

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Environmental Protection

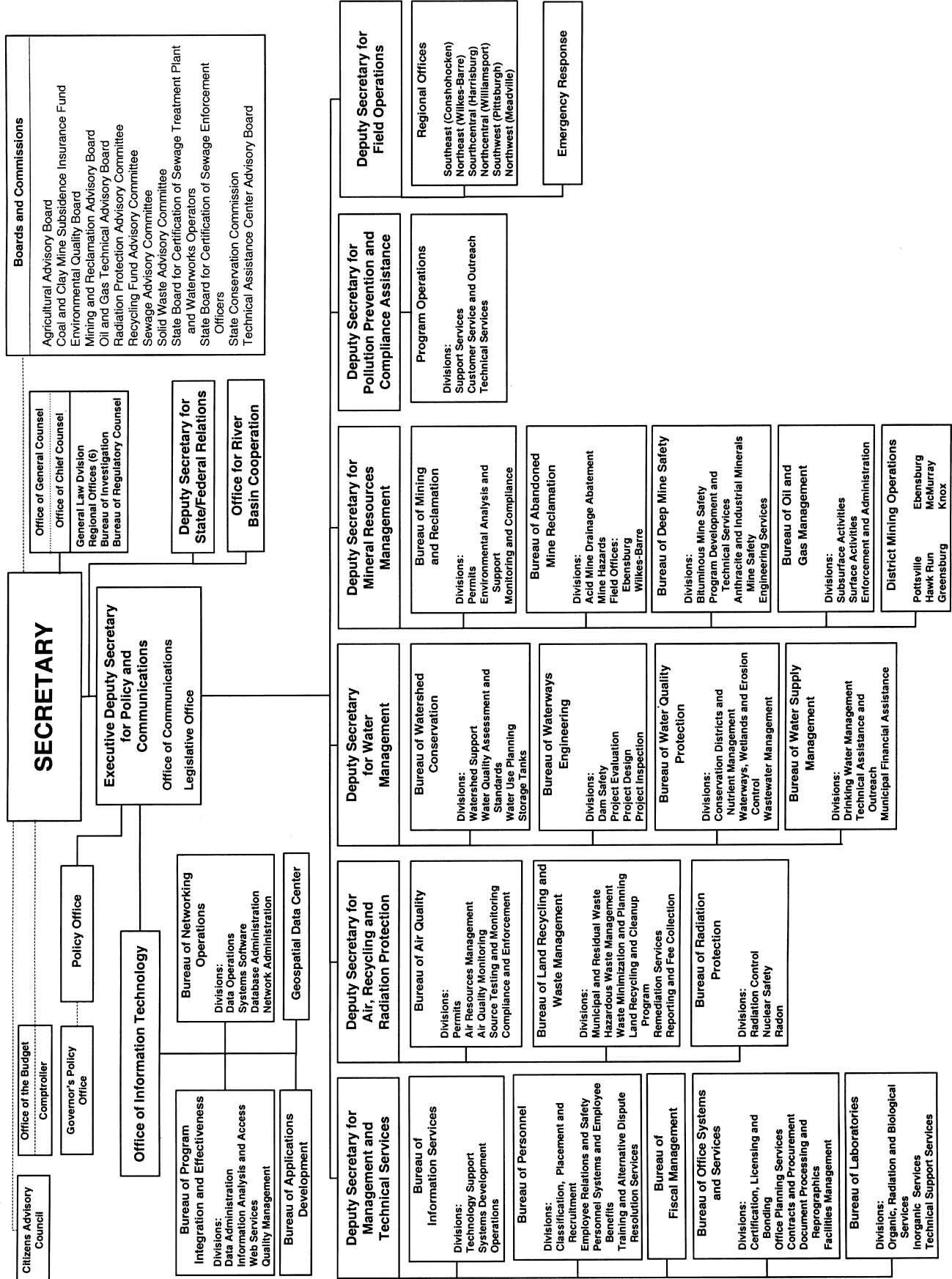
The Executive Board approved a reorganization of the Department of Environmental Protection effective March 15, 2000.

The organization chart at 30 Pa.B. 1761 (April 1, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 00-563. Filed for public inspection March 31, 2000, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Title 237—JUVENILE RULES

JUVENILE COURT JUDGES' COMMISSION

[237 PA. CODE CH. 301]

Hearing Procedures

The juvenile court hearing is the central incident in the execution of 42 Pa.C.S. Chapter 63 (relating to Juvenile Act). The attitudes and decisions of judges, as conveyed through the hearing, greatly influence the attitudes and practices of probation officers, police and social agencies, as well as those of the general community.

The function of the juvenile court hearing is to determine jurisdiction, the facts of the case, and the most appropriate disposition of the matter.

However, the juvenile court hearing is modified by the fact that the subjects of these hearings are children, and by the philosophy of juvenile court law which embodies the special concern of society for children, the belief that children should be separate from the process of criminal law, and the conviction that society's welfare can be best served by their rehabilitation rather than their punishment.

The juvenile court administrative judge shall ensure that policies and procedures are in place to aid the child, the child's parents and the crime victim in understanding the hearing process.

This statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES E. ANDERSON,
Executive Director

(*Editor's Note:* A statement of policy of the Juvenile Court Judges' Commission is added in 237 Pa. Code §§ 301.1—301.8, 301.21—301.27 and 301.41—301.48 to read as set forth in Annex A.

Fiscal Note: 23-SOP-2. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 237. JUVENILE RULES

PART II. STANDARDS

CHAPTER 301. HEARING PROCEDURES

INITIATION OF HEARINGS

Sec.	
301.1.	Initiation of hearing process.
301.2.	Petition.
301.3.	Time for hearing.
301.4.	Child in detention or shelter.
301.5.	Child not detained or sheltered.
301.6.	Appearance at hearing required.
301.7.	Subpoena as requiring attendance of witnesses.
301.8.	Priority for child in detention or shelter.

CONDUCT OF HEARINGS

301.21.	Due process.
301.22.	District attorney to represent Commonwealth.
301.23.	Record of Proceedings.
301.24.	Public excluded from hearings.
301.25.	Counsel.
301.26.	Waiver of right to counsel.
301.27.	Conflict of interest with child.

PHASES OF THE HEARING ON THE PETITION

301.41.	Three phases of hearing.
301.42.	Jurisdiction.
301.43.	Evidence on the petition.
301.44.	Findings.
301.45.	Finding of delinquency.
301.46.	Finding of need for treatment, supervision or rehabilitation.
301.47.	Discharge and dismissal.
301.48.	Disposition.

INITIATION OF HEARINGS

§ 301.1. Initiation of hearing process.

The hearing process shall be formally initiated by the filing of a petition, as provided in 42 Pa.C.S. Chapter 63 (relating to Juvenile Act), which shall be entitled "in the interest of . . . , a minor," and shall be captioned and docketed as provided by general rule.

§ 301.2. Petition.

The petition may be brought by any person, shall be verified, and shall set forth plainly:

(1) The facts which bring the child within the jurisdiction of the Court and 42 Pa.C.S. Chapter 3 (relating to Juvenile Act), a statement that it is in the interest of the child and the public that the proceedings be brought and, if delinquency is alleged, that the child is in need of treatment, supervision or rehabilitation.

(2) The name, age and address of the child on whose behalf the petition is brought.

(3) The names and addresses, if known, of the parents, guardian or custodian and of the spouse, if any, of the child.

(4) Whether the child is presently in detention or shelter care, and, if so, the location of the facility where the child is in placement, and the time the child was taken into custody.

§ 301.3. Time for hearing.

After a petition has been filed alleging a child to be dependent or delinquent, the court shall fix a time for a hearing thereon.

§ 301.4. Child in detention or shelter care.

When a petition is filed alleging a child to be dependent or delinquent, and the child is in detention or shelter care, the hearing on the petition shall be held within 10 days after the filing of the petition. The child may be detained or kept in shelter care for an additional single period not to exceed 10 days when the Court, at a hearing, makes the determinations and findings required under 42 Pa.C.S. § 6335 (relating to release or holding of hearing).

§ 301.5. Child not detained or sheltered.

When a petition is filed alleging a child to be dependent or delinquent and the child is not in detention or shelter care, the hearing on the petition shall be held within 90 days after the filing of the petition.

(1) With the approval of the Court, this period may be extended, in a delinquency case, upon the agreement of the Commonwealth and the child. An extension may also be granted by the Court, in a dependency or delinquency case, when reasonable cause is shown for an extension. An extension granted by the Court shall be for a specific period of time.

(2) If a petition is reinstated alleging a child to be delinquent who is failing to fulfill the terms and conditions of a consent decree under 42 Pa.C.S. § 6340 (relating to consent decree), the hearing on the petition shall be held within 90 days of the reinstatement of the petition, subject to the conditions for extension of time set forth for hearings on new petitions.

§ 301.6. Appearance at hearing required.

(a) The Court shall direct the issuance of a summons to the parents, guardian or other custodian, or guardian ad

litem and other persons the Court identifies as necessary parties to the proceeding, requiring them to appear at the hearing.

(b) The summons shall also be directed to the child if he is 14 years of age or older or is alleged to be delinquent and a copy of the petition shall accompany the summons.

§ 301.7. Subpoena as requiring attendance of witnesses.

Upon application of a child, parent, guardian, custodian, probation officer, district attorney or other party to the proceedings, the Court shall issue, or may on its own motion issue, subpoenas requiring attendance of witnesses and production of papers at any hearing under 42 Pa.C.S. Chapter 63 (relating to Juvenile Act).

§ 301.8. Priority for child in detention or shelter.

In scheduling hearings under 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act), priority shall be given to children in detention or shelter care.

CONDUCT OF HEARINGS

§ 301.21. Due process.

(a) The Court shall hear all cases without a jury in an informal but orderly manner which guarantees due process.

(b) The atmosphere of the hearing should encourage the maximum participation of all concerned. It should be evident that it is the intent of the judge to determine the facts of the case and provide a forum that is consistent with the public interest and is intended to arrive at a disposition that provides balanced attention to the protection of the community, imposition of accountability for offenses committed and development of competencies to enable the child to become a responsible and productive member of the community.

§ 301.22. District attorney to represent Commonwealth.

The district attorney shall represent the Commonwealth in delinquency proceedings.

§ 301.23. Record of proceedings.

Juvenile court proceedings shall be recorded by an official court reporter.

§ 301.24. Public excluded from hearings.

The general public shall be excluded from the juvenile court hearing process.

(1) Only the parties, their counsel, witnesses, the victim, counsel for the victim, other persons accompanying a party or a victim and other persons the Court finds have a proper interest in the proceeding or in the work of the Court may be admitted.

(2) The general public may not be excluded from any hearing pursuant to a petition alleging delinquency as follows:

(i) When the child was 14 years of age or older at the time of the alleged conduct and the conduct would be considered a felony if committed by an adult.

(ii) When the child was 12 years of age or older at the time of the alleged conduct and the conduct would constitute one or more of the following offenses if committed by an adult:

(A) Murder.

(B) Voluntary manslaughter.

(C) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).

(D) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and other related offenses).

(E) Involuntary deviate sexual intercourse.

(F) Kidnapping.

(G) Rape.

(H) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(I) Robbery of motor vehicle.

(J) Attempt or conspiracy to commit any of the offenses in this paragraph.

(iii) Notwithstanding anything in this section, the proceedings shall be closed upon, and to the extent of, any agreement between the child and the attorney for the Commonwealth.

(iv) The Court at any disposition proceeding shall have discretion to maintain the confidentiality of mental health, medical or juvenile institutional documents or juvenile probation reports.

§ 301.25. Counsel.

(a) If a child appears for hearing without counsel, the Court shall ascertain whether that child knows of the right to be provided counsel by the Court if the child is unable to obtain counsel.

(b) The Court may continue the proceeding to enable a party to obtain counsel.

§ 301.26. Waiver of right to counsel.

A child may not waive his right to counsel unless the child has had the opportunity to consult with an interested and informed adult. The adult must be one who is primarily interested in the welfare of the accused child and aware of those fifth and sixth amendment rights guaranteed to the child.

§ 301.27. Conflict of interest with child.

When the interests of the parent, guardian or custodian may be in conflict with the interests of the child, or when the interests of two or more parties to a proceeding may conflict, separate counsel shall be provided.

PHASES OF THE HEARING ON THE PETITION

§ 301.41. Three phases of hearing.

The hearing on the petition shall be divided into three phases:

(1) The determination of jurisdiction.

(2) The adjudication of the issue.

(3) Disposition.

§ 301.42. Jurisdiction.

The Court shall in all cases initially determine whether the juvenile court has jurisdiction to hear the matter which has been petitioned for hearing.

§ 301.43. Evidence on the petition.

(a) Once it has been determined that the Court has proper jurisdiction over the matter before it and has assured that the child is fully aware of all constitutional rights, the Court shall entertain evidence on the petition.

(b) At any time after the filing of a petition and before the entry of an adjudication order, the Court, on proper motion, may suspend the proceedings and enter a consent decree continuing the child under supervision in the

child's own home under terms and conditions negotiated with the probation department and agreed to by all parties affected.

§ 301.44. Findings.

(a) After hearing the evidence on the petition, the Court shall make and file its findings as to whether the acts ascribed to the child were committed by him if the petition alleged delinquency; or, if dependency was alleged, whether the child is a dependent child.

(b) If the Court finds that the child is not a dependent child or that the allegations of delinquency have not been established, it shall dismiss the petition and order the child discharged from any detention or restriction which has been previously ordered.

§ 301.45. Finding of delinquency.

A finding that the child committed the acts by reason of which the child was alleged to be delinquent shall be made only on proof beyond a reasonable doubt, while a finding that a child is dependent shall be based on clear and convincing evidence.

§ 301.46. Finding of need for treatment, supervision or rehabilitation.

(a) When there is a finding that the child committed a delinquent act, the Court shall proceed immediately, or at a postponed hearing, to hear evidence as to whether the child is in need of treatment, supervision or rehabilitation and therefore delinquent, and to make and file its findings thereon.

(b) In the absence of evidence to the contrary, evidence of the commission of acts which constitute a felony shall be sufficient to sustain a finding that a child is in need of treatment, supervision or rehabilitation.

§ 301.47. Discharge and dismissal.

If the Court finds that the child is not in need of treatment, supervision or rehabilitation, it shall dismiss the proceeding and discharge the child from any detention or other previously ordered care.

§ 301.48. Disposition.

If the Court finds that a child is dependent, the Court shall proceed immediately or at a postponed hearing to make proper disposition of the case.

[Pa.B. Doc. No. 00-564. Filed for public inspection March 31, 2000, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION Abbreviated Dispute Resolution Process

The following is Appendix E to the Pennsylvania Public Utility Commission's (Commission) Global Order of September 30, 1999, Docket Nos. P-00991648 and P-00991649 as amended November 5, 1999. Appendix E sets forth a new Abbreviated Dispute Resolution Process to address the disputes of competing telecommunications carriers in an expedited fashion so as to prevent adverse impact on consumers. The process is limited to disputes involving the action or inaction of a telecommunications entity that (1) allegedly affects the ability of an entity to provide a telecommunications service or group of related services to its customer; (2) allegedly compromises the ability of a party to provide uninterrupted service; (3)

allegedly is anticompetitive; (4) contains allegations of predatory pricing; or (5) involves collocation space limitation disputes. All parties to the above-referenced dockets advocated the same Abbreviated Dispute Resolution Process which is now being published for public comment. File comments at Docket Nos. P-00991648 and P-00991649 to the Pennsylvania Public Utility Commission Secretary's Bureau within 14 days of the date of publication in the *Pennsylvania Bulletin*. The filing address is James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. The contact person regarding this matter is Elizabeth H. Barnes, (717) 772-5408.

Appendix E

XIX. Abbreviated Dispute Resolution Process.

The success of local competition in Pennsylvania is dependent on the efficiency and effectiveness of carrier interconnection in providing quality service at reasonable rates to customers. Given the fact that in addition to interconnecting with each other, carriers are also competing with each other, it is possible that disputes will arise which require expedited resolution by the Commission to prevent adverse impact on consumers. Recognizing that our current mediation, arbitration and emergency relief regulations may not address the specific needs of telecommunications competitors, we are persuaded at the request of both petitions to develop an alternative Abbreviated Dispute Resolution Process (ADRP). It will be published as interim guidelines, subject to review in 1 year. The ADRP is an asset to both the parties and the Commission in that it balances the need for the parties to be heard with the necessity that certain issues be decided quickly. The process is described in full detail as follows.

1. The Abbreviated Dispute Resolution Process described in the following will be limited to disputes which involve action or inaction of a telecommunications entity that (1) allegedly affects the ability of an entity to provide a telecommunications service or group of related services to its customer; (2) allegedly is anticompetitive; or (3) involves collocation space limitation disputes. Before a petition is referred to the ADRP, the petitioning party (a "Party or Parties") must engage in good faith negotiations with the answering party with respect to the dispute in question for at least 30 calendar days.

2. A Party directly involved in a dispute as defined in paragraph 1 that cannot be resolved through good faith negotiations may file a Petition for Resolution of Disputed Issues (Dispute Resolution Petition) with the Commission. If possible, such petitions should be submitted jointly by both parties. The Petition shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Office of Trial Staff (Public Advocates), and, if it is not a joint petition, upon the opposing party. As part of the ADRP, the petitioning party must provide detailed evidence that it has engaged in such good faith negotiations.

3. Any Party filing a Dispute Resolution Petition may also request an interim ruling on whether the party is entitled to relief pending the resolution of the merits of the dispute. The purpose of this procedure is to provide an interim remedy when the dispute compromises the ability of a party to provide uninterrupted service, unreasonably precludes the provisioning of scheduled service, contains allegations that a proposed tariff involves predatory pricing, or involves collocation space limitation.

a. Any requests for an interim ruling shall be filed at the same time and in the same document as the Dispute

Resolution Petition. A Dispute Resolution Petition that includes a request for interim relief need not allege that the petitioning party has engaged in good faith negotiations for at least 30 days; provided, however, that petitions that omit allegations of 30 days of good faith negotiations pursuant to this subparagraph shall be dismissed without prejudice if the request for interim relief is denied. The petitioning party shall give 24 hours notice to its opposing party prior to filing a request for interim relief.

b. A Dispute Resolution Petition that includes a request for an interim ruling shall include the phrase "Request for Interim Ruling" in the heading and shall clearly identify and set forth the specific grounds supporting the request for interim relief pending the resolution of the dispute, including a statement of the potential harm that may result if interim relief is not provided. A Dispute Resolution Petition that includes a request for interim ruling shall be verified by affidavit and served by hand-delivery, or by facsimile with telephonic confirmation of receipt, on the same day as the pleading is filed with the Commission. The certificate of service filed with the Dispute Resolution Petition shall state how the petitioning party has complied with this service requirement.

c. Within 3 business days of the filing and service of a Dispute Resolution Petition that includes a request for interim ruling, the Arbitrator assigned to the dispute pursuant to the ADRP shall conduct a hearing to determine whether interim relief should be granted during the ADRP. The Arbitrator will notify the parties of the date and time of the hearing by facsimile within 24 hours of the filing of a complaint and request for interim ruling. The Parties should be prepared to present their positions and evidence on factors including, but not limited to, the type of service requested, the economic and technical feasibility of providing that service, and the potential harm that may result if interim relief is not provided. The Arbitrator will issue an interim ruling on the request based on the evidence provided at the hearing within 24 hours of the close of the hearing and will notify the parties by facsimile of the ruling. In reaching a decision on interim relief, the Arbitrator may base his or her decision on whether the party has provided ample information to allow a full evaluation of the merits of the case. The petitioning party carries the burden of proof. The interim ruling will be effective throughout the dispute resolution proceeding until a final decision is issued pursuant to the ADRP. If the request for interim ruling is denied and the Dispute Resolution Petition contains the detailed evidence of 30 days of good faith negotiations as previously described in paragraph 1, the dispute resolution proceeding shall proceed under the procedures set forth herein. If the request for interim ruling is denied and the Dispute Resolution Petition does not contain such evidence, the petition shall be dismissed without prejudice and refiled only after a 30-day negotiation period.

4. The Parties will be the primary participants in the ADRP. The Public Advocates may participate in the proceeding but may not conduct formal discovery and are precluded from opposing the voluntary withdrawal of a Dispute Resolution Petition due to consummation of a settlement between the Parties. Each Dispute Resolution Petition will be assigned a separate docket number by the Commission's Secretary.

5. All Dispute Resolution Petitions will be assigned by the Commission to principal Arbitrators with subject matter expertise, designated as having continuing jurisdiction to resolve the above referenced disputes.

6. The Parties shall submit a joint filing, if possible, within 5 business days of the filing of a Dispute Resolution Petition which clearly and concisely sets forth the dispute between the parties and includes as an attachment all relevant documentation material to resolution of the dispute. The filings will be served on the Public Advocates and on the opposing party if not joint.

7. Within 14 calendar days of the filing of a Dispute Resolution Petition, a conference will be scheduled and held among the Parties, the participating Public Advocates and the Arbitrator.

8. At the conference, which will not be conducted as an evidentiary hearing, the Parties shall and the participating Public Advocates may informally present their positions to the Arbitrator and, with the assistance of the Arbitrator, shall attempt to resolve their differences. The conference will be open to the public, shall be transcribed and shall be subject to the traditional proprietary safeguards.

9. If differences remain at the close of the conference, the Arbitrator may issue an informal decision from the bench which resolves the dispute. If the Arbitrator determines not to issue an informal bench decision, the Arbitrator will issue an informal decision resolving the dispute within 5 business days of the conference. In either case, the Arbitrator's informal decision will be filed in the document file.

10. There will be a 5 business day appeal period to the Commission following issuance of the Arbitrator's informal decision. If no party or Public Advocate files an appeal within that time, the informal decision will become a final Commission order as evidenced by a Secretarial letter. The informal process is ended by an informal decision which either becomes a final Commission order by operation of law or, if appealed, is followed by a formal de novo hearing before an Administrative Law Judge who renders an Initial Decision.

11. If a matter is settled by the Parties at any point in the informal proceedings described previously, including during the 5-day appeal period, the Parties will have the choice of filing the settlement with the Commission for approval or withdrawing the Dispute Resolution Petition. This provision shall supersede the provisions of 52 Pa. Code §§ 5.94 and 1.82.

12. If the Parties choose to seek Commission approval of a settlement agreement, the Parties will file a joint petition for adoption of the settlement agreement with the Commission. The Public Advocates and any certified CLEC may file a response to the joint petition within 10 calendar days. An Administrative Law Judge will then issue an Initial Decision addressing the settlement petition within 15 calendar days of the filing of the petition.

13. Interested parties may file exceptions to the Initial Decision within 7 business days of issuance. Reply exceptions must be filed within 5 business days after the exceptions are filed. If no timely exceptions are filed and if two Commissioners do not "call up" the matter within 15 days of issuance, the Initial Decision will become a final order by operation of law. If timely exceptions are filed, the matter will be assigned to the Office of Special Assistants for preparation of a recommendation for Commission consideration at the earliest possible Public Meeting.

14. The filing of an appeal to an informal decision under paragraph 10 will commence de novo review of a Dispute Resolution Petition.

15. The filing of an appeal under paragraph 10 shall not automatically stay the Arbitrator's informal decision. Any party to the proceeding may file a motion for stay of the informal decision with the Commission's Secretary and provide a copy to the Office of Administrative Law Judge. Only if the motion is approved will the informal decision be stayed during the pendency of the appeal.

16. Upon the filing of an appeal under paragraph 10, interested parties other than the Parties may intervene, in the case of the Public Advocates, or seek intervention, in the case of other parties, in the proceedings.

17. De novo review shall consist of the conduct of an evidentiary hearing on the dispute. The presiding ALJ will conduct a hearing and issue an Initial Decision resolving the dispute within 30 calendar days of the filing of the appeal unless the ALJ extends the time frame for good cause shown recognizing an expeditious result is in the public's interest.

18. Participating parties may file exceptions to the Initial Decision of the ALJ within 7 business days of issuance. Reply exceptions must be filed within 5 business days after exceptions are filed.

19. If no exceptions are filed and if two Commissioners do not "call up" the matter within 15 days of issuance, the Initial Decision of the ALJ will become a final order by operation of law.

20. If exceptions are filed, the matter will be assigned to the Office of Special Assistants for preparation of a recommendation for Commission consideration at the earliest possible Public Meeting.

21. With the exception of 52 Pa. Code §§ 5.94 and 1.82, this dispute resolution process is not intended to replace or preclude any other remedies or procedures otherwise available to any of the parties, and a party's participation in this dispute resolution process shall not be considered a waiver of any available substantive or procedural rights.

22. This ADR process shall be posted as Interim Guidelines in the *Pennsylvania Bulletin* and shall be subject to review after a period of 1 year from the date of entry of this Order.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-565. Filed for public inspection March 31, 2000, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 23]
Processing Petitions

The Environmental Quality Board (Board) is soliciting public comments on proposed revisions to its policy for processing petitions. The policy is being amended to clarify a number of sections, particularly with respect to petitions for the redesignation of streams under Chapter 93 (relating to water quality standards) of the Depart-

ment of Environmental Protection's (Department) regulations and The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Summary of the Amendments

§ 23.1. Petitions.

This section is amended to clarify the information that petitioners must submit to meet the completeness requirements of the policy. Paragraph (5) contains the data submission requirements necessary for stream redesignation petitions. These requirements more closely reflect the provisions of the antidegradation regulations in 25 Pa. Code Chapter 93. Adding this information in § 23.1 negates the need for Appendix A, which has been deleted. In addition, the text of § 23.9 (relating to special procedures) is updated and relocated as new subsection (b).

§ 23.3. Notification.

Section 23.3 has been revised to clarify that the Department's determination that a petition is inappropriate for submittal to the Board is based on the petition not meeting each of the three conditions in § 23.2 (relating to Departmental review).

§ 23.6. Notice of acceptance and Department report.

This section adds language pertaining to the Department's responsibility to publish notice of acceptance of a petition in the *Pennsylvania Bulletin* within 30 days from the date of acceptance by the Board. Paragraph (1) clarifies the steps the Department will take in preparing an evaluation report for those petitions that are not stream petitions, and it maintains the 60-day time period for preparation of the report. Paragraph (2) is new and applies to stream redesignation petitions. It indicates that the Department will publish notice of its intent to assess the waters subject to the evaluation before a draft evaluation report is prepared. There is no time requirement for preparation of a draft evaluation report because the period of assessment for each stream will vary depending upon the amount of data that will need to be collected.

§ 23.8. Board consideration.

Section 23.8 clarifies that the Department will prepare a recommendation based on its report and any comments received from the petitioner following the petitioner's 30-day review opportunity on the report. The section further clarifies that the recommendation will be in the form of a proposed rulemaking if a change to a regulation is recommended. The proposed rulemaking is to be developed for Board consideration within 6 months from the date the report was mailed to the petitioner. If no change to a regulation is recommended, the Department will present its recommendation to the Board at the first meeting that is held at least 45 days after the Department has mailed its report to the petitioner.

Copies of the Proposal

For further information or copies of the proposed amendments, contact from Sharon K. Freeman, Regulatory Coordinator, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301), (717) 787-4526. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. The proposal is available electronically through the Department's website <http://www.dep.state.pa.us>.

Public Comments

Comments, suggestions or objections regarding the proposed amendments may be sent to Sharon Freeman at the previously-noted address or electronically at RegComments@dep.state.pa.us. A subject heading of the proposal and return name and address should be included in each transmission. If an acknowledgment of the comments is not received by the sender within 2 days, the

comments should be resubmitted to ensure receipt. Comments must be received by May 1, 2000. Comments submitted by facsimile will not be accepted.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 00-566. Filed for public inspection March 31, 2000, 9:00 a.m.]
