Townships, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart WW—Standards of Performance for Municipal Solid Waste Landfills.

38-318-031: Alcoa, Inc. (3000 State Drive, Lebanon, PA 17042), on February 19, 1999, to authorize temporary operation of a laminator controlled by a catalytic incinerator, covered under this Plan Approval until June 19, 1999, in South Lebanon Township, **Lebanon County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachment Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Permits Issued

56823066. Permit Renewal for reclamation only, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), for continued restoration of bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 224.5 acres, receiving stream unnamed tributaries to Elk Lick Creek and unnamed tributaries to the Casselman River. Application received January 7, 1999; issued May 21, 1999.

56723082. Permit renewal for reclamation only, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of bituminous strip mine in Brothersvalley and Somerset Townships, **Somerset County**, affecting 55.4 acres, receiving stream unnamed tributary to Kimberly Run. Application received May 24, 1999; issued May 24, 1999.

56803093. Permit renewal for reclamation only, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting

79.6 acres, receiving stream unnamed tributaries to Buffalo Creek. Application received May 24, 1999; issued May 24, 1999.

56980108. Fieg Brothers (3070 Stoystown Road, Stoystown, PA 15563), commencement, operation and restoration of a bituminous strip mine in Milford Township, **Somerset County**, affecting 160.7 acres, receiving stream unnamed tributaries to Coxes Creek. Application received October 16, 1998; permit issued May 20, 1999.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

65810113R. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319). Renewal permit issued for continued reclamation of a bituminous surface mine located in Cook and Donegal Townships, **Westmoreland County**, affecting 10.38 acres. Receiving streams: unnamed tributary to Four Mile Run to Loyalhanna Creek. Renewal application received: March 3, 1999. Renewal permit issued: May 21, 1999.

65880106R. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Loyalhanna and Salem Townships, **Westmoreland County**, affecting 484.0 acres. Receiving streams: unnamed tributary to Getty Run and Getty Run. Renewal application received: February 25, 1999. Renewal permit issued: May 21, 1999.

02940201R. ACV Power Corporation (403 Main Street, P. O. Box 402, Emlenton, PA 16373). Renewal permit issued for continued reclamation of a coal refuse reprocessing surface mine located in Hampton Township, **Allegheny County**, affecting 42.5 acres. Receiving stream: Pine Creek. Renewal application received: February 23, 1999. Renewal permit issued: May 21, 1999.

03793072R. Kent Coal Mining Company (P. O. Box 219, Shelocta, PA 15774). Renewal permit issued for continued reclamation only of a bituminous surface mine located in Kiskiminetas Township, **Armstrong County**, and Young Township, **Indiana County**, affecting 302 acres. Receiving streams: unnamed tributary to Long Run and Big Run. Application received: March 5, 1999. Renewal permit issued: May 27, 1999.

65920105R. FRB, Inc. (234 Rt. 30 West, Ligonier, PA 15658). Renewal permit issued for continued reclamation only of a bituminous surface mine located in Unity Township, **Westmoreland County**, affecting 79.6 acres. Receiving streams: unnamed tributaries to Crabtree Creek. Application received: March 9, 1999. Renewal permit issued: May 27, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

28900301C2. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), correction to an existing quarry operation and renewal of NPDES Permit No. PA0595861 in Greene Township, **Franklin County** affecting 55.1 acres, receiving stream—unnamed tributary to Rocky Spring Creek. Correction issued May 25, 1999.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Small Noncoal (Industrial Mineral) Permits Issued

58990808. Meshoppen Stone, Inc. (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a bluestone quarry operation in Auburn

Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Permit issued May 24, 1999.

50990801. Glenn R. McNaughton (RR 1, Box 159, Elliottsburg, PA 17024), commencement, operation and restoration of a quarry operation in Saville Township, **Perry County** affecting 1.0 acre, receiving stream—none. Permit issued May 24, 1999.

66990802. Donald A. Stanton, Jr. (RR 1, Box 1018, Nicholson, PA 18446), commencement, operation and restoration of a bluestone quarry operation in Nicholson Township, **Wyoming County** affecting 3.0 acres, receiving stream—none. Permit issued May 26, 1999.

66990803. Algerd Choplosky, Jr. (RR 1, Box 1598, Hop Bottom, PA 18824), commencement, operation and restoration of a bluestone quarry operation in Nicholson Township, **Wyoming County** affecting 1.0 acre, receiving stream—none. Permit issued May 26, 1999.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Industrial Minerals NPDES Permit Renewal Applications Issued

4274SM11. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0212512, Taylor Township, **Blair County**, receiving streams Plum Creek and Halter Creek. NPDES Renewal Applications received March 26, 1999; issued May 21, 1999.

56920301. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0599417, Ogle Township, **Somerset County**, receiving streams Clear Shade Creek. NPDES Renewal Application received March 26, 1999; issued May 21, 1999.

Knox District Office, P. O. Box 669, Knox, PA 16232.

Noncoal Applications Returned

10960305. H. W. Cooper & Sons, Inc. (P. O. Box 786, Slippery Rock, PA 16057), commencement, operation and restoration of a bituminous strip operation in Worth Township, **Butler County** affecting 67.0 acres. Receiving streams: Unnamed tributary to Black Run. Application received: November 15, 1996. Application returned: May 27, 1999.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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, 400 Market Street, Floor 2, 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 the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E13-117. Encroachment. White Haven Municipal Authority, 50 East Woodhaven Drive, White Haven, PA 18661. To construct and maintain a 6-inch H.D.P.E. sanitary sewer force main utility line stream crossing of the Lehigh River, to be accomplished using directional bore drilling. The crossing is part of a wastewater collection system project along the S. R. 0940 corridor. The project includes four additional sanitary sewer line crossings of tributaries to Black Creek and a tributary to the Lehigh River, located in Kidder Township, Carbon County, which will be constructed in accordance with the Department's General Permit BDWM-GP-5. The Lehigh River crossing is located immediately south of S. R. 0940 bridge (White Haven, PA Quadrangle N: 11.1 inches; W: 2.8 inches), in East Side Borough, **Carbon County** and White Haven Borough, **Luzerne County**.

E39-361. Encroachment. Church of the Assumption, B.V.M., 4101 Old Bethlehem Pike, Bethlehem, PA 18105. To fill in 0.36 acre of wetlands for the construction of a combination soccer and softball field. The project, associated with the expansion of St. Michael's School, is located east of the intersection of S. R. 2038 (Oakhurst Road) and T-835 (Old Bethlehem Pike) (Allentown East, PA Quadrangle N: 12.9 inches; W: 2.6 inches) in Upper Saucon Township, **Lehigh County**. The permittee is required to provide 0.36 acre of replacement wetlands.

Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E07-307. Encroachment. Altoona City Authority, 20 Greenwood Road, Altoona, PA 16602. To excavate approximately 300 feet of stream channel to a depth of 2.5 feet and a width of 10 feet and replace the excavated material with limestone rock for the purpose of adding alkalinity to Glenwhite Run as part of an acid mine drainage abatement project in the Glenwhite Run watershed located about 2.5 miles upstream of the Horseshoe Curve (Cresson, PA Quadrangle N: 22.6 inches; W: 3.8 inches) in Allegheny Township, **Blair County**. The permit also acknowledges The Altoona Water Authority's use of General Permit No. 5 (Utility Line Stream Crossing) GP 05-07-99-104, General Permit No. 4 (Intake and Outfall

Structures) GP 04-07-99-103 and General Permit No. 8 (Temporary Road Crossing) GP 08-07-99-101. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E07-308. Encroachment. **Blair Township**, 575 Cedarcrest Drive, Duncansville, PA 16635. To rehabilitate 470 feet of the stream channel of Poplar Run (CWF) which will include reconstructing 140 feet of channel with a 5-foot deep, 41-foot base, 2:1 side slope trapezoidal cross section and constructing R6 riprap revetment on approximately 313 feet of streambank to protect the bank from erosion for the purpose of providing flood protection to a nearby residence located about 900 feet upstream of the SR 0036 Bridge over Poplar Run (Hollidaysburg, PA Quadrangle N: 2.6 inches; W: 5.5 inches) in Blair Township, **Blair County**. This permit also includes 401 Water Quality Certification.

Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E14-338. Encroachment. **The Pennsylvania Department of Transportation, District 2-0**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. To remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge with a clear span of 29 feet on a skew of 75 degrees and a minimum underclearance of 3.6 feet and a temporary coffer dam and to construct and maintain approximately 90 feet of roadway widening fill with R-5 streambank rip rap in the floodway of Roaring Run. The project is located on SR 0445 approximately 0.8 mile south of the intersection of Rt. 64 and SR 0445 (Madisonburg, PA Quadrangle N: 19.3 inches; W: 6.1 inches) in Walker Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-223. Encroachment. **Northumberland Sewer Authority**, 100 Water Street, P. O. Box 325, Northumberland, PA 17857. To construct and maintain an 18 foot addition comprised of 580 cubic yards of clean fill which will be finished with a bituminous surface (total acreage of work 0.128) to an existing maneuvering area in the floodway of the Susquehanna River located on Route 11 North immediately after the Susquehanna River bridge in Northumberland (Northumberland, PA Quadrangle N: 1.8 inches; W: 6.3 inches) in Northumberland Borough, **Northumberland County**. This permit was issued under section 105.13(e) "Small Projects."

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-293. Encroachment. **Trees Development Company**, 5 Treedale Commons, Gibsonia, PA 15044. To fill 0.1 acre of wetland for construction of an extension of Four Lakes Drive to access Treedale Development's Four Lakes Neighborhood Phase 6 approximately 1,600 feet northwest of the intersection of S. R. 3015 (Mars/Valencia Road) and Camp Trees Road (Mars, PA Quadrangle N: 10.2 inches; W: 1.0 inch) located in Adams Township, **Butler County**.

This project includes creation of 0.12 acre of replacement wetland adjacent to the site.

E10-295. Encroachment. **Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066-6499. To conduct the following activities associated with the widening of approximately 6,500 feet of S. R. 0228 beginning at the I-79 interchange and extending east to the Cranberry

Township—Seven Fields Borough boundary located in Cranberry Township, **Butler County**:

1. Extend the existing 48-inch diameter pipe from 105 feet to 125 feet and install a parallel 125-foot-long, 36-inch-diameter pipe and maintain dual pipe stream enclosure having grooved ends in a concrete headwall in a tributary to Brush Creek at Station 179+75 (Mars, PA Quadrangle N: 11.0 inches; W: 12.1 inches).

2. Extend and maintain the existing 54-inch-diameter culvert from 94 feet to 150 feet having a grooved end in a concrete headwall in a tributary to Brush Creek at Station 183+25 (Mars, PA Quadrangle N: 11.0 inches; W: 11.9 inches).

3. Realign approximately 600 feet of the channel of a tributary to Brush Creek between Station 182+00 and Station 188+00 (Mars, PA Quadrangle N: 10.95 inches; W: 11.8 inches) including construction of a berm along the left bank.

4. Place and maintain fill in a total of 0.04 acre of two wetland areas associated with the pipe extensions and roadway widening.

E10-296. Encroachment. **City of Butler**, 140 West North Street, Butler, PA 16001. To remove the existing culvert and to construct and maintain a Con/Span concrete arch having a span of 12 feet and a maximum rise of 5 feet across a tributary to Sullivan Run (Shanks Hollow Run) on Wick Street approximately 0.4 mile north of the West End School (Butler, PA Quadrangle N: 21.5 inches; W: 4.5 inches) located in the City of Butler, **Butler County**.

E43-270. Encroachment. **Chirstner Realty, Inc.**, 235 Alpha Drive, Pittsburgh, PA 15238. To place and maintain fill in a total of 0.22 acre of a wetland for development of Lot 12 and Lot 14 along Manor Drive in Phase IV of Village Park Residential Subdivision east of S. R. 0173 approximately 1,400 feet north of Airport Road (Grove City, PA Quadrangle N: 1.3 inches; W: 10.3 inches) located in Pine Township, **Mercer County**. Project includes creation of 0.66 acre of replacement wetland in the Village Park Residential Subdivision.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approvals and Actions on 401 Certifications

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

EA24-004NW. Environmental Assessment. **National Resources Conservation Service**, 478 Jeffers Street, Building 3, Suite D, DuBois, PA 15801. To construct and maintain a passive wetland system to restore water quality from an acid deep mine discharge to Brandy Camp Creek (CWF). This system will include a conveyance watercourse, utilization of the existing 18-inch concrete culvert under S. R. 0219, a settling pond and created wetland area (combined surface area 0.2 acre), and a rock waterway outfall to Brandy Camp Creek. This project will also include removal/sloping back of existing mine spoil along the bank within the floodway of Brandy Camp Creek. This project is located on the east side of S. R. 0219 approximately 1,800 feet north of the village of Elbon (Brandy Camp, PA Quadrangle N: 10.6 inches; W: 8.6 inches) located in Horton Township, **Elk County**.

WATER ALLOCATIONS

Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

Northwest Regional Office: Regional Manager; Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.

Permit No. WA 25-1003. Water Allocation. **North East Borough**, 58 East Main Street, North East, PA 16428, grants the right to withdraw up to 3.4 mgd on the annual average from Lake Erie. The Lake Erie withdrawal will be in the vicinity of Freeport Beach in North East Township, **Erie County**, to meet the projected water demands of the Borough. This permit issued in conjunction with public water supply permit for the construction of raw water transmission main. *Type of Facility:* City Water Authority August E. Maas, Project

Engineer, Hill Engineering, Inc., 8 Gibson Street, North East, PA 16428. *Permit Issued Date:* May 25, 1999.

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 1999, 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 as follows 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>
Arick Amspacker	3262 Reeve Drive Bethlehem, PA 18020	Testing
Jay Bauder	585-B Mountain Trail Road Newmanstown, PA 17073	Mitigation
Best Inspect, Inc.	1053 High Meadows Drive Gibsonia, PA 15044	Mitigation
Carl Cura	21 Brookview Drive Glenmoore, PA 19343	Testing
Lois Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Testing Laboratory
David Faulds Todd Giddings & Associates, Inc.	3049 Enterprise Drive State College, PA 16801	Testing
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Mitigation
Marc Fleischman	123 Hepler Road Sarver, PA 16055	Testing
Vilas Godbole	307 Dogwood Lane Wallingford, PA 19086	Testing
Home Inspections Plus, Inc.	43 Elwyn Avenue Carnegie, PA 15106	Testing
LDH Waterproofing & Radon Control	218-D West Main Street Leola, PA 17540	Mitigation
Robert Meyer, Jr.	2843 North Front Street Harrisburg, PA 17110	Mitigation
Pillar to Post NE	721 South State Street Clarks Summit, PA 18411	Testing
Brian Reuss HouseMaster Home Inspections	20300 Route 19, Suite 138 Cranberry Township, PA 16066	Testing
Mark Salasky Landauer, Inc.	2 Science Road Glenwood, IL 60425	Laboratory
Michael Schneider	108 Tartline Drive Glenshaw, PA 15116	Testing
Jack Stanizzo	915 Brookline Boulevard Pittsburgh, PA 15226	Mitigation
Michael Tyrell	100 West Hillcrest Avenue Havertown, PA 19083	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
ValueGuard USA, Inc.	123 Coulter Avenue, Suite 206 Ardmore, PA 19003	Testing

[Pa.B. Doc. No. 99-936. Filed for public inspection June 11, 1999, 9:00 a.m.]

Small Water Systems Technical Assistance Center Advisory Board; Special Committee Meeting

The Legislation/Regulation Committee will hold a special meeting on Tuesday, June 22, 1999, from 9:30 a.m. to 12 noon in the 11th Floor Conference Room of the Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting will be to discuss the regulation development questions revolving around the major issues identified during the development of the draft Legislation for operator certification. Answers to these questions will be utilized to draft regulations later in the year.

Questions concerning this schedule or agenda items can be directed to Donna Green at (717) 787-0122 or e-mail at Green.Donna@dep.state.pa.us. This schedule, an agenda for the meeting, and notices of meeting changes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-937. Filed for public inspection June 11, 1999, 9:00 a.m.]

DEPARTMENT OF HEALTH

Extension of Public Comment Period on the Draft Maternal and Child Health Services Block Grant Application for Federal Fiscal Year 2000

By notice published May 1, 1999, the Department of Health (Department) advised that copies of the draft Maternal and Child Health Services Block Grant Application for FFY 2000 would be available for public comment. The Department stated it would accept comments on the Block Grant Application until 4 p.m. on Wednesday, June 9, 1999. The Department has decided to extend that date until Friday, June 18, 1999.

The draft Block Grant Application describing proposed services, program goals and objectives and activities can be obtained on the Department's web site at <http://www.health.state.pa.us/php/> or by contacting the Department of Health, Bureau of Family Health, Room 733 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, (717) 787-7192; V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

Written comments should be sent to the previous address and must be received no later than 4 p.m. on Friday, June 18, 1999.

Persons with a disability who require an alternative format of the above-mentioned application or who desire to comment in alternative format (for example, large print, audio tape, braille) should notify the Bureau of Family Health at the above-referenced address or phone numbers.

ROBERT S. ZIMMERMAN, Jr.,
Acting Secretary

[Pa.B. Doc. No. 99-938. Filed for public inspection June 11, 1999, 9:00 a.m.]

Notice of Requests for Exceptions

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Fairways at Brookline
1950 Cliffside Drive
State College, PA 16801

Saint John Neumann Nursing Home
10400 Roosevelt Boulevard
Philadelphia, PA 19116

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(b) (relating to patient bedrooms):

Green Ridge Nursing Home
1530 Sanderson Avenue
Scranton, PA 18509

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.20(m) (1) (relating to patient bedrooms):

Butler Memorial Hospital
911 East Brady Street
Butler, PA 16001-4697

Skilled Nursing Unit, Armstrong County Memorial
Hospital
One Nolte Drive
Kittanning, PA 16201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(a) (relating to kitchen):

The Ball Pavilion
5416 East Lake Road
Erie, PA 16511

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.34 (relating to treatment rooms or examining rooms):

Hospitality Care Center
3726 East State Street
Hermitage, PA 16148

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(h)(1)(5) (relating to

patient bedrooms) and 28 Pa. Code § 205.71(a), (b) and (d) (relating to bed and furnishings):

Wesbury United Methodist Community
31 North Park Avenue
Meadville, PA 16335-9430

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.71(a), (b) and (d) (relating to bed and furnishings):

Cherry Tree Nursing Center
410 Terrace Drive
Uniontown, PA 15401

Lakeside Nursing Center
Rt. 4, Box 357
Dallas, PA 18612

Presbyterian Health Center
400 East Marshall Street
West Chester, PA 19380

The Wightman Center for Nursing and Rehabilitation
2025 Wightman Street
Pittsburgh, PA 15217

Rosemont Manor
35 Rosemont Avenue
Rosemont, PA 19010

Lafayette Manor, Inc.
120 Old New Salem Road
Uniontown, PA 15401

Country Meadows Nursing Center of Bethlehem
4025 Green Pond Road
Bethlehem, PA 18020

Orwigsburg Center
1000 Orwigsburg Manor Drive
Orwigsburg, PA 17961

Lutheran Home for the Aged
149 West 22nd Street
Erie, PA 16502-0383

John J. Kane Regional Center Glen Hazel
955 Rivermont Drive
Pittsburgh, PA 15207

Towne Manor West Nursing and Rehabilitation Center
205 East Johnson Highway
Norristown, PA 19401

Wayne Center
30 West Avenue
Wayne, PA 19087

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 211.2(g) and (h) (relating to medical services):

United Zion
722 Furnace Hills Pike
Lititz, PA 17543-9502

Luther Acres Manor
400 St. Luke Drive
Lititz, PA 17543

ManorCare Health Services-Monroeville
885 MacBeth Drive
Monroeville, PA 15146

The Cedars of Monroeville
4363 Northern Pike
Monroeville, PA 15146

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(m)(1) (relating to patient bedrooms), 28 Pa. Code § 205.72(b) (relating to furniture), 28 Pa. Code § 205.33(a) (relating to utility room), 28 Pa. Code § 205.36(k) (relating to bathing facilities, and 28 Pa. Code § 201.17 (relating to location):

Germantown Hospital and Community Health Services
1735 Market Street, 53rd Floor
Philadelphia, PA 19103-2921

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(m) (relating to patient bedrooms), 28 Pa. Code § 205.72(h) (relating to furniture), 28 Pa. Code § 205.38(d)(f) (relating to toilet facilities), 28 Pa. Code § 205.39(a) (relating to toilet room equipment), and 28 Pa. Code § 205.24(b)(c)(d) (relating to dining room):

Neshaminy Manor Nursing Home
Route 611 and Almshouse Roads
Doylestown, PA 18901

These requests are on file with the Department. Persons may receive a copy of a request for an 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 listed above.

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 a request for an exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide 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.,
Acting Secretary

[Pa.B. Doc. No. 99-939. Filed for public inspection June 11, 1999, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The contractor referenced as follows has been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), this firm or any firms, corporations or partnerships in which the firm has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
A-K Computers, Inc., a/k/a A/K Technologies, Inc. (Fed. ER I.D. Nos. 25-1638066, 23- 2196007 -and- 25-1828932)	738 Cumberland Street Lebanon, PA 17042	May 27, 1999

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 99-940. Filed for public inspection June 11, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Public Hearing on Closure of Western Center

The Department of Public Welfare (Department) will hold a public hearing on the closure of Western Center on June 25, 1999, at the Holiday Inn-Meadowlands, Washington County. The hearing will be held in two sessions, 2 p.m. to 5 p.m. and 6 p.m. to 8 p.m.

The Department under authority of the act of April 28, 1999 (P. L. 24) is required to hold a public hearing on any State mental health or mental retardation facility within 30 days of a closure announcement or following a downsizing of 20% or more. The hearing on Western Center must be held by June 28, 1999.

Individuals or organizations wishing to testify should contact Mary Puskarich, Regional Director at (412) 565-5144 by June 21, 1999. Individuals requiring special accommodations are asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 99-941. Filed for public inspection June 11, 1999, 9:00 a.m.]

Public Hearing on Declining Patient Population at Allentown State Hospital

The Department of Public Welfare (Department) will hold a public hearing on the declining patient population at Allentown State Hospital, Lehigh County, on June 21, 1999, at the Northampton County Community College. The hearing is scheduled to begin at 7 p.m. A new State law, Act 1999-3, requires the Department to hold a public hearing on any State mental health or mental retardation facility within 30 days following a reduction of 20% or more in resident/patient census or staff complement or a closure announcement.

There has been a decrease of at least 20% in patient population at Allentown State Hospital since December 31, 1997, due to numerous factors, primarily implementation of successful Community Hospital Integration Project Program initiatives, advancement in pharmacological treatment for many patients and enhancements to the community mental health system which provide alterna-

tives to State hospital inpatient treatment. The hearing on Allentown State Hospital must be held no later than June 28.

Individuals or organizations wishing to testify should contact Frank Hehman, Office of Mental Health and Substance Abuse Services' Scranton Field Office Director at (570) 963-3040 by June 17. Individuals requiring a special accommodation are asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 99-942. Filed for public inspection June 11, 1999, 9:00 a.m.]

Public Hearing on Declining Patient Population at Wernersville State Hospital

The Department of Public Welfare (Department) will hold a public hearing on the declining patient population at Wernersville State Hospital, Berks County on June 29, 1999, at the Reading Area Community College. The hearing is scheduled to begin at 7 p.m. A new State law, Act 1999-3, requires the Department to hold a public hearing on any State mental health or mental retardation facility within 30 days following a reduction of 20% or more in resident/patient census or staff complement or a closure announcement.

There has been a decrease of at least 20% in patient population at Wernersville State Hospital since December 31, 1997, due to numerous factors, primarily implementation of successful Community Hospital Integration Project Program initiatives, advancement in pharmacological treatment for many patients and enhancements to the community mental health system which provide alternatives to State hospital inpatient treatment.

Individuals or organizations wishing to testify should contact Gary Beese, Office of Mental Health and Substance Abuse Services' Harrisburg Field Office Director at (717) 772-6650 by June 25. Individuals requiring a special accommodation are asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 99-943. Filed for public inspection June 11, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Lucky 8's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky 8's.
2. *Price:* The price of a Pennsylvania Lucky 8's instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Lucky 8's instant lottery game ticket will contain four play areas known as "Box 1," "Box 2," "Box 3" and "Box 4." Each "Box" is played separately. The play symbols and their captions located in the four play areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SNTN), 18 (EGTN), 19 (NINTN) and 20 (TWTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOUR DOL), \$8⁰⁰ (EIGHT DOL), \$16⁰⁰ (SXTN DOL), \$24\$ (TWY FOR), \$40\$ (FORTY), \$80\$ (EIGHTY) and \$8,000 (EGT THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$16, \$24, \$40, \$80 and \$8,000. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Lucky 8's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$8,000 (EGT THO) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$8,000.

(b) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$80\$ (EIGHTY) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$80.

(c) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$40\$ (FORTY)

appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$24\$ (TWY FOR) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$24.

(e) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$16⁰⁰ (SXTN DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$16.

(f) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$8⁰⁰ (EIGHT DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$8.

(g) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$4⁰⁰ (FOUR DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$4.

(h) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$2⁰⁰ (TWO DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$1⁰⁰ (ONE DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Find an 8 In Any of The 4 Boxes With Prize(s) Of:

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
\$1	1:8.82	1,142,400
\$1 x 2	1:21.43	470,400
\$2	1:50	201,600
\$1 x 4	1:300	33,600
\$1 x 2 + \$2	1:300	33,600
\$2 x 2	1:375	26,880
\$4	1:1,500	6,720
\$2 x 4	1:150	67,200
\$4 x 2	1:300	33,600
\$8	1:300	33,600
\$4 x 4	1:300	33,600
\$8 x 2	1:1,500	6,720
\$2 x 2 + \$4 + \$8	1:750	13,440
\$4 x 2 + \$8	1:1,500	6,720
\$16	1:1,500	6,720
\$4 x 2 + \$8 x 2	1:750	13,440
\$8 x 3	1:1,500	6,720
\$8 + \$16	1:1,500	6,720
\$24	1:1,500	6,720
\$8 x 3 + \$16	1:24,000	420
\$8 + \$16 x 2	1:30,000	336
\$16 + \$24	1:60,000	168
\$40	1:120,000	84
\$8 x 2 + \$24 + \$40	1:30,000	336
\$16 + \$24 + \$40	1:30,000	336

Find an 8 In
Any of The 4
Boxes With
Prize(s) Of:

\$40 x 2	Win	\$80
\$80		\$80
\$8,000		\$8,000

Approximate Odds	Approximate No. of Winners Per 10,080,000 Tickets
1:120,000	84
1:120,000	84
1:840,000	12

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky 8's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky 8's, prize money from winning Pennsylvania Lucky 8's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky 8's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky 8's or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-944. Filed for public inspection June 11, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S., Subsection 513(e)(7), intends to sell certain land owned by it located along State Route 0879 in the Township of Lawrence, Clearfield County. The parcel contains 0.24 acres of unimproved land. Fair market value is \$23,000.00. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested 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: Pennsylvania Department of Transportation, George M. Khoury,

P.E., District Engineer, Engineering District 2-0, P. O. Box 342, 1924-30 Daisy Street, Clearfield, PA 16830.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-945. Filed for public inspection June 11, 1999, 9:00 a.m.]

Finding Centre County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to remove and replace the Axemann Bridge on Township Road 423 in Spring Township, Centre County.

The proposed project will have No Adverse Effect on the Axemann Historic District, which has been determined eligible for the National Register of Historic Places. There is no feasible and prudent alternative to the usage of the Axemann Historic District.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-946. Filed for public inspection June 11, 1999, 9:00 a.m.]

Finding

Huntingdon County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing bridge carrying SR 22 over Shaffers Run in the Village of Shaffersville, Morris Township, Huntingdon County. This project will require the acquisition of 445 square meters (0.11 acres) of right of way from the Shaffersville Historic District and 283 square meters (0.07 acres) of right of way from the Huntingdon, Cambria, and Indiana Turnpike Remnants Historic District. The effect of this project on the Schaffersville Historic District and the Huntingdon, Cambria and Indiana Turnpike Remnants Historic District will be mitigated by the following mitigation measures:

1. Concrete form liners and stained concrete will be used for the construction of the bridge abutments and wingwalls to give the appearance of stonework.

2. The proposed concrete structure will be tinted to make it less obtrusive.

3. Clearing of vegetation for this project will be minimized.

4. The minimum design criteria for pavement and structure width and for guiderail placement will be used to minimize impacts to the historic districts.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no prudent and feasible alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-947. Filed for public inspection June 11, 1999, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of Meeting

The June 15, 1999, Environmental Quality Board meeting has been canceled. The next meeting is scheduled for July 20, 1999, at 10 a.m. in Room 105 of the Rachel Carson State Office Building (RCSOB), Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 99-948. Filed for public inspection June 11, 1999, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinions

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P. L. 744, No. 222) (act) hereby announces the publication of the stipulations of fact, findings of fact, conclusions of law, final decision and order, made after a public hearing on the issue of damages under section 9(e)—(g) of the act, in the following case:

Yolanda Santos v. Vanguard Manufacturing, Inc.; Doc. No. E86658DH; (Pennsylvania Human Relations Commission, May 25, 1999); Race- and disability-based refusal to honor medical restrictions; Damage Ruling for Complainant, 7-0 decision; 14 pages.

The final order in the above-listed case is subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinions desired, accompanied by a check or money order in the amount of 10 cents per page (the number of pages in the opinion is set forth at the end of the case listing), to

Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 99-949. Filed for public inspection June 11, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (act) (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulations. The final-form regulations must be submitted by the dates indicated.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-655	State Board of Physical Therapy Fees 29 Pa.B. 1615 (March 27, 1999)	5/27/99	4/26/01
16A-5310	State Board of Osteopathic Medicine Application Fees 29 Pa.B. 1613 (March 27, 1999)	5/27/99	4/26/01
106-4	Environmental Hearing Board Practice and Procedure 29 Pa.B. 1074 (February 27, 1999)	5/28/99	4/28/01

State Board of Physical Therapy Regulation No. 16A-655 Fees May 27, 1999

We have reviewed this proposed regulation from the State Board of Physical Therapy (Board) and submit for consideration the following objections and recommendations. Section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to fiscal impact, consistency and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Section 40.5. Fees—Fiscal Impact, Consistency and Clarity.

Administrative overhead costs

In the proposed regulation's fee report forms, there are significant differences in the costs covered by different fees except for "Administrative Overhead" costs. According to staff at the Department of State and its Bureau of Professional and Occupational Affairs (BPOA), the allocated share of overhead cost for each fee category is calculated by dividing total overhead costs by the number of active licensees. This methodology for overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the staff cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. Hence, there is no certainty that the fees' "projected revenues will meet or exceed projected expenditures" under section 8(b) of the Physical Therapy Practice Act (63 P. S. § 1308(b)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities covered by different fees. Even though this process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead, to be recouped by these fees, and review their methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

Board duties for certification and verification

The House Professional Licensure Committee requested additional information from the Board in two areas. First, it questioned the Board's role in the certification of scores, licensure, certification and registration. In addition, it noted that the description of Board staff functions in the fee report forms for certification and verification fees were the same. However, there was a significant difference in the staff time and costs for these fees. Staff time for certification equaled 45 minutes at a cost of \$15.23. Staff time for verification was 4.8 minutes at a cost of \$1.62.

Why does the Board certify scores? What is the difference between certification and verification? How much work is required to provide these services? The Board should explain in detail the answers to these questions when it submits the final-form version of this regulation.

**State Board of Osteopathic Medicine
Regulation No. 16A-5310
Application Fees
May 27, 1999**

We have reviewed this proposed regulation from the State Board of Osteopathic Medicine (Board) and submit for consideration the following objections and recommendations. Section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to fiscal impact

and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

Sections 25.231 and 25.503. Schedule of Fees; and Fees—Fiscal impact and Clarity.

Administrative overhead costs

In the proposed regulation's fee report forms, there are significant differences in the costs covered by different fees except for "Administrative Overhead" costs. According to staff at the Department of State and its Bureau of Professional and Occupational Affairs (BPOA), the allocated share of overhead cost for each fee category is calculated by dividing total overhead costs by the number of active licensees. This methodology for overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the staff cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. Hence, there is no certainty that the fees' "projected revenues will meet or exceed projected expenditures" under section 13.1(a) of the Osteopathic Medical Practice Act (63 P. S. § 271.13a(a)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities covered by different fees. Even though this process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead, to be recouped by these fees, and review their methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

Inconsistency in fee title

In the Regulatory Analysis Form, question eight states that "... certification of any license, grades or hours..." fee will be adjusted. In the Fee Report Form, the same fee is entitled, "Certification of Scores or Hours." And in the proposed rulemaking, the fee is entitled, "Certification of any License, Examination Grades, or Hours." This inconsistency needs to be clarified in the preamble to the Board's final-form rulemaking.

Similarity in tasks

The Board's staff time and administrative costs for the Verification of License or Temporary Permit as outlined in the Fee Report Form are 0.08/hour and \$1.62, respectively. The staff time and administrative costs for the Certification of License, Scores, or Hours outlined in the Fee Report Form are 0.75/hour and \$15.23, respectively. Yet the administrative functions the Board staff performs for both are identical. The Board should explain the cost and time differentials when it submits its final-form rulemaking.

**Environmental Hearing Board Regulation No. 106-4
Practice and Procedure
May 28, 1999**

We have reviewed these proposed regulations from the Environmental Hearing Board (Board) and submit for consideration the following objections and recommenda-

tions. Section 5.1(h) and (i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulations.

1. Section 1021.31(a). Service by the Board—Clarity.

Subsection (a) provides that service of orders, notices and other documents is to be made, by mail or in person, upon the person designated in the notice of appearance. The Board proposes to have this rule supersede, rather than supplement, the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.31, relating to service by the agency. This change leaves unanswered the question of whom to serve if a party has not yet entered an appearance.

The Board advises that this problem arises only in one specific type of case involving a permittee. In that type of case, the permittee's name and address is attached to the complaint. Service may then be made on the permittee, or on the permittee's attorney. To ensure that this process is clear, the Board's rules should continue to supplement, and not supersede, 1 Pa. Code § 33.31. In the alternative, the Board should revise § 1021.31 to indicate that service should be made on a permittee before the permittee enters an appearance.

2. Section 1021.51. Commencement, forms and content—Clarity.

Subsection (f) requires an appellant to prepay a penalty in an appeal from an assessment of a civil penalty. This section should be revised to clearly indicate that the prepayment requirement only applies when required by statute. The following amendment will accomplish this change:

"Where the appeal is from an assessment of a civil penalty [that] for which the statute requires an appellant to prepay the penalty or post a bond, . . ."

3. Section 1021.56. Complaints filed by the Department—Reasonableness and Clarity.

In subsection (b), the Board has replaced notice to plead with notice of right to respond. Given the large number of pro se defendants who appear before the Board, we question whether the change in language will give adequate notice of the consequences of a failure to respond, or the failure to specifically deny factual allegations.

The Board should revise the regulation to provide that complaints will contain a notice advising defendants of these consequences, or explain in its response document how defendants are advised of these consequences through other means (pamphlets, and the like).

4. Section 1021.57. Answers to Complaints filed by the Department—Reasonableness and Clarity.

In § 1021.57, the Board has proposed a new rule pertaining to answers. This rule, which will replace § 1021.66, will apply to all proceedings which must be instituted by complaint. Although § 1021.66 will be deleted, most of its substantive provisions will be incorporated into the new § 1021.57. However, certain differences between the new and deleted provisions have created confusion.

First, § 1021.57(b) combines in one provision the following two distinct directives: (1) all defenses, legal and

factual, should be combined in a single pleading; and (2) answers should be written and complete, should admit or deny specifically each allegation, and should clearly state the facts and legal arguments relied upon. This provision incorporates the substance of Subsections (b) and (d) of § 1021.66. Combining these two provisions into a single provision results in diminished clarity. Therefore, § 1021.57(b) should be divided into two lettered paragraphs, modeled after subsections (b) and (d) of § 1021.66.

Second, § 1021.57 leaves doubt as to whether a party must reply to new matter and preliminary objections. Section 1021.57(b) contains the same requirement as § 1021.66(c), that preliminary objections must be included in answers and may not be filed separately. However, § 1021.66(e), which requires the filing of a reply to new matter and answer to preliminary objections, was not carried over to § 1021.57. This has resulted in confusion as to whether: (1) replies to new matter and answers to preliminary objections are still required; and (2) the same "deemed admitted" rule applies to a failure to file a reply or answer. The regulation should be amended to resolve these questions.

Third, § 1021.57(c) leaves unclear how facts may be deemed admitted against a party. This provision was modeled after § 1021.66(c), with one important difference. Section 1021.66(c) provides that a defendant failing to file an answer within the prescribed time shall be deemed in default and, **upon motion made**, all relevant facts stated in the complaint for civil penalties may be deemed admitted (emphasis ours). Section 1021.57(c) leaves out the phrase "upon motion made." The absence of this language gives rise to the question whether all relevant facts may be deemed admitted against a party even if its opponent does not make a motion to that effect.

Under § 1021.70(h), motions may be made orally during the course of a hearing, and do not have to be preliminarily filed in writing. In the interest of fairness, and given the ease with which a motion may be made, the requirement for a motion should be retained in § 1021.57(c).

5. Section 1020.70. General—Clarity.

The new language proposed to be added to § 1020.70(e) is inconsistent with both §§ 1020.70(f) and 1021.73(b). The new language in subsection (e) would presumably apply to all motions, including motions for summary judgment and motions for partial summary judgment. It would provide that material facts set forth in a motion that are not denied may be deemed admitted for the purposes of deciding the motion. Subsection (f), however, does not apply to motions for summary judgment or motions for partial summary judgment. It provides that, for the purposes of the relief sought, the Board will deem a party's failure to respond to a motion to be an admission of all properly pleaded facts contained in the motion. Section 1021.73(c), which incorporates by reference Pa.R.C.P. Rule 1035.3(d), provides that summary judgment may be entered against a party who does not respond.

This inconsistency gives rise to several questions. First, with respect to motions for summary judgment and motions for partial summary judgment, it is not clear whether failure to respond at all, or failure to specifically deny factual allegations, will result in an order granting summary judgment. Compare the proposed change to § 1020.70(e) with § 1021.73(b) and Pa.R.C.P. Rule 1035.3(d). If a failure to respond at all results in this

penalty, what consequences will result from a failure to specifically deny factual allegations?

Second, with respect to motions that are not dispositive, it is not clear why the Board would differentiate between the purpose of deciding the motion in subsection (e) and the purpose of the relief sought in subsection (f). Presumably, if a motion were decided in the mover's favor, the relief sought would be granted. Third, subsection (e) does not explain whether facts that are not specifically denied will be deemed admitted upon motion of the opposing party or the Board's own motion, or whether the Board may deem facts admitted even if a motion to that effect is not made. The Board should revise the language in subsection (e) to resolve these inconsistencies.

6. Section 1021.80. Consolidation—Clarity.

Section 1021.80 provides that the Board, upon motion made, may consolidate proceedings involving a common question of law or fact. The proposed change to subsection (b) indicates that § 1021.80 will supersede, rather than supplement, the Rules of Administrative Practice and Procedure, 1 Pa. Code § 35.45. This change would seem to prevent the Board from issuing orders necessary to have the proceedings conducted in an efficient manner. Therefore, the Board should retain "supplements" and not replace it with "supersedes."

The Board has explained that this authority is reserved under the newly proposed § 1021.4, which is patterned after the Pa.R.C.P. Rule 126. So that this will be made apparent, the Board should cross-reference § 1021.4 in § 1021.80.

7. Section 1021.104. Transcript—Reasonableness and Clarity.

Section 1021.104 sets forth the requirement for transcripts. In subsection (d), the Board proposes to have this section supersede, rather than supplement, the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 35.131–35.133. Superseding 1 Pa. Code § 35.132 will have the effect of eliminating the procedure for correcting errors in transcripts. Therefore, the Board should not replace "supplements" with "supersedes." In the alternative, the Board should revise § 1021.104 to indicate how errors in transcripts can be corrected.

8. Section 1021.125. Sanctions—Clarity.

Section 1021.125 provides that the Board may impose sanctions for failure to abide by a Board order or practice and procedure rule. With respect to the type of sanctions that may be imposed, the Board proposes to delete the phrase "as are permitted in similar situations by Pa.R.C.P. for practice before the court of common pleas," and replace that phrase with "appropriate." By deleting the reference to the Pa.R.C.P., the Board has not provided any means through which a party may be put on notice as to what sanctions the Board may find "appropriate."

The Board has explained that it intends to be guided by Pa.R.C.P. Rule 4019 (relating to production of documents and things; sanctions), and will state its intention in the Preamble to the final-form regulations. However, the Board does not want to include a cross-reference to Rule 4019 in the regulation, because this rule has limited application to discovery practice.

Because the Preamble is not codified, the mention of the Board's intention therein is not sufficient to place parties on notice as to how the Board's discretion will be limited. Therefore, the cross-reference to Rule 4019

should be included, with clarification that it will apply generally to proceedings before the Board. In the alternative, the Board should list in § 1021.125 the sanctions set forth in Rule 4019 that it will apply where circumstances warrant.

9. Miscellaneous—Clarity.

The following revisions will improve the clarity of the regulation:

1. Section 1021.35(a)(2). Insert the word "than" between "other" and "motions."

2. Sections 1021.17, 1021.107 and 1021.161. Do not place substantive provisions in "Note" paragraphs, which are neither numbered nor lettered. To avoid confusion, use the standard format for regulations established by the Joint Committee on Documents, 1 Pa. Code, § 7.6 and Chapter 9.

3. Section 1021.162. Replace "In the event" with "If." Also, divide the first and second sentences into subsections (a) and (b).

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-950. Filed for public inspection June 11, 1999, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

Reg. No.	Agency/Title	Received
63-06	Lobbying Disclosure Committee Lobbying Disclosure	5/26/99

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-951. Filed for public inspection June 11, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws

John A. Mongeluzzo; Doc. No. SC99-05-015

Notice is hereby given of the Order to Show Cause issued on May 27, 1999, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Section 604 of Insurance Department Act of June 11, 1992, P. L. 284, as amended (40 P. S. § 234), 40 P. S. § 279 and 31 Pa. Code §§ 37.46, 37.47, 37.48 and 37.33.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S.

§§ 501—508 and 701—704 (relating to the Administrative Agency Law); General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-952. Filed for public inspection June 11, 1999, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas

Over-Order Premium

Under the Milk Marketing Law (31 P. S. § 700j-101 et seq.), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1, 2, 3, 4, 5 and 6 on August 3, 1999, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning whether the over-order premium established by Official General Order A-901 should be continued, adjusted or allowed to expire as scheduled at 12 midnight on September 30, 1999.

Entries of appearance

The staff of the Board is deemed to be a party to this hearing, and the attorneys representing staff are deemed to have entered their appearances. Other persons that may be affected by the Board order pertaining to an over-order premium may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on June 21, 1999, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, by 4 p.m. on June 21, 1999, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

Witnesses, exhibits, presentation of evidence

The parties shall observe the following requirements for advance filing of witness information and exhibits. The

Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 12 noon on July 9, 1999, each party shall file with the Board six copies and serve on all other parties one copy of:

- a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

- b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 19, 1999, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Note: A document is filed with the Board when it is received in the Board office. When more than one copy of a document is required, all copies must be received by the date and time indicated.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests for data from Board staff

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 1, 1999.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 99-953. Filed for public inspection June 11, 1999, 9:00 a.m.]

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Meeting Notice

Notice is hereby given of a working group meeting of the Radiological Emergency Preparedness Advisory Committee (REPAC) of the Pennsylvania Emergency Management Council (PEMC) to review the State policy regarding the use of potassium iodide (KI) in connection with a nuclear power plant incident. The meeting will be held at

10 a.m., Tuesday, July 13, 1999, in Room C3621 at M.S. Hershey Medical Center.

Questions concerning this meeting should be directed to Vice Chair William P. Kirk at (717) 783-9730.

JOSEF C. JORDAN,
Director

[Pa.B. Doc. No. 99-954. Filed for public inspection June 11, 1999, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 5, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00115933. Barbara Bibla, t/d/b/a Mountain Top Taxi (P. O. Box 42, Mountain Top, Luzerne County, PA 18707)—persons upon call or demand in the boroughs of Ashley, Nuangola, Sugar Notch and Warriors Run, and the townships of Conyngham, Fairview, Rice, Wright, Bear Creek, Dorrance, Slocum, Dennison, Butler, Hollenback and Hanover, all in Luzerne County.

A-00115934. John Schumacher, t/d/b/a At Your Service Transportation (1283 Plainfield Drive, Pen Argyl, Northampton County, PA 18072)—persons in limousine service, between points in the county of Northampton, and from points in the said county, to points in Pennsylvania, and return. *Attorney:* Yvonne A. Falcone, P. O. Box 19, Bangor, PA 18013.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00102577, F. 4. Action Transit Enterprises, Inc. (330 Poplar Street, Pittsburgh, Allegheny County, PA 15223-2295), a corporation of the Commonwealth of Pennsylvania—additional right—persons, in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the counties of Armstrong, Beaver, Butler, Washington, Fayette and Westmoreland, and from points in the said counties and the county of Allegheny, to points in Pennsylvania, and

return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-001138761153, F. 1, Am-A. Blaise Rolison, t/d/b/a Pioneer City Cab (69 North Main Street, Carbondale, Lackawanna County, PA 18407)—persons upon call or demand, in the city of Carbondale, Lackawanna County, and within an airline radius of 5 statute miles of the limits of said city: *so as to permit* the transportation of persons upon call or demand, in the city of Honesdale, Wayne County, and within an airline radius of 5 statute miles of the limits of said city.

A-00111153, F. 1, Am-A. Absolute Limousine Service, Inc. (1115 Farragut Street, Pittsburgh, Allegheny County, PA 15206), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, from points in the county of Allegheny, to other points in Pennsylvania, and return; subject to the following conditions: That no right, power or privilege is granted to provide service to points in the counties of Beaver, Butler, Westmoreland and Somerset, and, that no right, power or privilege is granted to provide service for funeral homes or to transport persons attending funerals: *so as to permit* the transportation of persons in limousine service, between points in the counties of Washington and Beaver, and from points in the said counties and the county of Allegheny, to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to provide service for funeral homes or for persons attending funerals. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-955. Filed for public inspection June 11, 1999, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Notice of Sale

The Philadelphia Regional Port Authority will sell the following vehicles:

1988 Chevrolet King Cab
1981 Ford Pick-Up
1986 Ford Bronco II, 4 x 4

Sealed or faxed bids will be accepted for these vehicles. Bids can be for one or all vehicles. Bids for all vehicles must list individual prices. No warranties are implied or given. Vehicles are sold "as is."

The vehicles may be examined by appointment only. Contact Donna Powell, Director of Procurement at (215) 928-9100 Ext. 247 to schedule an appointment. Please call before the close of business Friday, June 18, 1999, to arrange to see the vehicles.

Sealed bids must be received by 2 p.m., Thursday, June 24, 1999, at which time they will be opened publicly. Bids should be mailed or delivered to: Philadelphia Regional

Port Authority, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, Attn: Donna Powell, Reference: #99-147-001.

Vehicles must be paid for not later than 10 days after notification of award. No cash payments nor personal checks will be accepted. Bidders must make arrangements to pick up the vehicles. Bid prices are subject to 7% Pennsylvania Sales Tax (Do not include tax in bid price).

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 99-956. Filed for public inspection June 11, 1999, 9:00 a.m.]

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, June 24, 1999, for Project #99-146-001 (Trash Removal), Project #99-146-002 (Water Requirements), Project #99-146-003 (Janitorial Supplies).

The bid documents can be obtained from the Director of Procurement, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available June 15, 1999. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 99-957. Filed for public inspection June 11, 1999, 9:00 a.m.]

STATE TAX EQUALIZATION BOARD

Common Level Ratios

The State Tax Equalization Board (Board) has established a Common Level Ratio for each county in the Commonwealth for the calendar year 1998. The ratios were mandated by Act 267-1982.

The law requires the State Tax Equalization Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 1998 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 1998.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the State Tax Equalization Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the State Tax Equalization Board has utilized the valid sales, rejecting those sales, which exceed the limits. The resulting arithmetic mean ratio is the ratio which the State Tax Equalization Board is certifying as the Common Level Ratio for each county for 1998.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 1998 of 100% will utilize valid sales from 1% to 200%.

The Common Level Ratios for 1998 follow.

MARTHA BELL SCHOENINGER,
Chairperson

1998 COMMON LEVEL RATIOS

<i>County</i>	<i>Ratio</i>
Adams	39.5
Allegheny	19.8
Armstrong	49.0
Beaver	38.9
Bedford	9.2
*Berks	96.3
Blair	11.1
Bradford	42.2
Bucks	4.6
Butler	13.1
Cambria	17.8
Cameron	40.2
Carbon	8.4
Centre	45.0
*Chester	93.4
Clarion	23.7
Clearfield	22.0
Clinton	32.5
Columbia	37.1
Crawford	41.2
Cumberland	6.6
*Dauphin	54.4
Delaware	3.2
Elk	17.2
Erie	8.5
Fayette	10.6
Forest	29.7
Franklin	7.3
Fulton	17.6
Greene	27.7
Huntingdon	20.5
Indiana	16.7
Jefferson	20.4
Juniata	14.1
*Lackawanna	21.2
*Lancaster	95.6
Lawrence	15.8
Lebanon	9.2
Lehigh	49.3
Luzerne	7.5
Lycoming	69.9
McKean	25.5
Mercer	10.7
Mifflin	11.1
Monroe	23.7
*Montgomery	96.4
Montour	10.1
Northampton	50.0
Northumberland	7.1
Perry	13.1
Philadelphia	30.0
Pike	32.8
Potter	12.8
Schuylkill	45.5
Snyder	19.1
Somerset	46.8
Sullivan	28.5
Susquehanna	49.2

<i>County</i>	<i>Ratio</i>
Tioga	34.8
Union	18.5
Venango	19.7
Warren	41.6
Washington	19.4
Wayne	8.8
*Westmoreland	26.0

<i>County</i>	<i>Ratio</i>
Wyoming	28.3
*York	94.6

*Counties with a Predetermined Assessment Ratio of 100%.

[Pa.B. Doc. No. 99-958. Filed for public inspection June 11, 1999, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705

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

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

8250090 Motor vehicles, trailers and cycles—13 each latest model cab and chassis with an 1,800 gallon capacity diesel and gasoline fuel tank body, manual transmission.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8250080 Construction, mining, excavating and highway maintenance equipment—11 each latest model low profile cab and chassis with sweeper body, 4 cubic yard hopper capacity.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8250070 Motor vehicles, trailers and cycles—6 each latest model 1 ton 4x4 dump truck, automatic transmission with steel dump body, tailgate spreader and adjustable angle snow plow; 15 each latest model 1 ton 4x4 dump truck, manual transmission with steel dump body, tailgate spreader and adjustable angle snow plow.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1014159 Communication equipment—3 each Sony 1" broadcaster color monitor Model BVM 14F5U/AD (800 lines) with BKM-14L auto setup module; 3 each options Model BKM-31E14—19" rack mount kits; 3 each Model BKM-12Y—memory card; 2 each Sony 20" broadcast color monitor Model BVM 20F1U/AD (800 lines) with auto setup module; 2 each Model BKM-31E14—19" rack mount kits; 2 each Model BKM-12Y memory cards; 2 each Sony digital betacam recorder/player Model DVW-A500; 2 each BKDW-505 analog composite card; 2 each RMM-110 rack mount kit; 1 each service maintenance manual and extender card (Betacam); 1 each Sony digital portable field editor (SX) Model DNA-A225PAC1 compatible w/Beta, Beta SP and Beta SX; 3 each Sony VA-500 Beta SP playback adaptor.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1055119 Containers, packaging and packing supplies—162,000 each cartons, material girder board for 6/10 canned goods.

Department: Correctional Industries
Location: Bellefonte, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1056119 Subsistence—267,000 lbs. dry beans, garbanzo, US Grade A No. 1, 100 lb. bag—paper, plastic or burlap.

Department: Correctional Industries
Location: Bellefonte, Centre County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1773218 Electric wire and power and distribution equipment—1 lot furnish and install two each, 250 KW diesel generators and one each, 200 KW diesel generator.

Department: Youth Development Center
Location: New Castle, Lawrence County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1193509001 Clothing and individual equipment—The hosiery plant at the State Correctional Institution at Graterford is seeking vendor to dye approximately 120,000 pair of unfinished (greige) terry cushion sole socks. Color to be deep red brown, Pantone Color No. 19-1321TP. Socks to be picked up from and delivered to the institution in Graterford, PA in approximate lots of 40,000 pair.

Department: Correctional Industries
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: State Correctional Institution Graterford, Rick F. Bower, (610) 489-4151, ext. 2289

1251 Plumbing, heating and sanitation equipment—shower trolley.

Department: Public Welfare
Location: Selingsgrove Center, Selingsgrove, Snyder County, PA
Duration: FY 98—99
Contact: Selingsgrove Center, Arletta K. Ney, (570) 372-5070

SERVICES

Computer Related Services—08

WC 660-ADV West Chester University is issuing Request for Proposal WC 660-ADV for one or more consultants or consulting organizations for the installation, setup and complete implementation of the eight PeopleSoft Advancement modules on the existing University Oracle 8.05 database management system and an NT operating system. The University implementation requirements include establishment of the standard of training for the Advancement and Information Services support staff. The University expects to use the Advancement product as delivered and does not wish the traditional "fit and gap" procedures to be used for Advancement. Cost control is a major University concern for this implementation. The University intends to begin the implementation as soon as possible with a production cutover date of July 1, 2000. The RFP may be obtained by calling (610) 436-2705, faxing your request to (610) 436-2720 or by e-mail to jmarthinsen@wcupa.edu.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: Through July, 2000
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Construction—09

DGS 141-7 Phase I Rebid (.1) Only Project title: Delaware Canal Improvement Program (Recreational Improvements). Brief description: Construction of 30.42 miles aggregate bike path, two comfort stations, two water supply wells, sanitary sewage treatment systems, drinking fountains, bituminous parking areas, aggregate walkways and related electrical and plumbing work. Estimated range: Over \$500,000. General construction. Plans deposit: \$65 per set. Payable to: Department of Conservation and Natural Resources. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$10 or provide your express mail account number to the office listed. Mail requests to: The Department of Conservation and Natural Resources, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451, (717) 787-5055. Bid date: Wednesday, June 23, 1999 at 1 p.m.

Department: General Services
Location: Delaware Canal State Park, Bucks and Northampton Counties, PA
Duration: 260 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

SU-724 Project title: SU-724 Expansion of Gilbert/Horton/Reed Parking Lots. Work shall be completed at Shippensburg University of the State System of Higher Education, Shippensburg Township, Cumberland County, PA and shall be accomplished by a Prime General Contractor and a Prime Electrical Contractor. Brief description: General work includes parking lot construction to include installation of erosion and sedimentation control, construction of a stormwater management facility, concrete curb and sidewalk, macadam sidewalk, seeding and restoration. Electrical work includes removal of existing exterior lighting, installation of poles, fixtures, bases, wiring, junction boxes and the like. Prospective bidders may obtain project plans for a nonrefundable cost of \$75, by contacting Rettew Associates, Inc., Attn: W. Max Shradley, Jr., 5010 Ritter Road, Suite 102, Mechanicsburg, PA 17055, (717) 697-3551 or fax (717) 697-6953. Prebid meeting with site visit immediately to follow will be held on Wednesday, June 23, 1999, at 10 a.m. in the Reed Operations Center. Bids due: July 8, 1999, at 4 p.m. Old Main Room 300. Public bid opening: July 9, 1999, at 2 p.m., Old Main Room 203A. The system encourages responses from small firms, minority firms and firms which may have not previously performed work for the System. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, Shippensburg Township, Cumberland County, PA 17257
Duration: 90 days from date of notice to proceed
Contact: Deborah K. Martin, Contract Administrator, (717) 532-1121

Food—19

FS 0199 Contractor shall supply ice cream and sherbet cups (4 oz.) to the State Correctional Institution, Cambridge Springs, PA.

Department: Corrections
Location: State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: July 1, 1999 to June 30, 2000
Contact: Quentin Hargenrater, Jr., (814) 398-5400

FS 0299 Contractor shall supply soda products (bag-in-box) to the State Correctional Institution, Cambridge Springs, PA.

Department: Corrections
Location: State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403
Duration: July 1, 1999 to June 30, 2000
Contact: Quentin Hargenrater, Jr., (814) 398-5400

ACAD-Milk Milk standard 2.0 B. F. low fat with vitamin D added, chocolate milk 1% B. F., skim milk fortified with protein and vitamins A and D added.

Department: Pennsylvania State Police
Location: Academy, Hershey, PA
Duration: July 1, 1999 through June 30, 2000
Contact: Robert D. Stare, (717) 705-5921

HVAC—22

Project No. 669 Provide emergency and routine repair work for boiler water treatment services. The contractor must respond to the call within 2 hours of receiving a call either directly or by 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.

Department: Military and Veterans Affairs
Location: Various Buildings, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

Inquiry No. 90872014 Generator rental service.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: Anticipated October 1, 1999—January 31, 2000
Contact: Pamela Bauman, Purchasing Agent, (570) 271-4578

06-K-99 Electrical services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Available 24-hour basis includes emergency services, with prior approval from the manager. Materials and parts, first quality, at contractor's cost plus 10%. Each October and April, inspect all electrical wall and floor outlets, and install where need may arise, repair or replace as needed. Check, clean and maintain emergency light system, outside lights, inside lights and replace or repair as needed. Check and replace all burned out fluorescent lights and light bulbs throughout the office building as needed.

Department: Labor and Industry
Location: Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000
Duration: October 1, 1999 through September 30, 2001 (2 years)
Contact: Thomas C. Dembosky, Manager, (724) 357-3030

06-M-99 Heating and air conditioning services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Available 24-hour basis includes emergency services, with prior approval from the manager. Materials and parts, first quality, at contractor's cost plus 10%. Each month check and wash clean, at a car wash, electronic air cleaners. Each October, check, clean, sweep and lubricate 23 inside wall heaters and clean ceiling heat and air defusers and floor level air duct; repair or replace as needed. Each October, January, April and July; replace air filters, clean and lubricate all fans and exhaust fans. Check and replace all fan belts.

Department: Labor and Industry
Location: Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000
Duration: October 1, 1999 through September 30, 2001 (2 years)
Contact: Thomas C. Dembosky, Manager, (724) 357-3030

06-N-99 Plumbing services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Available 24-hour basis includes emergency services, with prior approval from the manager. Materials and parts, first quality, at contractor's cost plus 10%. Each October and April thoroughly check for leaks and damage to all plumbing fixtures, washers, valves, pipes, and the like; repair or replace all worn and/or damaged fixtures and parts as needed throughout the office. Check all sinks and drains and commodes. Check all overhead pipes, valves and fixtures for leaks and the like. Check refrigerator parts and check freon gas level and repair as needed. Provide parts and maintenance to garbage disposal. Each October, January and April, provide parts and maintenance for two inside humidifier units.

Department: Labor and Industry
Location: Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000
Duration: October 1, 1999 through September 30, 2001 (2 years)
Contact: Thomas C. Dembosky, Manager, (724) 357-3030

B0000159 Millersville University is seeking bidders who can provide a diesel generator system—10.00KW, 75,000KVA @ 120/208V, 3-phase, 208 amps, 1,800 rpm with five light autostart control engine shutdown and indicator lamps, residential exhaust silencer. Motor oil 50% antifreeze mix. Stainless steel exhaust flex and raincap. AC meters: volts, amps, Hertz, DV gauges: temp, oil PSI, hour, volt. Amp and volt selector switch. Weather proof enclosure. 6 amp regulated battery charger. 43.6 GL base fuel tank. Mounted 200 amp breaker, neoprene vibration isolators. 1,000 watt blockheater, battery, rack and cables, electronic governor, battery charging alternator. With operator and parts manuals. Winning vendor will be responsible for initial start-up. Interested vendors should fax their request to be placed on a bidder's list to Anna Stauffer, fax, (717) 871-2000 no later than 2 p.m., Friday, June 18, 1999.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: Delivery 30 days from receipt of order
Contact: Anna Stauffer, (717) 872-3041

Janitorial Services—23

SP 91612001 Contractor shall perform janitorial services as required in Building 53, Hillcrest, located on the grounds of the Harrisburg State Hospital. Hillcrest Building consists of about 31,000 square feet of space. Complete specifications can be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Hillcrest Building, Harrisburg State Hospital, Harrisburg, PA 17105
Duration: July 1, 1999 through June 30, 2004
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883

SP 91393002 Contractor to provide janitorial services within the Willow Oak Building located on the grounds of the Harrisburg State Hospital. Complete specifications can be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Willow Oak Building, Harrisburg State Hospital Grounds, Harrisburg, PA 17105
Duration: July 1, 1999 through June 30, 2000
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883

Lodging/Meeting Facilities—27

SP3590004526 Provide meeting facilities for the Department of Environmental Protection, Bureau of Personnel for approximately 300 attendees.

Department: Environmental Protection
Location: Within a 10-mile radius of the Capitol Complex, Harrisburg, PA
Duration: Through June 30, 2000, with option to renew
Contact: Shery Morrow, (717) 772-1216

Medical Services—29

99-02 The Department of Corrections is soliciting proposals for the development and implementation of a comprehensive automated health information system.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Up to 3 years
Contact: Suzanne Malhenzie, Administrative Officer, (717) 975-4973

90671027 Provide contracted services in the medical specialty field of orthopedic surgery to the patients of Norristown State Hospital. Work to be performed at Norristown State Hospital. Payments will be made on a fee-for-service basis. Provider must be Board Certified in Pennsylvania for this specialty. Successful contractor shall be responsible for the following procedures: history, examination and diagnosis of patients; all simple injections of medication for therapy; dressing changes, suture removal, cast changes and removals; cast trimming or splitting; treat nondisplaced fractures of fingers or toes; supervised maintenance of various types of skin and skeletal traction apparatus and adjustments; related responsibilities, including required documentation.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, PA 19401
Duration: Approximately July 1, 1999 through June 30, 2002
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

90976007 Visual examinations for individuals of the Polk Center by a physician who is a specialist in the diseases of the eye or by an optometrist certified to practice in the Commonwealth of Pennsylvania.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: August 01, 1999—July 31, 2002 with renewals
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

AMB/99 Vendor to provide nonemergency medical transport for residents of the Southeastern Veterans Center to local hospitals, medical centers, doctors' offices, and the like.

Department: Military and Veterans Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: October 1, 1999—June 30, 2000
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

DS-99 Vendor to supply services of a dentist in a nursing home to all residents of the Southeastern Veterans Center. This will include providing and maintaining a clinic on the grounds which offers modern up-to-date techniques and equipment. Vendor must also have a local (within a 10 mile radius of Southeastern Veterans Center) to provide more extensive procedures.

Department: Military and Veterans Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: October 1, 1999—June 30, 2000
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

MXR-99 Vendor to supply services of a mobile x-ray unit to the Southeastern Veterans Center.

Department: Military and Veterans Affairs
Location: Southeastern Veterans Center, Spring City, Chester County, PA 19475
Duration: October 1, 1999—June 30, 2001
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

Moving Services—30

06-B-99 Region No. 1 The Department of Labor and Industry is soliciting bids from furniture moving and storage companies for the relocation of Job Centers or Offices within the Job Centers. Region No. 1 consists of 12 Centers, specifically: Chester County—Coatesville; Delaware County—Chester and Lansdowne; Montgomery County—Hatboro and Norristown; Bucks County—Bristol and Philadelphia County—Germantown, Philadelphia North, Philadelphia Northeast, Philadelphia West, Philadelphia Uptown and Philadelphia Downtown.

Department: Labor and Industry, Office of Procurement
Location: Various
Duration: Up to 6 months
Contact: Norman Kee or Beverly Fenton, (717) 705-0450 or 787-2560

06-C-99 Region No. 2 The Department of Labor and Industry is soliciting bids from furniture moving and storage companies for the relocation of Job Centers or Offices within the Job Centers. Region No. 2 consists of seven Centers, specifically: Berks County—Reading; Lehigh County—Allentown; Northampton County—Bethlehem and Easton; Carbon County—Jim Thorpe; Monroe County—Tannersville and Wayne County—Honesdale.

Department: Labor and Industry, Office of Procurement
Location: Various
Duration: Up to 6 months
Contact: Norman Kee or Beverly Fenton, (717) 705-0450 or 787-2560

06-D-99 Region No. 3 The Department of Labor and Industry is soliciting bids from furniture moving and storage companies for the relocation of Job Centers or Offices within the Job Centers. Region No. 3 consists of six Centers, specifically: Franklin County—Chambersburg; Adams County—Gettysburg; York County—York; Cumberland County—Carlisle; Dauphin County—Harrisburg, and Lebanon County—Lebanon.

Department: Labor and Industry, Office of Procurement
Location: Various
Duration: Up to 6 months
Contact: Norman Kee or Beverly Fenton, (717) 705-0450 or 787-2560

06-E-99 Region No. 4 The Department of Labor and Industry is soliciting bids from furniture moving and storage companies for the relocation of Job Centers or Offices within the Job Centers. Region No. 4 consists of eight Centers, specifically: Mifflin County—Yeagertown; Centre County—Phillipsburg and State College; Northumberland County—Shamokin and Sunbury; Cambria County—Berwick; Clinton County—Lock Haven and Lycoming County—Williamsport.

Department: Labor and Industry, Office of Procurement
Location: Various
Duration: Up to 6 months
Contact: Norman Kee or Beverly Fenton, (717) 705-0450 or 787-2560

06-F-99 Region No. 5 The Department of Labor and Industry is soliciting bids from furniture moving and storage companies for the relocation of Job Centers or Offices within the Job Centers. Region No. 5 consists of seven Centers, specifically: Bedford County—Bedford; Somerset County—Somerset; Huntingdon County—Huntingdon; Cambria County—Johnstown; Blair County—Altoona and Clearfield County—Clearfield and DuBois.

Department: Labor and Industry, Office of Procurement
Location: Various
Duration: Up to 6 months
Contact: Norman Kee or Beverly Fenton, (717) 705-0450 or 787-2560

06-G-99 Region No. 6 The Department of Labor and Industry is soliciting bids from furniture moving and storage companies for the relocation of Job Centers or Offices within the Job Centers. Region No. 6 consists of 17 Centers, specifically: Greene County—Waynesburg; Fayette County—Uniontown and Connellsville; Washington County—Washington and Charleroi; Westmoreland County—Greensburg; Beaver County—Beaver Falls and Ambridge; Butler County—Butler; Armstrong County—Kittanning; Indiana County—Indiana and Allegheny County—Pittsburgh North, Pittsburgh South, Pittsburgh East, Liberty, Pittsburgh West and McKeesport.

Department: Labor and Industry, Office of Procurement
Location: Various
Duration: Up to 6 months
Contact: Norman Kee or Beverly Fenton, (717) 705-0450 or 787-2560

06-H-99 Region No. 7 The Department of Labor and Industry is soliciting bids from furniture moving and storage companies for the relocation of Job Centers or Offices within the Job Centers. Region No. 7 consists of 12 Centers, specifically: Lawrence County—New Castle; Mercer County—Sharon; Venango County—Oil City; Clarion County—Clarion; Jefferson County—Punxutawney; Crawford County—Meadville; Elk County—St. Marys; Potter County—Coudersport; McKean County—Bradford; Warren County—Warren; Crawford County—Meadville and Erie County—Erie.

Department: Labor and Industry, Office of Procurement
Location: Various
Duration: Up to 6 months
Contact: Norman Kee or Beverly Fenton, (717) 705-0450 or 787-2560

06-I-99 Region No. 8 The Department of Labor and Industry is soliciting bids from furniture moving and storage companies for the relocation of Job Centers or Offices within the Job Centers. Region No. 8 consists of eight Centers, specifically: Luzerne County—Hazleton, Nanticoke, Wilkes-Barre and Pittston; Lackawanna County—Carbondale and Scranton; Tioga County—Wellsboro and Bradford County—Towanda.

Department: Labor and Industry, Office of Procurement
Location: Various
Duration: Up to 6 months
Contact: Norman Kee or Beverly Fenton, (717) 705-0450 or 787-2560

Property Maintenance—33

01 Miscellaneous wood repairs to Niagara. Estimated hours of work 1,800.

Department: Historical and Museum Commission
Location: Flagship Niagara, 150 East Front Street, Erie, PA 16507
Duration: Indeterminate 1998—99
Contact: John Beebe—Center/Linda Cappabianca, (814) 452-2744

Project No. 668 Provide emergency and routine repair work for overhead door repairs. The contractor must respond to the call within 2 hours of receiving a call either directly or by 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.

Department: Military and Veterans Affairs
Location: Various Buildings, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: October 1, 1999—September 30, 2002
Contact: Emma Schroff, (717) 861-8518

06-J-99 Building maintenance—Inside and outside services occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Available on an as needed and/or emergency basis. Manager will approve or disapprove all services before they are performed. Materials and parts, first quality, at contractor's cost plus 10%. As needed check, repair and/or replace: windows, window sill, glazing in windows, doors, window locks, hinges, floor tiles, ceramic tiles, ceiling tile, wall coverings, baseboard edging, broken door closures, door knobs, Venetian blinds, shelves, drawers, paint, remove poison ivy, trees, repair parking lot, monthly pickup and delivery to recycling center paper, glass and cans.

Department: Labor and Industry
Location: Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000
Duration: October 1, 1999 through September 30, 2001 (2 years)
Contact: Thomas C. Dembosky, Manager, (717) 705-0450

06-L-99 Snow and ice removal services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Snow and ice removal from parking lot, driveway (3 inch) accumulation, and sidewalks (1 inch) accumulation. Salt or antiskid materials are added when accumulation of snow and/or ice constitutes parking lot and driveway, and/or sidewalks a hazard. Detailed specifications can be obtained upon request.

Department: Labor and Industry
Location: Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000
Duration: October 1, 1999 through September 30, 2001 (2 years)
Contact: Thomas C. Dembosky, Manager, (717) 705-0450

CL-506 Replace roof, chandler: Clarion University is soliciting bids for replacement of approximately 36,500 square foot rubber EPDM roof on dining hall. Prebid meeting: 10 a.m., June 22, 1999. Bid opening: 1:30 p.m., July 2, 1999. Bid packages available by mailing \$15 deposit (nonrefundable) to contact person at 218 Carrier Hall, Clarion University, Clarion, PA 16214.

Department: State System of Higher Education
Location: Clarion University, Clarion, Clarion County, PA
Duration: 60 days from Notice to Proceed
Contact: Judy McAninch, Contract Specialist, (814) 226-2240

Real Estate Services—35

113A Three Residential Properties for Sale. The Department of General Services will accept separate sealed bids for the purchase of three residential properties located in West Norriton Township, PA. The properties, located at 172 Whitehall Road, 1754 Sterigere Street and 1762 Sterigere Street, each contain a residence on 1 acre (plus or minus) city lots. Interested parties may bid on one, two or all three properties. Bids are due on August 5, 1999. Interested parties wishing to receive a copy of the bid documents should contact Brad Swartz at (717) 787-4394, ext. 3114. Solicitation No.: 113.

Department: General Services
Location: Real Estate, 500 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998—99
Contact: Brad Swartz, (717) 787-4394

114 Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Health with 1,783 useable square feet of new or existing office space in Washington County, PA, with minimum parking for 10 vehicles, within the Washington City Limits. In areas where street or public parking is not available, an additional 10 parking spaces are requested. The Department of Health will occupy the space. Proposals due: August 2, 1999. Solicitation No.: 92847.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998—99
Contact: John Hocker, (717) 787-4394

115 Lease Office Space to the Commonwealth of Pennsylvania. Department of General Services (Public Utility Commission) with 69,375 useable square feet of new or existing office space in Harrisburg, Dauphin County, PA, with minimum parking for 60 vehicles, within the following boundaries: North: Forster Street; South: Chestnut Street; East: 7th Street and West: Front Street. The Public Utility Commission will occupy the space. Proposals due: June 21, 1999. Solicitation No.: 92856.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998—99
Contact: Cynthia Lentz, (717) 787-4394

Sanitation—36

ADV-26 Indiana University of Pennsylvania (IUP) anticipates issuing a Request for Proposal for the collection and recycling of certain recyclable materials. Requests for copies of the RFP package should be made in writing, referencing Advertisement No. 26 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robertshaw Building, 650 South 13th Street, Indiana, PA 15705; fax (724) 357-2670; e-mail Cerovich@grove.iup.edu. Requests for the RFP package will be accepted until June 18, 1999. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Multi-year
Contact: Barbara Cerovich, (724) 357-2301

Miscellaneous—39

99-08 The Department of Corrections is soliciting proposals to provide parenting skills training to male and female inmates housed in the Department of Corrections facilities throughout the State.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: Up to 3 years
Contact: Suzanne Malhenzie, Administrative Officer, (717) 975-4973

OVR-3-99 The Office of Vocational Rehabilitation, Williamsport District Office, The Grit Building, Suite 102, 208 West Third Street, Williamsport, PA 17701, will be soliciting competitive bids for contract to provide an interpreter for the deaf to work with an OVR Rehabilitation Counselor for the Deaf (a person who is deaf). Interpreting assignments will be in the Williamsport District Office area, comprised of Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties. An estimated 1,040 interpreting hours over a 12 month period will be needed. Maximum duration of the contract is 48 months contingent upon approved annual renewal. Interpreter will provide basic interpretation/transliteration services as assigned by the Office of Vocational Rehabilitation through the use of American Sign Language (ASL), Pidgin Sign Language, spoken English, gesturing, lip movements without voice, or other modes, to facilitate communication between persons who are deaf or hard of hearing and hearing persons. Interpreting services may be provided for situations such as job interviews, on-the-job training, meetings, public presentations, testing, hearings, conventions, workshops, staff meetings and governmental/political functions, and the like. Sealed bids should be submitted to the above address to the attention of Thomassina J. Prosseda, (570) 327-3600 no later than July 2, 1999 at 1 p.m.

Department: Labor and Industry
Location: Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties, PA
Duration: October 1, 1999—September 30, 2003
Contact: Raymond L. Walker, (717) 787-5735

PDA 398 The Pennsylvania Hardwoods Development Council seeks proposals that address the following topics that will assist in the development of the State's hardwood industry: 1) Projects that provide data on economic impact of hardwood industry activities in the State, region or community; 2) Projects that provide data on current and future sustainability of the State's forest resource; 3) Programs that educate the public on the hardwood industry's heritage and role it plays in society; 4) Projects that provide support or technical assistance to the hardwood industry's primary manufacturing sector; 5) Projects that provide support or technical assistance to the hardwood industry's secondary manufacturing sector; 6) Projects that support utilization of hardwoods in bridges and other transportation initiatives.

Department: Agriculture
Location: PA Hardwoods Development Council, 2301 North Cameron Street, Harrisburg, PA 17110-9408
Duration: Upon final execution/approval through June 30, 2000
Contact: PA Hardwoods Development Council, (717) 772-3715

SP 2599001 The Pennsylvania Board of Probation and Parole is requesting the services of a Nationwide security transport system for the rapid movement of interstate fugitives from one jurisdiction to another. We request this service for parole violators from Pennsylvania who are located and confined in other states or possibly countries and who have been ordered returned as violators by the Pennsylvania Board of Probation and Parole. Parole violators would be returned to various locations in Pennsylvania, designated by the Board. Utilization of this service is to greatly reduce the Agency's time and expense in the extradition and transportation of parole violators to Pennsylvania.

Department: Board of Probation and Parole
Location: Statewide
Duration: Estimated time period: July 01, 1999 to June 30, 2000 (12 months)
Contact: Dawn Eshenour, Fiscal Management Division, (717) 787-1989

SP3590005725 Provide training course on aquifer testing and analysis for the Department of Environmental Protection, Bureau of Water Supply Management.

Department: Environmental Protection
Location: Within Central Pennsylvania
Duration: Training to be held prior to September 30, 1999
Contact: Sherry Morrow, (717) 772-1216

[Pa.B. Doc. No. 99-959. Filed for public inspection June 11, 1999, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1583208-01	05/28/99	S.E.E. Incorporated	115,475.00
1592118-01	05/28/99	Chem-Tick Coated Fabrics, Inc.	38,800.00
1597358-01	05/28/99	Environmental Systems Corporation	239,236.75
1605218-01	05/28/99	Presby Care Life Home Healthcare Services LLC	69,882.15

Requisition or Contract #	Awarded On	To	In the Amount Of
1633118-01	05/28/99	Kar-Tex, Inc.	56,476.00
1723158-01	05/28/99	Alto US, Inc.	25,309.41
8249740-01	05/28/99	Gencor Industries, Inc.	94,018.00

GARY E. CROWELL,
Secretary

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