

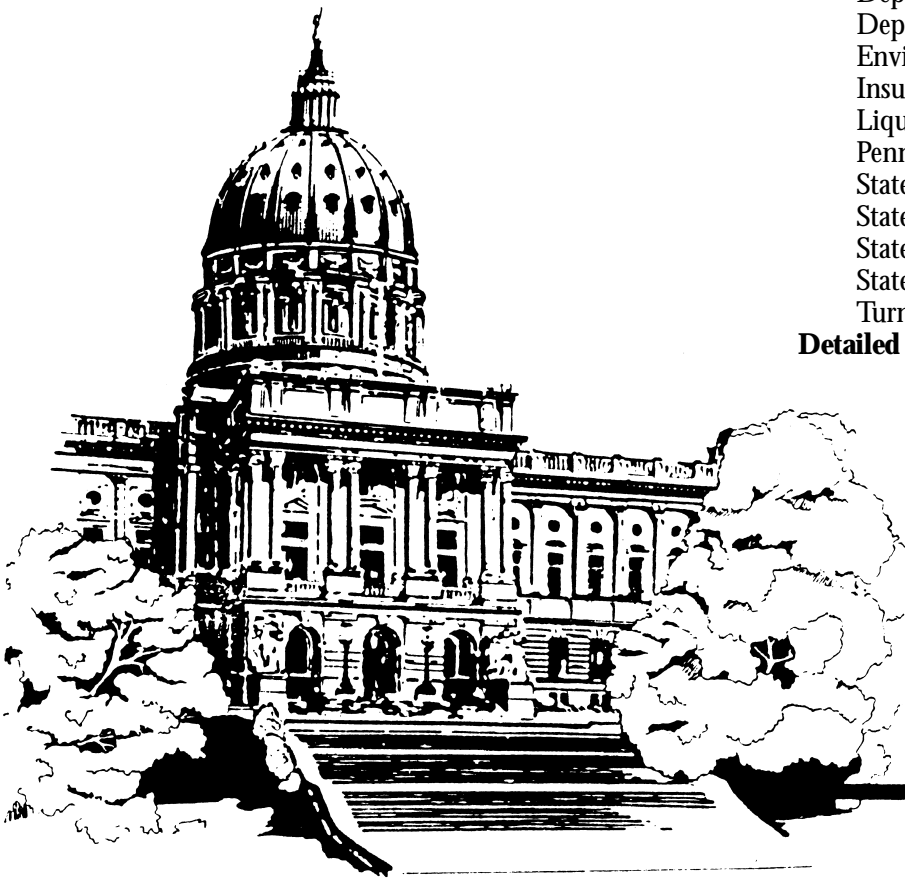
PENNSYLVANIA BULLETIN

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Agencies in this issue:

The Courts
Delaware River Basin Commission
Department of Agriculture
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Transportation
Environmental Hearing Board
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
State Board of Physical Therapy
State Civil Service Commission
State Ethics Commission
State Real Estate Commission
Turnpike Commission

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No. 328, March 2002

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2002.

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THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Order Amending Rule 131; No. 279 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the amendments to Rule of Criminal Procedure 131 (Location of Proceedings Before Issuing Authority). The amendments provide that the president judge of a judicial district may establish procedures for summary trials to be held a centralized location within the judicial district. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 12th day of March, 2002, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 30 Pa.B. 1362 (March 11, 2000), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 745), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 131 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2002.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART C. Venue, Location, and Recording of Proceedings Before Issuing Authority

Rule 131. Location of Proceedings Before Issuing Authority.

(A) An issuing authority within the magisterial district for which he is elected or appointed shall have jurisdiction and authority at any time other than during his established office hours to receive complaints, issue warrants, hold preliminary arraignments, fix and take bail and issue commitments to jail at his residence within the magisterial district, but all hearings and trials before such issuing authority shall be held publicly at his established office, or at another location, within or without the magisterial district, designated by the [President] president judge, unless an emergency exists or the number of persons lawfully assembled and entitled to be present is too great to be accommodated in such place, in which event the hearing or trial may be adjourned as quickly as may be, to a suitable place, within the magisterial district.

(B) [The] When local conditions require, the [President Judge shall, where local conditions require,] president judge may establish procedures [whereby, in all or certain classes of cases,] for preliminary hearings or summary trials, in all cases or in certain classes of cases, [may] to be held at a

central place or places within the [Judicial District] judicial district at certain specified times. The procedures established shall provide either for the transfer of the case or the transfer of the issuing authority to the designated central place as the needs of justice and efficient administration require. [When the defendant or his counsel and the attorney for the Commonwealth agree, the preliminary hearing shall be held at the established office of the issuing authority who received the complaint.]

Comment

* * * * *

This rule allows the [President Judge] president judge of a [Judicial District] judicial district the discretion to determine what classes of cases require centralized preliminary hearings or summary trials, and requires [him] the president judge, or the president judge's designee, to establish a schedule of central places within the Commonwealth to conduct such hearings or summary trials, and the hours [thereof] for the hearings or trials at the central locations.

Ideally, this rule should minimize the inconvenience to defense counsel and the attorney for the Commonwealth by eliminating the necessity of travel at various unpredictable times to many different locations throughout the [Judicial District] judicial district for the purpose of attending preliminary hearings or summary trials. [However, where it is convenient to hold the preliminary hearing in the magisterial district where the case arose, the rule allows the party to so stipulate.] Finally, this rule allows preliminary hearings or summary trials for jailed defendants to be held at a location close to the place of detention.

Official Note: Formerly Rule 156, paragraph (a) adopted January 16, 1970, effective immediately; [Paragraph] paragraph (a) amended and paragraph (b) adopted November 22, 1971, effective immediately; renumbered Rule 22 September 18, 1973, effective January 1, 1974; renumbered Rule 131 and amended March 1, 2000, effective April 1, 2001; amended March 12, 2002, effective July 1, 2002.

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 12, 2002 amendments concerning centralized courts for summary trials published with the Court's Order at 32 Pa.B. 1630 (March 30, 2002).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 131

CENTRALIZED COURTS FOR SUMMARY TRIALS

On March 12, 2002, effective July 1, 2002, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 131 (Location of Proceedings Before Issuing Authority) to provide that the president judge of a judicial district may

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court of Pennsylvania does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

establish procedures for summary trials to be held at a centralized location within the judicial district.

As part of its ongoing review of the Criminal Rules, the Committee has been reviewing the provisions of Rule 131.² In considering correspondence we received concerning another proposal regarding Rule 131³ and the locations from which an issuing authority may conduct business, some members noted that the language in Rule 131(A) and (B) may be perceived as inconsistent, and pointed out that if a district justice has jurisdiction to conduct hearings and summary trials in their regular business office, the same should apply if the president judge has established a centralized court.

After considering this concept, the Committee agreed that the same reasons for creating a centralized court for preliminary hearings applies to summary trials. These reasons include: 1) minimizing the inconvenience to counsel, particularly the public defenders and attorneys for the Commonwealth, by eliminating the travel to many locations throughout the judicial district; and 2) allowing summary trials for imprisoned defendants to be held at a location close to the place of detention.

The Committee published a Report explaining the proposed Rule 131 amendments concerning centralized courts for summary trials.⁴ We received a number of publication responses from district justices expressing concerns about the propriety of these changes, particularly as it would impact the "community based" system of justice the minor courts now provide.

After a reviewing all the responses to the publication concerning centralized courts for summary trials, the Committee reaffirmed its proposal, and its conclusion that the decision whether there should be centralized courts should be left with the president judge who is in the best position to assess the needs of the judicial district. Furthermore, experience with the provision for centralized courts for preliminary hearings has shown that president judges have not exercised their discretion lightly. In view of this, the Committee expects that the president judges, in exercising their discretion under the rule, will weigh the concerns of the district justices and balance them against the need in the judicial district for establishing centralized courts for summary trials. However, sensitive to the concerns of the district justices to the amendments, the Committee, at three subsequent meetings, reexamined the changes and the reasons supporting them. The Committee each time reaffirmed the earlier decision to go forward with the proposal, because the decision whether to have centralized courts should rest with the president judge.

Accordingly, Rule 131(B) has been amended to provide that a president judge, in his or her discretion, may establish centralized courts for summary trials. These changes do not mandate that centralized courts be established for summary trials, but are discretionary, providing each president judge with the option to establish a centralized court for summary trials when the need outweighs the inconvenience to the parties, police, and public.

Paragraph (B) also has been amended by the deletion of the provision for the defendant and the Commonwealth to agree to have the preliminary hearing in the issuing

authority's office. The Committee agreed that if the president judge has decided that it is important to set up a central location(s) for preliminary hearings, then the parties should not be able to circumvent that decision, and also concluded that this provision applies to summary trials. The Comment has been revised to conform to this change.

Finally, correlative to these changes, the Comment has been revised to make it clear that the president judge's order moving proceedings could be a standing order rather than being a separate order in each case to accommodate, for example, conducting proceedings in a state prison located in a magisterial district.

[Pa.B. Doc. No. 02-488. Filed for public inspection March 29, 2002, 9:00 a.m.]

Title 25—LOCAL COURT RULES

DELAWARE COUNTY

Orphans' Court Rules; No. 137-2002

Order

And Now, to wit, this 27th day of February, 2002, it is hereby *Ordered* and *Decreed* that all Delaware County Orphans' Court Rules previously in effect up to the date of this Order are hereby rescinded, and the following Local Rules which are appended to this Order, are hereby adopted as the Local Rules of the Orphans' Court Division of Delaware County, Pennsylvania, effective this date.

KENNETH A. CLOUSE,
President Judge

Local Rule 1.2A. Index of Proceedings.

The clerk shall assign to each new matter a file number. The file number, and the name of the matter shall be included in the caption of all papers filed in court or in the clerk's office.

Local Rule 1.2B. Sessions of Court.

(1) The court will sit in stated session on the first Monday of every month for the presentation for audit of accounts and such other business as may properly come before the court.

(2) The court will sit on such other occasions and for such other purposes as may from time to time be specially fixed with reasonable notice to the parties in interest or to counsel of record.

Local Rule 1.2C. Arguments; Briefs.

(1) The court from time to time shall fix dates for argument and shall give or cause to be given at least two (2) weeks prior written notice thereof by mail or by personal service to all parties in interest or their counsel of record. The court may require such notice to be given by counsel for the moving party. Matters so listed shall not be continued except by the court for cause shown on written application, or in open court, with due notice to all other parties in interest. If a matter so fixed for argument is reached on the date of argument and either or both sides are not ready to proceed, the court, in its discretion, may make final disposition of the matter.

² The Committee's consideration of Rule 131 took place prior to the April 1, 2001 effective date of the Court's reorganization and renumbering of the Criminal Rules, hence the Reports referenced in this Final Report refer to Rule 22, the former number of Rule 131.

³ See 29 Pa.B. 2664 (May 22, 1999).

⁴ See 30 Pa.B. 1362 (March 11, 2001).

(2) The form of briefs for arguments, the time for filing the same and the furnishing of copies thereof shall, as nearly as may be applicable, comply with the appropriate local rules.

Local Rule 1.2D. Holidays and Court Postponements as Affecting Sessions and Return Days.

Whenever a session of court, a return day, or the time for performing any judicial or clerical duty falls on a holiday, Saturday, or Sunday, the next following day which is not a holiday, Saturday, or Sunday shall be the day for the session, return day, or the time for performance of the judicial or clerical act, unless otherwise provided by these rules. The court may for any reason postpone a session, return day, or the time for performing a judicial duty to a time designated.

Local Rule 1.2E. Attorney's Appearance.

Every attorney participating in any proceeding shall enter an appearance by written order or by endorsement on papers filed and shall not withdraw the same without leave of court.

Local Rule 1.2F. Trust Inter Vivos.

The original trust instrument and any amendments thereto shall be filed with the clerk when the court is first required to exercise its jurisdiction over the inter vivos trust. The instrument shall be indexed and recorded by the clerk. Any revocation shall be likewise filed, indexed, and recorded. The rules of court applicable to testamentary trusts shall apply to trusts inter vivos as far as appropriate.

Local Rule 1.2G. Sureties.

Individual Sureties. Individuals or organizations proposed as sureties on bonds of fiduciaries shall take an affidavit on the printed form supplied by the Clerk of Orphans' Court, setting forth the facts required thereby. Such affidavit shall be filed together with the bond when that is filed for approval and shall be renewed annually thereafter as long as the bond shall remain in effect. No attorney or employee of this court shall act as surety in any proceeding in this court, except by leave of court.

Local Rule 1.2H. Corporate Fiduciaries.

(1) Corporations having fiduciary powers and authorized to do business in the Commonwealth may act as fiduciaries in matters pending in this court; provided, however, that initially there shall be filed with the clerk, after December 1, 1969, a copy of a certificate evidencing the approval of the State Banking Department, the Comptroller of Currency, or the Federal Reserve Board, as the case may be, to exercise fiduciary powers certified to be true and correct by an executive officer of the corporation. Thereafter on or before the first day of May of each year such corporation shall file a statement, verified by the oath or affirmation of an executive officer thereof, that it is qualified to continue to act in such capacity, to which statement shall be appended a copy of the most recent report of condition stated in call form, furnished to the Secretary of Banking, the Comptroller of Currency or the Federal Reserve Board as the case may be.

(2) Except where required by statute or for special cause shown, a bond will not be required of an approved corporate fiduciary.

Local Rule 1.2I. Petition by Personal Representative to Fix or Waive Additional Security.

(1) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative without benefit of an order of court directing or authorizing

such sale, where he was required to give bond as such personal representative, he shall present his petition to the court before the proceeds of the sale are paid to him by the purchaser, setting forth:

- (a) the date of death of the decedent.
- (b) the date of the grant of letters to the petitioner.
- (c) the amount of the bond or bonds filed by him and the date of such filing and the name or names of his surety;
- (d) the total valuation of the personal estate as shown in the inventory and appraisal, if any; and the total proceeds of any real estate sold previously.
- (e) a short description of the real property sold, the name of the purchaser, and the amount of the consideration to be paid; and,
- (f) a prayer for an order fixing the amount of additional security or for an order excusing him from filing additional security, as the case may be.

(2) *Surety of Additional Bond.* The surety on any additional bond except for cause shown shall be the same as on the original bond.

Local Rule 1.2J. Termination of Inactive Cases.

Annually, all cases in which the dockets of the office of the Clerk of the Orphans' Court indicate there has been no activity for two (2) years or more, and where no active status certificate has been filed, shall be marked "terminated under Pa. R.J.A. 1901." Any case so terminated shall not be reinstated except upon application to the court and for cause shown. Prior to the termination of any case under this Rule, notice shall be given pursuant to Pa. R.J.A. 1901.

Local Rule 3.1A. Pretrial Conference.

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

- (a) the simplification of the issues.
- (b) the necessity or desirability of pleadings and/or amendments thereto.
- (c) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof.
- (d) the limitations of the number of expert witnesses.
- (e) the advisability of a preliminary referral of issues to a master for findings to be used as evidence when the trial is to be by jury; and,
- (f) 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, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and limiting the issues for trial to those not disposed of by admissions or agreements of the attorneys. Such order when entered shall control the subsequent course of the action unless modified at the trial to prevent manifest injustice.

Local Rule 3.2A. Pleadings.

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

Local Rule 3.4A. Form; Additional Requirements.

(1) *Endorsement.* Every pleading shall be endorsed with the name, address and Supreme Court I.D. number of counsel.

(2) *Signature and verification.* Every pleading shall be signed by the attorney or one of the parties and where facts are averred, shall be verified by one or more of the parties. If it is impracticable to meet this requirement, such pleading may be signed and verified by someone familiar with the facts, in which case the reasons for such failure to sign or failure of one of them to verify shall be set forth.

(3) *Decree.* The decree shall have a caption and be attached to the face of the petition.

Local Rule 3.5A. Citations.

Unless otherwise stated in both the court's decree and in the citation, the return date set forth in the citation shall represent a return date only, for filing return of service and/or notice, and for the filing of any response to the pleading pursuant to which the citation has been issued. Upon request of counsel or by order of court a hearing may be scheduled after the return date.

Local Rule 5.1A. Method. Legal Publication.

The Delaware County Legal Journal shall be the legal periodical for the publication of notices, whenever publication in a legal periodical is required by Act of Assembly or by rule or order of court.

Local Rule 5.1B. Service; On Attorneys.

Written notice, served personally on an attorney of record or the person in charge of his office, or by mail addressed to his office, shall be notice to the party whom he represents, except where personal service on the party is specifically required.

Local Rule 5.3A. Advance Notice.

In any proceeding in which no preliminary decree is required, the notice may be given in advance of the filing of the petition or other application to the court. In such cases the requirements of Pa. O.C. Rule 5.4 and Del. Co. O.C.D. Rule 5.4A may be complied with by attaching the documents to the petition. The court may direct additional notice whenever that is deemed advisable by the nature of the proceedings or the circumstances.

Local Rule 5.4A. Notice. Additional Requirements.

In addition to the requirements of Pa. O.C. Rule 5.4 above, the following requirements shall be observed:

(1) *Copy of Notice to be Attached.* A copy of the notice required to be given shall be attached to the petition or return.

(2) *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.

(3) *Registered or Certified Mail.* Return of notice by registered or certified mail shall state 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 has cause to believe, that such notice was not received by the person to be notified, he shall so state in the return. When the address of the person to be served by registered or certified mail is in a country other than the United States of America, a statement that the notice

was so mailed to that person at the designated address shall be sufficient unless otherwise ordered.

Local Rule 6.1A. Form. Additional Requirements. Style.

(1) *Paper.* Accounts shall be stated upon paper not less than eight and one-half inches by eleven inches, in size, the pages to be fastened together securely at the top and numbered consecutively at the bottom.

(2) *Copies.* Neither carbon copies of typewritten accounts, nor copies made by any process which are not clearly legible, shall be filed.

(3) *Caption.* The caption shall be as shown in Del. Co. O.C.D. Rule 6.1C.

Local Rule 6.1B. Gross Estate. Summary, Balance.

The first page or pages of the account shall show, in addition to the caption, the gross estate, being the total of all receipts of principal and income.

Local Rule 6.1C. Form of Accounts.

For the form of accounts prescribed by the Rule, see the Appendix. To the model forms set forth in the Appendix, the court requires that there be inserted under Introductory Material in each of the accounts a listing of the gross estate which is the total of principal receipts and income receipts.

Local Rule 6.1D. Appointed Estates.

Assets appointed by the donee of a testamentary power and which must be accounted for by the fiduciary of the donee because awarded to him by a court of the donor's jurisdiction, shall be shown in an entirely separate account. Such assets shall not be included in an account of the donee's own estate unless the court of the donor's jurisdiction has adjudicated a blending by the donee of the appointed estate with his own. Separate accounts of appointed estates shall be captioned as the estate of the donor of the power. The caption shall also set forth accountant's name, describing him as fiduciary of the donee and the court which awarded the assets to the accountant.

Local Rule 6.1E. Distribution before Filing Account.

Payments made in distribution from principal or income, except those made by guardians or trustees under order of court or by the terms of the will or trust instrument, may be set forth under a separate heading following the itemized receipts and disbursements. Credit for such distributions, however, will not be noted in the adjudication, and they will not be deducted from the balance for distribution awarded in the adjudication unless vouchers for such distributions are filed with the Auditing Judge at the audit or at some subsequent time before the adjudication is filed. However, the court, where such vouchers are lacking, will make awards subject to distributions already properly made.

Local Rule 6.1F. Blending.

Accounts which blend items of receipt, disbursements or distribution, or which include receipts, disbursements or investments foreign to it, shall not be filed.

Local Rule 6.1G. Orphans' Court Checklist.

Accountants or their attorney shall file with the clerk the documents required by and comply with the checklist(s) (available in the clerk's office) for the type of account being filed.

Local Rule 6.1H. Execution.

(1) *Signing.* Accounts shall be signed by the fiduciaries stating them.

(2) *Affidavit or verification.* Accounts shall have attached to the end thereof the affidavit or verified statement, as defined by Rule 76 of the Pennsylvania Rules of Civil Procedure, of one or more of the fiduciaries joining in the account, wherein it is sworn, affirmed or verified that the account as stated is true and correct and, except where accountants are trustees or guardians, that the grant of letters and the first complete advertisement thereof occurred more than four months before the filing of the account.

Local Rule 6.1I. Annexed Accounts.

A guardian, personal representative or trustee who has received property from a guardian, personal representative or trustee in distribution of another estate or trust may annex a copy of the account of said estate or trust to his or her account. Notice must be given to all interested parties of the annexation.

Local Rule 6.3A. Time and Contents of Notice.

Notice shall be given at least twenty (20) days prior to the audit and shall set forth in addition to the requirements of Pa. O.C. Rule 6.3:

(1) (except as to legatees or claimants whose legacies or claims have been or will be satisfied in full) either that a copy of the account and a copy of the will or trust instrument will be sent upon request or where a copy of same is available for inspection, and that any persons who object to the transactions shown in the account must either (a) file written objections in conformity with Pa. O.C. Rule 6.10 prior to audit or (b) appear in person or by counsel at the audit under penalty that the court may otherwise assume that you have no objections; and

(2) the accountant's interpretation of any dispute, or fairly disputable question, known to 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 must appear at the audit in person or by counsel to present his contention, under penalty for failure to appear that the court will assume that he agrees with the accountant's interpretation; and

(3) unless shown in the account the amount of any commission claimed by the accountant and the amount of any attorney's fee claimed as due the accountant's attorney; and

(4) in case of notice to a claimant, the accountant's understanding of the nature of the claim, whether the claim 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.

Local Rule 6.4A. Date of Filing.

An account shall be filed not later than the fifth Tuesday preceding the day on which it is to be called for audit, except when that Tuesday falls on a Holiday, in which event such account must be filed not later than the next preceding non-Holiday.

Local Rule 6.6A. Filing.

No account shall be accepted for filing and advertisement unless accompanied by the Petition for Adjudication. Accounts received by the clerk or by the register and

found to violate any provisions of these rules, will not be considered "filed" and will be immediately rejected or subsequently returned to accountants or their counsel.

Local Rule 6.9A. Filing Petition for Adjudication.

The statement of proposed distribution shall be the concluding paragraph of the printed forms of petition for adjudication to be filed with the account. The petition for adjudication shall be signed by each accountant and sworn to by at least one of them.

Local Rule 6.10A. Objections to Accounts—Form of Objections.

Objections to accounts, petitions for adjudication and statements of proposed distribution shall be in writing, numbered consecutively, signed by the objector or his attorney, and each objection shall:

(1) be specific as to description and amount;

(2) raise but one issue of the law and fact, but if there are several objections to items included in or omitted from the account relating to the same issue, all such objections shall be included in the same objection; and

(3) set forth briefly the reason or reasons in support thereof.

Local Rule 6.10B. Objections to Accounts—Filing—Service of Copy.

(1) *Time of Filing.* Objections may be filed as of course, with the clerk, on any day prior to the session of court when the account or petition for adjudication objected to is listed for audit, or at, but not later than, such session.

(2) *Service of Copy.* A copy of the objections shall be served without delay after filing, on accountant's attorney or on the accountant if not represented, in the manner provided in Pa. O.C. Rule 5.1 and Del. Co. O.C.D. Rules 5.1A, B&C.

Local Rule 6.10C. Objections to Accounts—Continue Audit.

When objections have been filed, the audit of the account will be continued, upon call of the audit list, to a day fixed by the court for auditing the account and hearing the objections.

Local Rule 6.10D. Audits and Claims.

(1) *Audit List*—The audit list will be called as provided in Del. Co. O.C.D. Rule 1.2B(1) of these Rules. An appearance slip shall be filed on behalf of each party represented at audit, and counsel for the accountant shall be present at the audit unless excused by the court.

(2) *Audit—Contested Claims.*

(a) *Audit of Account.* Whenever a claim against an estate is not admitted by accountant or is contested by any interested party, or when a question of law is submitted for adjudication, the account of that estate will be audited at the stated meeting of court at which the account is called for audit, but the claim or question of law will not then be heard and a time for a hearing thereon will be fixed by the court.

(b) *Claimant's Statement.* The attorney for claimant shall file with the clerk, prior to the hearing, a written statement of all material facts relied upon and shall serve a copy thereof on the attorney for accountant or other contesting parties at least five (5) days prior to the hearing in the manner provided in Del. Co. O.C.D. Rule 5.1B.

(3) *Petition for Adjudication.*

(a) *Recital of Facts.* Accountant shall file with his account a petition for adjudication, setting forth all facts necessary to enter a proper decree.

(b) *Forms of Petitions.* The petition for adjudication shall be on forms provided by the clerk, or typewritten in conformity therewith, signed by the fiduciaries stating the account and verified by at least one of them.

(c) *Exhibits.* Accountants shall submit with the petition the several documents enumerated in the endorsement and in the marginal instructions of the forms provided by the clerk together with a copy of the audit notice under Del. Co. O.C.D. Rule 6.3A and an affidavit listing those to whom such audit notice was sent.

(d) *Objections.* Objections to the petition for adjudication may be made orally at the time of audit.

(4) *Additional Receipts and Disbursements.* Receipts and disbursements since the date to which the account was stated and to be included in the adjudication, shall be set forth in the petition for adjudication, or in a separate statement attached thereto, or in the appearance slip of the attorney for accountant.

Local Rule 6.11A. Schedules of Distribution.

(1) *Filing.* The court, when it appears advisable or when requested, will direct the attorney for accountant to prepare and file a schedule of distribution. Schedules shall be certified by the attorney for accountant to be correct and in conformity with the adjudication, and shall be filed with the clerk. When a schedule is approved in writing by parties in interest, the attorney for accountant shall also certify whether or not such parties constitute all of those affected thereby.

(2) *Confirmation.* If no objections are filed by the tenth day after the schedule was filed, it will be confirmed, as of course. Schedules approved in writing by all parties in interest affected thereby will be confirmed, as of course, on the day filed. Thereupon the accountant shall have authority to make necessary assignments and transfers of any assets awarded in kind.

(3) *Objections.* Objections to schedules of distribution shall be filed with the clerk, and may not be filed later than the tenth day after the schedule was filed, unless said period of ten (10) days is extended by the court. Such objections may raise questions relating only to the schedule itself, and shall in no event raise questions which were or could have been raised previously, by claims, or by objections to the account or statement of proposed distribution, or by exceptions to the adjudication. Objections to schedules shall be in writing, numbered consecutively, signed by the objector or his attorney and each objection shall:

(a) Be specific as to description and amount.

(b) Raise but one issue of law or fact, but if there are several objections to items included in or omitted from the schedule relating to the same issue, all such objections shall be included in the objection.

(c) Set forth briefly the reason(s) in support thereof.

(4) *Partial Confirmation.* Where the matters which are the subject of a schedule of distribution are so separate and distinct that an objection to any of them, whether sustained or dismissed, cannot affect the others, the confirmation of such schedule shall not be suspended except to the extent of the objection. Distribution may proceed as to all other matters and the usual process to enforce it may issue.

(5) *Additional Receipts and Disbursements.* Receipts and disbursements since the date to which the account was stated shall be set forth in the schedule of distribution.

Local Rule 6.11B. Schedules of Distribution—Notice of Filing.

(1) *When Notice Given.* Notice of filing the schedule of distribution shall be given to all parties in interest affected thereby who do not attach to it or submit with it their written approval, but only when the schedule contains:

(a) items of additional receipts or disbursements not included in the adjudication; or

(b) distribution of assets which were awarded in kind in the adjudication, but which were neither specifically bequeathed to the distributee nor elected by him to be taken in kind or which were revalued.

(2) *Time and Method of Notice.* Such notice shall be given no later than the day of the filing of the schedule, by letter addressed to the last known address of the party in interest or his attorney.

(3) *Return of Notice.* The attorney for accountant shall certify on the schedule that due notice of the filing thereof was given as required by this rule and he shall attach a copy of the notice and a list of those to whom such notice was sent.

Local Rule 6.11C. Objections to Schedule of Distribution—Notice of Filing, Time Method, and Return.

(1) *To Whom Given.* Notice of filing of objections to the schedule of distribution shall be given to the accountant and to all parties in interest affected thereby or their attorneys.

(2) *Time and Method of Notice.* Written notice shall be given no later than the day of the filing of the objections to the schedule by letter addressed to the last known address of accountant and all other parties in interest affected thereby or their attorneys. A copy of the objections shall be included with the notice to the accountant or the accountant's attorney.

(3) *Return of Notice.* At the time of the filing of the objections, the attorney for the objector shall file a written certification that due notice of the filing thereof was given as required by these rules, to which certification there shall be attached a copy of said notice as well as the names and addresses of the parties notified or their attorneys.

Local Rule 6.11D. Distribution of Real Estate.

(1) *When no partition or allotment required, or when distributees agree to schedule.* Schedules of distribution shall include separate awards of real estate to the parties entitled thereto, whether individually or, where the circumstances require, in undivided interests. The real estate so awarded shall be described in the same detail and with the same particularity as is commonly required to be included in deeds and should recite how the title was acquired by decedent. Approval of schedules of distribution shall be in the nature of confirmation of title in the respective distributees, and the clerk is authorized to certify to integral excerpts or extracts from such schedules, so approved, for purposes of recording such devolutions of real estate in the Office of the Recorder of Deeds.

(2) *Partition or Allotment of Real Estate Requested by Accountant or by a Party in Interest.* Whenever partition

or allotment of real estate is requested by the accountant or a party in interest, the request shall be made at the audit and the court shall make such order, including a direction to submit an information certificate, issued by an attorney or a responsible title insurance company, showing the current state of the title, if required, provisions for owelty, if any, the preparation of a schedule of distribution, notice to the parties, and fixing the dates of further hearings, as may be necessary under the circumstances to protect all parties in interest.

(3) *Form of Clerk's Certificate.* The following form shall be prepared by the attorney for the accountant, and submitted to the clerk for execution on final confirmation of an adjudication awarding real estate:

See Form in Appendix

Local Rule 6.11E. Settlement of Small Estates.

Forms of Petitions. Contents. Petitions under Probate, Estates, and Fiduciaries Code § 3102 for distribution of small estates shall set forth:

(1) The name and address of the petitioner and his relationship to the decedent.

(2) The name, date of death and domicile of decedent, whether he died testate or intestate, the dates of the probate of the will and of the grant of letters if any and whether the personal representative has been required to give bond, and in what amount.

(3) The names and relationships of all beneficiaries entitled to any part of the estate under the will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under Probate, Estates and Fiduciaries Code § 3101, or otherwise, and whether any of them are minors, incompetents or deceased with the names of their fiduciaries, if any.

(4) The person or persons, if any, entitled to the family exemption and, if a claim therefor is made in the petition, any additional facts necessary to establish the prima facie right thereto, as required by Pa. O.C. Rule 12.1.

(5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.

(6) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

(7) An averment showing the status of the inheritance tax return.

(8) If any unpaid beneficiary, heir, or claimant has not joined in the petition, a statement that twenty (20) days' notice of intention to present the petition has been given in accordance with these rules.

(9) A prayer for distribution of the personal property to those entitled, and in appropriate cases for the discharge of the personal representatives.

Exhibits. There shall be attached to the petition the following exhibits.

(1) The original of the decedent's will if it has not been probated, or a copy of the will if it has been probated.

(2) Joinders of unpaid beneficiaries, heirs, and claimants insofar as they are obtainable, or copies of proofs of service.

(3) An itemized list of disbursements made prior to the filing of the petition, indicating the payor and whether the disbursements were in payment of administration

expenses, preferred or ordinary debts, items of distribution or the family exemption.

(4) Original Death Certificate.

Appraisements. No appraisal shall be required unless ordered by the Court.

Committee Comment: Forms may be made available for settlement of small estates in the office of the Clerk of Orphans' Court.

Local Rule 7.1A. Place for Filing.

Exceptions, to the extent permitted by Supreme Court Orphans' Court Rule 7.1, shall be filed in the Office of the Clerk of Orphans' Court.

Local Rule 8.1A. Local Rule as to Notice.

Auditors and masters shall give at least ten (10) days' notice of hearings held by them to all parties interested or to their attorneys of record in the manner provided in Pa. O.C. Rule 5.1.

Local Rule 8.6A. Notice and Objections.

An auditor or master shall give notice of the filing of his report to all parties of record. Any party in interest shall have the right to file objections to such report within said period of ten (10) days. If any objection is filed, the matter shall be set for argument in the manner provided in Del. Co. O.C.D. Rule 1.2C.

Local Rule 8.7A. Decree.

If no objection is filed within the period expressed in Del. Co. O.C.D. Rule 8.6A, the court may enter a decree confirming the auditor's report or adopting the master's report.

Local Rule 9.1A. Duties.

Whenever an examination of assets is ordered in connection with an accounting, the special order of appointment will be included in the adjudication of the account, and the examiner shall make his examination after the schedule of distribution shall have been filed and approved, so that the assets distributable to fiduciaries which are the assets to be examined will have been determined.

Local Rule 9.1B. Reports and Fees.

Reports of examiners shall be filed with the clerk. The examiner's fee will be fixed and awarded by the court when acting on the report, payable out of the assets examined.

Local Rule 10.2A. Form of Appeal.

Appeals taken from the judicial acts or proceedings of the Register of Wills shall be addressed to Court of Common Pleas, Orphans' Court Division, and filed with the clerk of said division, shall specify the issues upon which based, and shall set forth the names of all interested parties and the necessary jurisdictional facts. A copy thereof shall be filed concurrently with the Register of Wills.

Local Rule 10.2B. Issuance of Citation.

When an appeal has been filed, the record shall be transmitted to the clerk of this court, and thereafter a citation shall issue as of course, without petition, directed to all persons named in the appeal as interested parties to show cause why the appeal should not be sustained. The citation, with a copy of the appeal, shall be served in the manner provided by Pa. O.C. Rule 3.5 and Del. Co.

O.C.D. Rule. Such citations will be made returnable to a day certain; but not less than twenty (20) days after issuance.

Local Rule 12.1A. Whether Petition Required.

The procedure for the family exemption may be by petition to the court in any case and must be by petition in all cases not within rules 12.1B and 12.1C below.

Local Rule 12.1B. Voluntary Distribution.

When the personal representative at his own risk delivers or permits to be retained assets of the estate in satisfaction or partial satisfaction of the exemption he shall set forth the same as a credit in the account.

Local Rule 12.1C. Award in Adjudication.

When the spouse or an adult child claims the exemption, but payment or delivery thereof is not to be made until distribution of the estate is awarded by the court upon the personal representative's account, the award thereof will be included in the adjudication upon written request submitted at the audit. Such request may be made by the personal representative or the claimant and may be made by including it in the petition for adjudication.

Local Rule 12.1D. When Appraisal Unnecessary.

Unless otherwise directed by the court, no appraisal shall be required, if the exemption is claimed under any one or more of the following:

- (1) Money.
- (2) From personal property and the gross value of the decedent's estate does not exceed the statutory amount for the family exemption.
- (3) In real or personal property at valuations agreed upon by all parties in interest.

Local Rule 12.1E. Procedure when Appraisal Necessary.

(1) *Personal Property.* When personal property is claimed and an appraisal is necessary, the court will direct the appraisal to be made by special order in each case.

(2) *Real Property.* When real property is claimed and an appraisal is necessary, appraisal shall be made by two appraisers as outlined in Section 3123 of the Probate, Estates, and Fiduciaries Code.

Local Rule 12.1F. Notice.

(1) *When no Petition.* When the procedure is without petition, no notice other than that to the personal representative need be given of the claim for exemption.

(2) *When Petition Filed.* When the procedure is by petition, notice of the filing thereof and of the date fixed by the court for confirmation and allowance shall be given by:

(a) Actual notice to the personal representative, if any, and to all parties in interest, other than creditors, adversely affected by allowance of the exemption who do not join in the prayer of the petition, and by

(b) Advertisement once a week for two successive weeks in *Delaware County Legal Journal* and in the newspaper of general circulation which is designated by the court in the preliminary decree.

(3) *After Appraisal.* When it is necessary for the court to appoint appraisers, the foregoing notice shall be given after the appraisal has been made and filed.

Local Rule 12.1G. Objections.

(1) *Voluntary Distribution.* Questions regarding disbursements claimed in the personal representative's account for assets delivered or permitted to be retained for or on account of the exemption may be raised only by objections to the account.

(2) *Audit.* Objections to exemptions claimed at the audit may be made orally, but shall subsequently be reduced to writing, or noted by the clerk upon the minutes or by the stenographer on his notes.

(3) *When Petition Filed.* When the procedure is by petition, questions as to the appraisal or allowance, or both, may be raised only by objections filed with the clerk on or before the time fixed for confirmation and allowance.

(4) *Objections to Appraisal.* Objections which relate only to the amount of the appraisal will be dismissed unless a definite and bona fide higher bid for the property is made, or facts warranting consideration by the court appear.

Local Rule 12.1H. Final Decree.

When the procedure is by petition, if no objections are filed on or before the time fixed in the preliminary decree, confirmation of the appraisal and allowance of the exemption may be obtained by submitting to the court the proof of notice and a form of final decree.

Local Rule 12.2A. Appraisal of Property.

If an appraisal of property is needed, the manner of appraising the property, of filing and confirming the appraisal, and of an advertising or giving notice thereof shall be by special order in each case.

Local Rule 12.3A. Extension of Time.

A petition for an extension of time in which the surviving spouse may file an election to take against the will shall include the items required for a petition under Pa. O.C. Rule 12.3(a) to the extent applicable.

Local Rule 12.4A. Time of Filing Report.

A guardian ad litem or trustee ad litem will be expected to file a report within sixty (60) days of his appointment, unless the time is otherwise fixed by the court.

Local Rule 12.5A. Appearance at Presentation of Petition.

Except as may be required by the court, the appearance of the minor in court to make the selection of a guardian of the estate or of the person is not required.

Local Rule 12.5B. Restricted Accounts; Waiver of Bond.

In lieu of the appointment of a guardian, the court may authorize the deposit of funds of a minor in a fully insured account pursuant to the provisions of Section 5103 of the Probate, Estates and Fiduciaries Code.

Local Rule 12.5C. Allowances.

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth:

(1) The manner of the guardian's appointment and qualification, and the dates thereof.

(2) The age and residence of the minor, whether his or her parents are living, the name of the person with whom he or she resides, the name and address of the minor's spouse and children, if any.

(3) The value of the minor's estate, real and personal, and the net annual income.

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

(1) The date and amount of any previous allowance by the court.

(2) The financial requirements of the minor and his family unit, in detail, and the circumstances making such allowance necessary.

Local Rule 12.6A. Exhibits.

The following exhibits shall be annexed to the petition:

- (1) A copy of the trust instrument.
- (2) The consent by the proposed trustee to act as such.
- (3) Any consent or joinders of parties in interest.

Local Rule 12.7A. Discharge of Personal Representative Under Section 3531 of Probate, Estates, and Fiduciaries Code.

A petition with account annexed under Section 3531 of Probate, Estates and Fiduciaries Code shall conform to the extent practicable with the requirements of a petition for the settlement of a small estate under Section 3102 of Probate, Estates, and Fiduciaries Code, as set out in Del. Co. O.C.D. Rule 6.11E.

Local Rule 12.9A. Public Sale, Contents of Petition, Additional Requirements.

(1) *Personal Representative*—A petition by a personal representative to sell real property at public sale, under Section 3353 of the Probate, Estates and Fiduciaries Code shall also set forth in separate paragraphs:

(a) The name, residence and date of death of the decedent, whether the decedent died testate or intestate, and the date of the grant of letters;

(b) That the personal representative is not otherwise authorized to sell by the Code; or is not authorized or is denied the power to do so by the Will, or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

(c) Whether an inventory and appraisal has been filed, the total value of the property shown therein, and the value at which the real property to be sold was included therein;

(d) If the personal representative entered bond with the Register, the name of the surety and the amount of such bond;

(e) The names and relationships of all parties in interest, a brief description of their respective interests, whether any of them are deceased, minors, or incapacitated persons, and if so, the names and a reference to the record of the appointment of their fiduciaries;

(f) A full description of the real property to be sold, the improvements thereon, by whom and in what capacity it is occupied, its rental value and current tax assessment; and

(g) Sufficient facts to enable the court to determine that the sale is desirable for the proper administration and distribution of the estate.

(2) *Trustee*—A petition by a trustee to sell real property at public sale, under Section 7133 of the Probate, Estates and Fiduciaries Code shall also set forth in separate paragraphs:

(a) How title was acquired to the property which is the subject of the Petition, including the date and place of probate of the will, or recording of the deed;

(b) A recital of the relevant provisions of the will or deed pertaining to the real property to be sold, and of the relevant history of the trust;

(c) The names and relationships of all parties in interest, a brief description of their respective interests, and whether any of them are deceased, minors, or incapacitated persons, and if so, the names and a reference to the record of the appointment of their fiduciaries;

(d) The improvements on the property, by whom and in what capacity it is occupied, its rental value and current tax assessment;

(e) That the trustee is not otherwise authorized to sell by the Code, or is denied the power by the trust instrument, or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(f) Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(3) *Guardian*—A petition by a guardian of a minor's estate to sell real property at public sale, under Section 5155(1) of the Code shall also set forth in separate paragraphs:

(a) The age of the ward;

(b) The names of the ward's next-of-kin and the notice given them of the presentation of the petition. When there are no known next-of-kin who are sui juris to whom notice may be given, public notice in accordance with Del. Co. O.C.D. Rule 12.9C, must be given and proofs thereof must be attached to the petition as an exhibit;

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

(d) A recital of the provisions of the will or deed relating to the real property to be sold;

(e) The nature and extent of the interest of the ward, and of other persons in the real property;

(f) The improvements on the property, by whom and in what capacity it is occupied, its rental value and current tax assessment; and

(g) Sufficient facts to enable the court to determine that the proposed sale will be in the best interest of the ward.

Local Rule 12.9B. Public Sale, Exhibits.

The following exhibits shall be attached to a petition by a personal representative, trustee or guardian, to sell real property at public sale;

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

(2) any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent or join; and

(3) consent by any mortgagee whose lien would otherwise not be discharged by the sale; and

(4) an affidavit as to value by one real estate appraiser.

Local Rule 12.9C. Notice and Return.

(1) *Notice*—After the allowance of a petition for public sale of real property, notice of the public sale shall be given:

(a) By advertisement once a week for three consecutive weeks in the *Delaware County Legal Journal* and in one other newspaper of general circulation in Delaware County in the vicinity of the subject property; and by posting a notice on the premises and three (3) additional notices in the immediate vicinity of the premises to be sold; and

(b) By personal notice or certified mail to all parties in interest of the time and place of the proposed sale at least ten (10) days prior thereto; or

(c) By such other notice as the court may by special order direct.

(2) *Return*—Returns of public sale of real property for the purpose of an approval or confirmation by the court shall be in the form of an affidavit, which shall set forth:

(a) The information required by Del. Co. O.C.D. Rule 5.4A with the attachment of proofs of publication in accordance with Del. Co. O.C.D. Rule 12.9C(1)(a);

(b) The price obtained;

(c) The name and address of the purchaser and that he was the highest bidder.

Local Rule 12.9D. Security.

On the return day of the sale, the court, in the decree approving or confirming the public sale, will fix the amount of bond or additional security which the personal representative, trustee, or guardian shall be required to enter, or will excuse the fiduciary from entering additional security.

Local Rule 12.10A. Exhibits.

The following exhibits shall be attached to a petition by a personal representative, trustee, or guardian to sell real estate at private sale:

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

(2) Any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent or join.

(3) Consent by any mortgagee whose lien would otherwise not be discharged by the sale, or if not attached, the reason therefore.

(4) A copy of the agreement of sale.

Local Rule 12.10B. Procedure on Day Fixed for Approval.

(1) *Private Sale*. Whenever on the day fixed for approval of a private sale a person other than the proposed purchaser named in the petition, or more than one such other person, shall appear for the purpose of offering a higher price than that to be paid by the proposed purchaser named in the petition, the following procedure shall be followed unless otherwise directed by the court:

(a) No offer from any proposed purchaser other than the one named in the petition will be considered, unless it is at least ten percent (10%) higher and is payable in cash.

(b) If one or more interested purchasers other than the proposed purchaser named in the petition do appear and state their willingness to offer at least ten percent (10%) more, the court will conduct an auction. The proposed

purchaser named in the petition and all other interested purchasers shall have the opportunity to make cash offers at least ten percent (10%) higher than the offer of the original proposed purchaser, until the highest price offered by any interested purchaser shall be determined.

(c) The court will then entertain the highest offer made by an interested purchaser and will enter an appropriate decree.

(2) *Options for Private Sale*. Subparagraph (1) of this Rule shall apply to the approval of a grant of an option for private sale; however, in addition to the provisions of subparagraph (a) thereof, any other proposed purchaser must also offer a consideration for the option itself which is at least one hundred percent (100%) higher and is payable in cash.

(3) *Private Exchange*. The procedure in the event another person appears on the day fixed for approval of an exchange, for the purpose of offering a different consideration, shall be as the Court directs by special order.

Local Rule 12.10C. Security.

The court, in the decree approving or confirming the private sale, will fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter, or will excuse the fiduciary from entering bond or additional security.

Local Rule 12.11A. Additional Requirements.

(1) *Exhibits*—There shall be attached to a petition to mortgage or lease property, where applicable:

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

(b) Consents to the mortgage or release signed by those parties in interest who do not join in the petition, and the names and a copy of the notice which has been given to those parties who do not consent;

(c) A written statement by the proposed mortgagee indicating a commitment to grant the mortgage loan;

(d) an appraisal by a real estate appraiser of the real property on which the proposed mortgage is to be secured;

(2) *Security*—The amount of the bond or initial security required to be entered, or the waiver thereof, will be determined by the court in its decree approving the proposed mortgage.

Local Rule 14.2A. Testamentary Writings.

All testamentary writings of the incapacitated person found by the guardian or in the possession of any other person shall at the time of the filing of the inventory be submitted by the guardian or such other person to the court for its inspection, together with a photographic type copy to be retained by the judge for his private file.

Committee Comment. Neither the will nor a copy thereof nor any description of its provisions should be permitted to become part of a file available for public inspection. See *Widener Estate*, 437 Pa. 294 (1970).

Local Rule 14.2B. Allowances from Incapacitated Person's Estates.

(1) *Petitions*. Petitions for allowances from an incapacitated person's estate or for the payment of counsel fees shall be governed by the appropriate provisions of Del. Co. O.C.D. Rule 12.5C and shall set forth:

(a) The name of the guardian, the date of his appointment; if the petitioner is not the guardian, his relationship to the incapacitated person, and, if not related, the nature of his interest.

(b) A summary of the inventory, the date it was filed, and the nature and present value of the estate.

(c) The address and the occupation, if any, of the incapacitated person.

(d) The names and addresses of the incapacitated person's dependents, if any.

(e) A statement of all claims of the incapacitated person's creditors known to petitioner.

(f) A statement of the requested distribution and the reasons therefor; a statement of all previous distributions allowed by the court.

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

Local Rule 14.2C. Certification.

In any petition filed pursuant to 20 Pa.C.S. § 5511, counsel for petitioner shall file with the Clerk of Orphans' Court at least seven (7) days prior to the hearing a Certification substantially in compliance with the form set forth in Del. Co. O.C.D. Rule 14.2D that provides the following information to the best of counsel's knowledge, information and belief:

(1) Whether counsel has been retained by or on behalf of the alleged incapacitated person.

(2) Whether the issue of capacity is or is not contested.

(3) Whether the testimony on the issue of capacity shall be presented in one or more of the following manners:

(a) Deposition by written interrogatory;

(b) By videotape deposition;

(c) Live testimony in court.

(4) Whether the issue relating to the choice of guardian is contested.

(5) Whether the alleged incapacitated person will or will not be present at the hearing pursuant to 20 Pa.C.S. § 5511(a) 1 and 2.

Note: Counsel is advised to carefully review the requirements of 20 Pa.C.S. § 5511 in completing the Certification required.

Committee Comment: In uncontested matters the medical or psychological testimony may be provided via verified deposition by written interrogatories. Forms of such written interrogatories approved by the court are available at the Office of the Clerk of Orphans' Court.

Local Rule 14.2D. Compliance.

The requirements of Del. Co. O.C.D. Rule 14.2C shall be met by the filing of a Certification substantially in compliance with the following:

CAPTION CERTIFICATION

The undersigned, _____, Counsel for the Petitioner in the above captioned matter, hereby certifies that:

(1) Counsel has/has not been retained by or on behalf of the alleged incapacitated person.

(2) The issue of capacity is/is not contested.

(3) The testimony on the issue of capacity shall be presented in one or more of the following manners; as checked below:

a. () Deposition by written interrogatory;

b. () Videotape deposition;

c. () Live testimony in court.

(4) The issue of the choice of guardian is/is not contested.

(5) It is expected that the alleged incapacitated person will/will not be present at the hearing in compliance with 20 Pa.C.S. § 5511(a) 1 and 2.

I hereby certify that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Attorney for Petitioner

Local Rule 14.3A. Accounts and Distribution.

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 the accounts of guardians of minors.

Note: Del. Co. O.C.D. Rules 14.2A through 14.3A were initially adopted effective July 1, 1997 as Rules 14-2-1 through 14-3-1. Their adoption herein reflects only re-designation as Del. Co. O.C.D. Rules 14.2A through 14.3A in keeping with the renumbering of all Del. Co. O.C.D. Rules of the Orphans' Court.

Local Rule 15.1A. Practice and Procedure Generally.

This rule and the succeeding rules are adopted under the option given by Supreme Court Orphans' Court Rule 15.1 to adopt Del. Co. O.C.D. Rules in lieu of the ones otherwise provided by the Supreme Court. In selecting this option, the court is partly motivated by the concern that confusion could occur in attempting to follow rules adopted under an Act of Assembly since replaced by another Act of Assembly. These rules may be modified in a particular case by a special order of this court.

Local Rule 15.1B. Appropriate Proposed Decree.

In all proceedings hereunder, counsel for petitioner shall prepare and present at any hearing, the appropriate proposed decree.

Local Rule 15.1C. Whether Hearing is Private.

All hearings required under the Adoption Act, including relinquishment, termination and adoption proceedings, shall be held privately in the chambers of the hearing judge unless otherwise ordered by the court.

Local Rule 15.1D. Whether Notice to Natural Father.

(1) In agency (as opposed to private) proceedings only, if the mother whose rights are sought to be terminated, or who is voluntarily relinquishing the rights to her child or children shall appear at a hearing in regard to the termination or relinquishment of her rights, or at a hearing to confirm consent under § 2504(a) of the Adoption Act, as amended, and shall state that she knows the

identity of the natural father of the child or children, but refuses to identify that person for the court, then the court shall conduct an evidentiary hearing into the reasons why the mother refused to identify the natural father. If, after conducting this evidentiary hearing, the court is satisfied that the reasons for this refusal to identify the natural father are valid, and if the court should further find from this evidentiary hearing that sufficient evidence exists under the law for the termination of the parental rights of that natural father, then the court shall direct that the record of this evidentiary hearing be sealed, and the natural father not be given notice of the adoption hearing, at which time the mother shall then be required to state the name and last known address of the natural father of the child or children.

(2) Valid reason for refusing to identify the natural father shall include, but not be limited to, fear on the part of the mother for her life or physical safety in the event that the natural father is notified of the proceedings; irreparable harm to the child or the natural father or the present family of the natural father, if knowledge of this hearing shall be brought to the attention of the natural father; or a legitimate uncertainty on the part of the mother as to whether or not this person is, in fact, the natural father of the child or children.

(3) In private adoption proceedings only, the following notice provisions shall apply:

(a) If the name and whereabouts of the natural father are known, service shall be valid if mailed to his last known address by certified mail, return receipt requested.

(b) If the name of the natural father is known but no address is known, substituted service shall be valid by advertising once in the *Delaware County Legal Journal* and once in a newspaper of general circulation, as may be directed by the court.

(c) If no name for the natural father or address is known, the natural mother shall execute an affidavit (to be attached to the termination or confirmation petition or adoption petition) stating either that the identity of the natural father is unknown or that she refuses to identify the natural father.

In the case where identity is unknown, no notice to a putative father shall be required for either a termination or adoption hearing. In addition, the affidavit may contain averments establishing the existence of grounds for involuntary termination under § 2511 of the Adoption Act. The affidavit may be offered into evidence as substantive proof of the statements contained therein without the personal appearance of the affiant.

Local Rule 15.1E. Representation for Child.

Whenever it is appropriate for the appointment of counsel under Section 2313 of the Adoption Act, as amended, the following procedures shall prevail:

(1) It shall be the obligation of the agency (as defined by Section 2102 of the Adoption Act of 1981) or counsel for the adopting parents in a private adoption proceeding, to present the court with a written motion and proposed order for the appointment of counsel to represent a child in an involuntary termination proceeding as required by Section 2313 of the Adoption Act of 1981.

(2) Counsel shall be appointed from the list maintained by the Court Administrator for the appointment of attorneys and guardians ad litem in dependency and abuse cases. The fees to be paid to attorneys so appointed in termination proceedings, shall be the same as those paid in dependency and abuse cases for one day representation but shall not exceed the maximum set forth in the Adoption Act, as amended. Said fee shall be taxed as costs to the adopting parent or parents at the time of filing a petition for adoption. Unless the court otherwise directs, only one attorney and only one fee shall be required for more than one child of the same parent whose rights are being terminated.

Local Rule 15.1F. Consents of Natural Parents.

If both natural parents of the child intended to be adopted have executed consents to the adoption, the same may be admitted into evidence as proof of relinquishment, abandonment and consent to adoption at the time of the final adoption hearing.

Local Rule 15.1G. Conditional Relinquishment.

The hearing judge may, in his discretion, allow a relinquishment by one parent to be conditioned upon relinquishment or termination of the interest of the other parent of the child intended to be adopted.

Local Rule 15.1H. Certificate of Birth.

(1) If available, a certificate of birth from the Bureau of Vital Statistics must be produced and admitted into evidence prior to the signing of a final decree in adoption.

Committee Comment: Section 2534 of the Adoption Act requires attachment of birth certificate as an exhibit if it can be obtained.

(2) If no birth, marriage, divorce or death certificate can be obtained, the reason therefore shall be so stated and efforts made to obtain same shall be stated in the report of intermediary or petition to adopt; and a request made that the court establish a date and place of birth, marriage, divorce or death.

Local Rule 15.1I. Certificate of Health.

At an adoption hearing there shall be offered into evidence a certificate of health signed by a licensed physician, attesting to the present condition of health of the following persons:

- (1) Each adoptee;
- (2) Any non-related adopting parent.

Local Rule 15.1J. Child Abuse and Police Clearances.

At an adoption hearing there shall be offered into evidence current (within one (1) year of the hearing) child abuse and police clearances on forms provided by the Department of Public Welfare and the State Police for the following persons:

- (1) Any adopting parent;
- (2) Any person over the age of eighteen (18) who is residing in the home of the adopting parent(s) and adoptee.

Local Rule 15.1K. Exhibits at Adoption Hearings.

All exhibits to be entered into evidence at an adoption hearing, including birth certificates and certificates of health as required herein, and the proposed Final Decree shall be submitted to the court no later than one (1) week prior to the hearing unless otherwise directed by the court.

Local Rule 15.1L. Final Adoption Decree.

Following the entry of a decree of termination, either voluntary or involuntary, or pursuant to a petition to confirm consent, thirty (30) days shall elapse before a final adoption decree is entered.

Local Rule 15.1M. Consent by Parents.

In addition to the requirements of Section 2711(d) of the Adoption Act, as amended, a consent signed by either parent shall contain statements regarding the following:

- (1) Date and place of birth of child.
- (2) Authorization of Intermediary.
- (3) Authorization and release of hospital.
- (4) Waiver of notices.
- (5) Admission of consent into evidence, if applicable.

Local Rule 15.1N. Birth Outside Commonwealth.

When the child proposed to be adopted has been born outside the Commonwealth of Pennsylvania, notification of the proposed adoption shall be given to the Pennsylvania Department of Public Welfare if required by, and if in conformance with, the Public Welfare Code, Article 7, Sub-Article (d), Act of June 13, 1967 (P. L. 31, No. 21) 62 P. S. § 742 et seq; and a clearance certificate from the Department shall be produced for the court.

Note: Del. Co. O.C.D. Rules 15.1A through 15.1L were initially adopted April 29, 1981; amended September 28, 1982 as Rules 15-1-1 through 15-1-12. Their adoption herein reflects only re-designation as Del. Co. O.C.D. Rules 15.1A through 15.1L in keeping with the renumbering of all Del. Co. O.C.D. Rules.

Local Rule 17.1A. Local Rules.

The rules set forth herein which do not appear in boldface type shall be known as Delaware County Orphans' Court Division Rules and shall be cited as Del. Co. O.C.D. Rules.

[Pa.B. Doc. No. 02-489. Filed for public inspection March 29, 2002, 9:00 a.m.]

SUPREME COURT

Assessment of Fees for Use of Advanced Communication Technology; No. 241 Judicial Administration; Doc. No. 1

Order

Per Curiam

And Now, this 13th day of March, 2002, no fees shall be imposed against a defendant in a criminal proceeding for the utilization of advanced communication technology.

[Pa.B. Doc. No. 02-490. Filed for public inspection March 29, 2002, 9:00 a.m.]

Schedule of Holidays for Year 2003 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 240 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 12th day of March, 2002, it is hereby ordered that the following paid holidays for calendar year 2003 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 1, 2003	New Year's Day
January 20, 2003	Martin Luther King, Jr. Day
February 17, 2003	Presidents' Day
April 18, 2003	Good Friday
May 26, 2003	Memorial Day (Observed)
July 4, 2003	Independence Day
September 1, 2003	Labor Day
October 13, 2003	Columbus Day (Observed)
November 4, 2003	Election Day
November 11, 2003	Veterans Day
November 27, 2003	Thanksgiving Day
November 28, 2003	Day After Thanksgiving
December 25, 2003	Christmas Day

[Pa.B. Doc. No. 02-491. Filed for public inspection March 29, 2002, 9:00 a.m.]

Sessions of the Supreme Court of Pennsylvania for the Year 2003; No. 136 Appellate Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 12th March, 2002, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2003 as follows:

Pittsburgh (Administrative Session)	January 9
Philadelphia (Administrative Session)	February 13
Pittsburgh	March 3 through March 7
Philadelphia	April 7 through April 11
Harrisburg	May 13 through May 16
Pittsburgh (Administrative Session)	June 4
Pittsburgh	September 8 through September 12
Philadelphia	October 20 through October 24
Harrisburg	December 2 through December 5

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 02-492. Filed for public inspection March 29, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 4—ADMINISTRATION

STATE CIVIL SERVICE COMMISSION

[4 PA. CODE CH. 95]

Promotion Procedure

The State Civil Service Commission (Commission) adopts an amendment to Chapter 95 (relating to selection of employees for entrance to, or promotion in, the classified service). The Commission is publishing this amendment as a notice of final-form rulemaking under the authority of section 208 of the Civil Service Act (act) (71 P. S. § 741.208).

Regulatory Review

The notice of proposed rulemaking was published at 31 Pa.B. 6454 (November 24, 2001). Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Labor Relations Committee and the Senate State Government Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Commission also provided IRRC and the committees with copies of the comments received as well as other documentation.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on February 26, 2002, this final-form rulemaking was deemed approved by the House Labor Relations Committee and the Senate State Government Committee. The amendment was deemed approved by IRRC effective February 26, 2002, under section 5(g) of the Regulatory Review Act. The Office of Attorney General approved this final-form rulemaking for form and legality on March 5, 2002.

A. *Comments*

In preparing this final-form rulemaking, the Commission has considered the comments received from the public. The Commission held four public hearings to which the public was invited to comment on this proposed amendment. These hearings were held: in Harrisburg on December 12, 2001, and January 15, 2002; in Pittsburgh on November 29, 2001; and in Philadelphia on December 3, 2001. The comments received at these hearings either sought clarification of the purpose of the amendment or were favorable. The Commission received nine letters commenting on the proposed amendment. These comments were favorable. The Commission's only response to these written comments was to acknowledge receipt and thank the sender. No comment was received from either the House Labor Relations Committee or the Senate State Government Committee to the proposed amendment. The response of IRRC was that they have "no objections, comments or suggestions to offer on this regulation."

Changes have not been made to the published proposed rulemaking for this amendment.

B. *Statutory Authority*

The statutory authority for this final-form rulemaking is provided by section 203(1) of the act (71 P. S. § 741.203(1)).

C. *Purpose and Background*

A change in the procedures for promotions was requested by Commonwealth agencies of the Commission. Currently, the Commonwealth's personnel system has civil service and noncivil service employees. Many are initially hired into noncivil service positions. These employees often work for the Commonwealth for years and sometimes are promoted from one noncivil service position to another. In many instances, however, they reach a point when their logical and natural career progression would call for a promotion to a particular position but that position is one that is covered by the act. Currently, the Commission's regulations require that noncivil service employees compete with and be treated in the same fashion as non-Commonwealth employees being newly hired into the civil service system. The result is that some career Commonwealth employees who started their employment as noncivil service reach a career ceiling prematurely. If not for the barrier presented by the Commission's current regulations, their skills, knowledge and abilities would allow for further promotion.

This final-form rulemaking gives the employing agency of State government an option to consider both civil service and noncivil service employees for promotion on an equal basis. This would amend the current section that precludes an agency from considering noncivil service Commonwealth employees for promotion into civil service positions. To be promoted, noncivil service employees would be required to take and pass an examination for the title and compete against other similarly situated Commonwealth employees both civil service and noncivil service. This amendment will enhance the employment opportunities for all Commonwealth employees.

D. *Summary of Final-Form Rulemaking*

The final-form rulemaking is designed to permit additional promotion methods by which noncivil service Commonwealth employees may compete with civil service Commonwealth employees for civil service covered positions. Noncivil service Commonwealth employees would be required to take and pass civil service examinations, and be appointable in accordance with the "rule of three" described by the act.

E. *Effective Date*

This final-form rulemaking will become effective immediately upon publication in the *Pennsylvania Bulletin*.

F. *Paperwork and Cost Requirements*

This final-form regulation will not add to existing paperwork requirements. No measurable savings or costs will occur as a result of this final-form rulemaking.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its appointing authorities.

H. *Contact Person*

For further information on this amendment, contact Randall C. Breon, Deputy for Operations, State Civil Service Commission, (717) 787-5343 or (717) 772-2685 (TT), P. O. Box 569, 320 Market Street, 4th Floor, Strawberry Square Complex, Harrisburg, PA 17108-0569; rbreon@state.pa.us.

The text of this amendment is available electronically through the Commission's website (<http://www.scsc.state.pa.us>).

Findings

The Commission finds that:

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

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

Order

(a) The regulations of the Commission, 4 Pa. Code Chapter 95, are amended by amending § 95.7 to read as set forth at 31 Pa.B. 6454.

(b) The Executive Director of the Commission shall submit this order and 31 Pa.B. 6454 and deposit them with the Legislative Reference Bureau as require by law.

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

RONALD K. ROWE,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 1590 (March 23, 2002).)

Fiscal Note: Fiscal Note 61-104 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 02-493. Filed for public inspection March 29, 2002, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE REAL ESTATE COMMISSION

[49 PA. CODE CH. 35]

Agency

The State Real Estate Commission (Commission) hereby amends Chapter 35 to read as set forth in Annex A. These regulations incorporate the changes necessitated by the act of November 24, 1998 (P. L. 908, No. 112) and the act of June 22, 2000 (P. L. 371, No. 47) (Act 47).

Statutory Authority

The final-form amendments are authorized under sections 404, 606—606.6 and 608—608.3 of the Real Estate Licensing and Registration Act (RELRA) (63 P. S. §§ 455.404, 455.606—455.606f and 455.608—455.608c).

Response to Public Comments and Regulatory Review

Notice of the proposed rulemaking was published at 30 Pa.B. 641 (February 5, 2000). Publication was followed by a 30-day public comment period during which the Commission received comments from three public commentators, including the Pennsylvania Association of Realtors (PAR). Following the close of the public comment period, the Commission received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate

Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

The final-form rulemaking contains changes to the proposed rulemaking.¹ Part A will address the comments to the proposed rulemaking. Part B will address amendments to the proposed rulemaking necessitated by Act 47.

*A. Response to comments to proposed rulemaking.**Section 35.201. Definitions.*

The HPLC and IRRC questioned why the definitions of "agency relationship," "buyer agent," "designated agent," "dual agent," "listing broker," "principal," "salesperson," "seller agent" and "transaction licensee" differ from the definitions in section 201 of the RELRA (63 P. S. § 455.201). In formulating this rulemaking, the Commission shortens the definitions of the RELRA without changing their meaning.

An "agency relationship," as defined under section 201 of the RELRA requires brokers and licensees in their employ to "act as fiduciaries for a consumer of real estate services by the express authority of the consumer of real estate services." Thus, for the licensee to have a fiduciary relationship with a consumer, the consumer shall enter into a written agreement thereby becoming a principal under the definition.

The definition for "buyer agent" in the regulation includes "tenant," "seller agent" includes "landlord" and "dual agent" includes "landlord and tenant." Although "landlord" and "landlord and tenant" are not used in sections 201, 606.2, 606.3 or 606.4 of the RELRA, these definitions incorporate the language in section 606 of the RELRA which characterizes the "buyer agent" relationship as "buyer/tenant" and the "seller agent" relationship as "seller/landlord." To provide meaning to each section of the RELRA and read the provisions in *pari materia*, the definitions in the regulation includes "landlords" and "tenants" along with "sellers" and "buyers." Similarly, although sections 201 and 606 of the RELRA do not use the terms "buyer's agent" and "seller's agent," these terms are used in sections 606.2 and 606.3 of the RELRA.

As proposed, the definition of "designated agent" referred to the "licensees employed by the broker of record." The Commission concurs with IRRC and a public commentator that the proposed definition should be modified. Accordingly, the Commission has replaced "broker of record" with "broker" and "employed by the broker" with "within the broker's employ" throughout the final-form rulemaking.

IRRC suggested that the definition of "principal" be amended since the RELRA defines it as "a consumer who enters into an agency relationship with a broker." The definition of "agency relationship" in the RELRA includes both brokers and licensees. Reading these definitions in *pari materia*, the Commission has defined "principal" to include agency relationships with brokers and licensees in the brokers' employ.

IRRC opined that subparagraph (vii) in the definition of "salesperson" is inconsistent with section 201 of the RELRA because it does not include the phrase "managing of property." The proposed amendments to this subparagraph were included in the Commission's general revisions final-form rulemaking at 30 Pa.B. 5954 (November 18, 2000) and are therefore not reflected in Annex A. The Commission has retained the phrase "managing of property" since the definition of "salesperson" in section 201 of

¹ A cross-reference of the statutory provisions, subject matter and amendments are charted in the preamble to the proposed rulemaking at 30 Pa.B. 641.

the RELRA contains authorization for a salesperson to negotiate, lease, rent and collect rent, all of which relate to property management.

The proposed definition of "subagent" stated that the subagent acts or cooperates in selling the property as the seller's/landlord's agent. Upon further review, the Commission agrees with IRRC that the definition should be amended to specify that in addition to acting or cooperating as a seller's agent, by law, the subagent is deemed to have an agency relationship with the seller. Therefore, the definition was amended accordingly.

IRRC recommended that "licensee" be changed to "broker" in the definitions of "buyer agent," "seller agent," "dual agent," "subagent" and "transaction licensee." While the Commission understands that a salesperson may work only through a broker, salespersons have repeatedly informed the Commission that they do not understand when they are obligated under the RELRA and regulations when the reference is made solely to a broker. Therefore, the Commission has not replaced "licensee" with "broker" when the provision applies to both brokers and salespersons as in § 35.281 (relating to putting contracts, commitments and agreements in writing).

The definition of "transaction licensee" in the proposed rulemaking includes the clause "without entering into an agency relationship with the consumer" rather than "without being an agent or advocate of the consumer" as described in the RELRA. The Commission believes that these definitions are synonymous. To have an agency relationship with a consumer, applying the definition of "agency relationship," the broker shall be an agent or advocate for that consumer.

On final-form rulemaking, the Commission has also added the definition of "comparative market analysis" from section 201 of the RELRA since it is used in § 35.340 (relating to comparative market analysis).

Section 35.281. Putting contracts, commitments and agreements in writing.

IRRC suggested that the Commission should define "valuable consideration" and "open listing agreement." The term "valuable consideration" is commonly used in regulations in this Commonwealth. Black's Law Dictionary defines the term as "consideration that is valid under law; consideration that either confers a pecuniary measurable benefit on one party or imposes a pecuniary measurable detriment on the other." The term is commonly employed and used in real estate transactions. Therefore, the Commission has not included a definition in this section. Conversely, "open listing agreement" is a term of art in the real estate industry. The definition taught to real estate students in the Fundamentals of Practice course has been added to § 35.201.

IRRC also suggested that subsection (b)(3) should be amended to cross-reference the materials required in § 35.331 (relating to written agreements generally). Subsection (b)(3) conforms to section 606.1(b)(4) of the RELRA, which requires that the written disclosure statement contain a description of the services to be performed by the subagent or transaction licensee and the information required by section 608 of the RELRA. Since section 608.1 of the RELRA, and not section 608 of the RELRA, conforms to § 35.331, the Commission has not cross-referenced these sections, but has added a cross-reference to section 608 of the RELRA.

Section 35.283. Disclosure of interest.

In the proposed rulemaking, this section was titled "conflict of interest." One commentator recommended that

since this provision includes more than just conflicts, it should be renamed "disclosure of interest." The Commission agrees with this suggestion and has renamed the provision accordingly.

Proposed subsections (d) and (e) required licensees to provide a written disclosure of financial interests to consumers for deed or document preparation services. PAR suggested that this requirement was too broad. Owing to this concern, the Commission amended subsection (d) to better conform with section 606.1(a)(13) of the RELRA.

The Commission has also corrected the typographical error in subsection (d) by changing the term "service" to "services," as recommended by PAR.

Section 35.284. Disclosures of business relationships.

PAR sought clarification of the requirement in current subsection (a) that the Consumer Notice be provided to "all" consumers. It questioned whether the Consumer Notice must be provided to consumers of commercial property, both spouses and numerous representatives of a corporation. With regard to commercial transactions, section 608 of the RELRA, like all other provisions in the RELRA, does not differentiate between commercial and residential transactions. The Consumer Notice requirement applies equally to both. To insure that licensees are aware of its applicability, the Commission has expressly included residential and commercial property in the titles of §§ 35.336 and 35.337 (relating to disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate where the licensee is working on behalf of the tenant; and disclosure summary for the lease of residential or commercial real estate when the licensee is working on behalf of the owner).

With regard to groups of individuals, the Commission notes that the purpose of the Consumer Notice is to inform parties seeking to purchase, lease or sell property of the various business relationships they may have with a licensee. While the Commission believes that it is advisable for each spouse to understand the Consumer Notice, it does not believe that it is practicable to require both spouses to participate in the initial interview or sign the Consumer Notice. Similarly, the Commission believes that it is not practicable to require each member of the Board of Directors of a corporation to attend the initial interview and sign the Consumer Notice. Rather, the Commission believes that it is sufficient for one spouse or one representative of a company to sign the Consumer Notice.

PAR also questioned whether a designated buyer's agent who takes a buyer to a property to meet the seller must provide a Consumer Notice to the seller. The Commission does not believe that this is required under the regulation since the seller, by listing the property, has received the Consumer Notice and entered into a business relationship with a licensee. However, in light of PAR's questions, the Commission has deleted "all" from subsection (a).

Additionally, the HPLC pointed out that in proposed form, subsection (a) contained a typographical error and incorrectly cross-referenced the Disclosure Summary to § 33.336. The reference has been corrected to § 35.336.

Section 35.287. Supervised property management assistance by salespersons.

Current § 35.287² permits a salesperson to assist in real estate management provided that the salesperson's work is directly supervised and controlled by the employing broker. PAR recommended that the terms "employing broker" be replaced with "controlled by the broker or associate broker charged with the responsibility of directing and supervising the office," to better reflect the realities of a real estate office. The Commission agrees with PAR that an associate broker may be responsible for a particular office, however, the broker retains the ultimate responsibility under the RELRA for supervising the licensees in the broker's employ. The Commission has removed the term "directly" from the provision.

Section 35.292. Duties of licensees generally.

The HPLC questioned why "in a timely manner" was used in § 35.292(a)(7), but "in a reasonably practicable period of time" was used in § 35.283. IRRC recommended that the Commission provide a "definitive standard" for what would be considered timely. To satisfy both concerns, the Commission has used the phrase "in a reasonably practicable period of time," which is commonly used throughout the regulations, including §§ 35.283, 35.292(a)(7) and 35.336.

Another commentator suggested that § 35.292(a) should be amended to advise licensees how to satisfy the duties of licensees generally when the consumer or principal hires an attorney or another licensee to perform some of the duties in a transaction. The commentator provides the example of an attorney who is hired by the consumer or principal to prepare the documents and represent the consumer or principal at settlement. The RELRA does not impose any responsibility on a licensee for the actions of an attorney hired by the consumer or principal to perform document or deed preparation services. Subsection (a)(11) merely requires the licensee to provide assistance with document preparation when requested.

Section 35.311. Generally.

IRRC recommended that the Commission amend subsection (d) to state that a licensee may not reveal or use confidential information during or following "the termination of the agency relationship." The Commission finds this recommendation reasonable and has amended the provision accordingly.

Section 35.312. Duties of seller's agent.

Section 35.313. Duties of buyer's agent.

IRRC recommended that the title for the various agency relationships track the statutory language. To be consistent with the statutory definitions, the Commission has changed the titles of §§ 35.312—35.316.

Additionally, PAR recommended that §§ 35.312(e) and 35.313(d) be amended to replace "become" with "will act as." The Commission finds this suggestion reasonable and has replaced "become" in both subsections.

Section 35.314. Duties of dual agent.

Proposed subsection (b)(2) required that of the duties owed by a dual agent, the licensee make a continuous and good faith effort to find a buyer/tenant for the property and a property for the buyer/tenant unless otherwise agreed. IRRC recommended that the Commission incorporate the exception in section 606.4(b)(2) of the RELRA

that a dual agent is not obligated to seek additional offers to purchase the property while it is subject to an existing contract of sale. The Commission has amended the regulation accordingly.

Section 35.315. Duties of designated agent.

Subsection (b) embodies the Commission's understanding that section 606 of the RELRA would permit designation to take place at any time in the transaction—at the time of initial designation or after the parties have entered into a written agreement. In the proposed rulemaking, subsection (b)(1) stated the Commission's preference that designation would take place at the time the parties enter into a written agreement, as well as the Commission's acknowledgement that designation may take place after the agreement is executed. IRRC expressed concern that the proposed regulation used the "nonregulatory" term "should." It recommended that the Commission replace "should" with "shall" or delete the paragraph. Owing to IRRC's concern, the Commission replaced the term "should" with "may." Because the statute allows designation at any time, the Commission believes that, despite its preference for up-front designation, it cannot use the term "shall" or delete the provision as recommended.

Subsection (b)(1) specifies that if the designation takes place after the initial designation or after a written agreement has been entered into, the principal must consent in writing to the newly designated licensee. The HPLC, IRRC and a public commentator suggested that the Commission amend the paragraph to require specific consent to the broker's designation of the agent, the identity of the agent and the date on which the designation occurs.

The Commission believes that further modification is not necessary. When designation takes place at the time the parties enter into the original contract, the designated licensee is named. The designation date is the date of the contract signed by the licensee and the consumer/principal. When designation occurs after the contract has been executed, subsection (b)(1) requires that consent be given to the newly designated licensee. The principal is informed of, and must give written consent to, the designation and the licensees being designated.

In the proposed rulemaking, subsection (b)(2) required the principal to renounce any previous agency relationship with the other licensees employed by the broker "to the exclusion of the other designated agents." The Commission agrees with the HPLC and IRRC that this last clause is unnecessary because the renunciation would cover all licensees. Accordingly, it has been removed in final-form rulemaking.

Subsection (d) provides that all licensees employed by the broker who have not been designated have no agency relationship with either party in the transaction. Both the HPLC and IRRC questioned whether the proposed subsection conflicts with section 606 of the RELRA. The HPLC reasoned that while section 606 of the RELRA permits the broker to designate agents to act exclusively for either party, it "does not expressly negate any duties on the part of the other employees of the broker to consumers who have entered into an agency relationship with the employing broker."

The Commission relies upon the express language in the definition of "designated agent" in section 201 of the RELRA which specifies that the real estate services are to be provided by the designated licensees "to the exclusion of all other licensees within the broker's employ." In the

² In the proposed rulemaking, this provision included two subsections. Subsection (a) was deleted in the final-form rulemaking at 30 Pa.B. 5954 and is therefore not reflected in Annex A.

Commission's view, unlike dual agency where all of the licensees employed by the broker represent both parties to the transaction, in designated agency only those licensees who have been designated have an agency relationship with a principal and are parties to the transaction. The Commission's construction is consistent with the purpose of designated agency—to insulate the transaction from the licensees in the real estate company who are not involved in the transaction. It ensures that the confidential information that the designated licensees have with the respective principals remains confidential with those licensees. Because of the broker's supervisory role over the designated licensees, only the broker becomes a dual agent in the transaction.

Also, in the Commission's view, characterizing members of the real estate company who have had no involvement in the real estate transaction as dual agents, simply because the broker is bound into a dual agency relationship, would reduce the benefit of designated agency to the consumer. In a typical transaction, one or more licensees in a real estate company are designated to act as the buyer's agent. Others are designated to act as seller's agents. At that point, the broker is a dual agent. If for some reason, one principal would withdraw from the transaction, and, as suggested, all of the remaining members of the real estate company would be considered dual agents, the consumer would not be able to receive real estate services from the company except in a dual agency relationship. Under that scenario, the licensee representing the new party would not have a duty to be loyal and act on behalf of that party, but rather, would only have the duty to take no action that is adverse or detrimental to either party's interest in the transaction. Conversely, if the remaining licensees in the real estate company did not assume any agency status until they became involved in the transaction by becoming designated, they would be available to find another buyer for the seller and can, once designated, act as a buyer agent since the licensee would not possess any confidential information about the seller.

PAR questioned whether subsection (d) permanently bars a licensee who was not designated from representing a party in the transaction. The Commission does not believe that this subsection acts as a permanent bar to nondesignated licensees. Rather, the Commission agrees with the PAR that nondesignated licensees may play a role in the transaction after the initial designation, once the licensee is designated by the broker and receives written approval from the principal.

One commentator also questioned whether a licensee who is not designated may serve in the capacity of a transaction licensee in an in-house transaction. Since the licensee has not been designated in the transaction, and as previously indicated, does not possess any confidential information about the transaction, the licensee is available to represent or provide services to other parties in other capacities.

In the proposed rulemaking, subsection (e) permitted employees of the broker to designate themselves or affiliated licensees who are employed by the broker as designated agents. The HPLC maintained that the RELRA does not authorize licensees, other than brokers, to designate themselves, regardless of written company policy. The Commission agrees with the HPLC that only the broker may designate licensees and has removed the provision.

In the final-form rulemaking, the Commission also renumbered the paragraphs in subsection (e) and replaced the word "renunciate" with "renounce" in subsection (b)(2).

One commentator questioned the status of the employing broker where the real estate company does not represent both parties in the transaction. Designated agency permits one real estate company to represent both parties in a transaction without being in a dual relationship so long as the employing broker designates one or more licensees to act as an agent on behalf of the seller and one or more licensees to act as an agent on behalf of the buyer.

At the time the seller enters into a listing agreement with the broker, the broker does not know whether the broker's company will also represent the buyer. However, to ensure that the seller's information remains confidential, the broker, with the seller's consent, designates one or more licensees in the office to act as seller's agent. The same is true where the broker enters into an agency relationship with the buyer. Again, the broker, with the buyer's consent, designates one or more licensees to work on the buyer's behalf. Only when the broker represents both parties (having given their consent previously) is the broker a dual agent. Other licensees who have not been designated in the transaction continue, as provided in subsection (d), to have no agency relationship in the transaction.

Section 35.316. Duties of transaction licensee.

The definition of "transaction licensee" in §§ 35.201 and 35.316(a) emphasizes that a consumer should not provide a licensee working as a transaction licensee with any confidential information because that licensee is not acting as an agent or advocate of the consumer and is not duty bound to keep the information confidential. Section 35.316(b) tracks the few areas in the statute when the transaction licensee has a limited duty of confidentiality.

One commentator suggested that the duty of limited confidentiality for transaction licensees should continue, like the confidentiality provisions in § 35.311(d), beyond the termination of the transaction licensee relationship. This suggestion is counter to the express language of section 606.1(g) of the RELRA, which continues the confidentiality provisions only when there is an agency relationship. Since a licensee serving in the capacity of a transaction licensee does not have an agency relationship with the consumer, the RELRA does not authorize an extension of the confidentiality provision.

Section 35.331. Written agreements generally.

IRRC recommended that the term "may" be replaced with "shall" in subsection (a). The Commission concurs with IRRC's suggestion and has amended the provision accordingly.

Subsection (a) lists the provisions which must be included in a written agreement. IRRC and PAR suggested that this subsection be amended to track the notification requirement in section 608.1 of the RELRA rather than merely requiring that the agreement contain statements about each required provision. Owing to this concern, the Commission has modified subsection (a) throughout.

IRRC requested that the Commission renumber the paragraphs in subsection (a). In the proposed rulemaking, paragraph (4) was inadvertently omitted. In that it tracks the requirement in section 608.1(2) of the RELRA, it has been reinserted in final-form rulemaking.

Section 35.332. Exclusive listing agreements.

In the preamble to the proposed rulemaking, the Commission stated that the sample exclusive listing agreement in subsection (d) would be deleted. However, that deletion was omitted from proposed Annex A. The Commission has corrected the typographical error in the final-form Annex A and deleted the agreement as indicated.

Section 35.333. Agreements of sale.

Section 35.333 addresses agreements of sale. IRRC requested the Commission explain "conspicuously." Owing to IRRC's concerns, the Commission has removed "conspicuously" from §§ 35.331(a) and 35.333(a).

IRRC asked the Commission to explain the difference between subsections (a) and (d). Subsection (a) contains the required provisions for all types of agreements of sale other than cemetery lots, mausoleum, cremation space or opening. Conversely, subsection (d) contains the required provisions for agreements of sale involving cemetery lots, mausoleum, cremation space or opening.

Section 35.336. Disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant.

One commentator questioned whether "implied agency" exists when the consumer does not enter into a business relationship with the licensee, but provides the licensee with confidential information. Section 608(a)(2) of the RELRA specifically rejects the application of the common law rule of "implied agency." It states "an agency relationship is not to be presumed and that it will exist only as set forth in a written agreement between the broker and the consumer of real estate services acknowledged by the consumer." To insure that consumers are aware that an agency relationship will not be presumed, the last sentence in the second paragraph of the Disclosure Summary advises that:

"A business relationship of any kind will not be presumed but must be established between the consumer and the licensee."

Section 35.340. Comparative market analysis.

Section 35.340 addresses comparative market analyses. In the proposed rulemaking, subsection (a) tracked the disclosure in section 608.3 of the RELRA and subsection (b) contained an exception for licensees who also hold a license under the Real Estate Appraisers Certification Act (63 P. S. §§ 457.1—457.199)

IRRC disagreed with the Commission's interpretation in subsection (b). According to IRRC, a comparative market analysis is not an appraisal, and therefore, regardless of who prepared it, a consumer must be notified that this is not an appraisal. The Commission agrees with IRRC that the comparative market analysis which the RELRA describes is not an appraisal because it is not performed in accordance with the Uniform Standards of Professional Appraisal Practice and is being performed for a limited purpose. The Commission has deleted this provision to avoid any possible confusion.

B. Act 47 amendments.

Five months after the proposed rulemaking was published, the RELRA was further amended by Act 47. In the final-form rulemaking, the Commission has amended sections in accordance with the changes in Act 47. The modifications to the proposed text do not enlarge the

original purpose of the rulemaking. In each instance, the Commission has simply tracked the statutory language.

Section 35.201. Definitions.

Section 606.1(b) of the RELRA was amended to include nonexclusive buyer agency agreements in the type of agreements that are not required to be in writing. IRRC recommended that the Commission define "open listing agreements," found in the same section, and the Commission has added a parallel definition for "nonexclusive buyer agency agreement."

Section 35.281. Putting contracts, commitments and agreements in writing.

Subsection (b)(1) tracks the language in section 606.1(b)(2) of the RELRA, which added nonexclusive agreements for a licensee to act as a buyer/tenant agent to the written agreement exceptions.

Subsection (c) tracks the language in section 606.1(b)(1) of the RELRA regarding the performance of services before an agreement is signed. It permits a licensee to perform real estate services before a written agreement is signed but not collect a fee in the absence of an agreement.

Section 35.284. Disclosures of business relationships.

In the proposed rulemaking, § 35.284 addressed the requirement of providing the Consumer Notice in § 35.336, obtaining a signature on the acknowledgement and retaining a copy of the acknowledgement as a record. Act 47 created additional disclosure summaries and different retention requirements depending upon the type of transaction. In the final-form rulemaking, this section has been amended to create a separate subsection for each type of disclosure. Subsection (a) addresses the Disclosure Summary requirements when the consumer is seeking to sell or purchase real estate; subsection (b) addresses the Disclosure Summary requirements where the consumer is seeking to lease and subsection (c) addresses the Disclosure Summary when the consumer is seeking to sell time-shares.

Tracking the language in section 608(a) of the RELRA, subsection (a)(1) requires that the Disclosure Summary in § 35.336 be provided to a consumer who is seeking to sell or purchase real estate at the initial interview if the interview occurs in person. If the initial interview does not occur in person, subsection (a)(2), tracking the language of section 608(c) of the RELRA, requires that the licensee provide the oral disclosure in § 35.339 (relating to oral disclosure) at the initial interview and the written disclosure in § 35.336 no later than the earlier of the first meeting after the initial interview or at the time the property is first shown to the consumer.

Subsection (b)(1) requires licensees who are working on behalf of the tenant to provide the Disclosure Summary in § 35.336, as required in subsection (a). Subsection (b)(2), tracking the language of section 608(b) of the RELRA, requires that a licensee provide the Disclosure Summary in § 35.337 to all tenants seeking to lease residential or commercial property where the licensee is working on behalf of the owner.

Subsection (c), tracking the language of section 608(e) of the RELRA, requires that a licensee provide the Disclosure Summary in § 35.338 (relating to disclosure summary for time-share estates) to all consumers seeking to sell timeshares.

Subsection (d) was also amended to track the additional requirements in sections 608(b)(3), (d) and (e)(3) of the RELRA.

Section 35.286. Retention and production of records.

This section was not amended in the proposed rule-making, but was cross-referenced in proposed § 35.284(b). Act 47 subsequently amended the retention requirement mentioned in proposed § 35.284(b) in the final-form rule-making, this section has been amended to track the requirements of section 608 of the RELRA. Subsection (a) delineates which records shall be retained for 3 years and which records shall be retained for 6 months.

Subsection (a)(1) tracks the requirement in existing § 35.336(c) that the acknowledgement portion of the Disclosure Summary in § 35.336 be retained for 6 months when the consumer and the broker have not entered into a business relationship. Subsection (a)(2) tracks the requirement in section 608(b) of the RELRA that the acknowledgement portion of the Disclosure Summary in § 35.337 be retained for 6 months when the consumer is seeking to lease residential or commercial real estate. Subsection (a)(3) tracks the requirement in section 608(e) of the RELRA that the acknowledgement portion of the Disclosure Summary in § 35.338 be retained for 6 months where the consumer is seeking to sell time-shares. Subsection (a)(4) tracks the requirement in section 606.1(b)(4) of the RELRA, that the written disclosure statement establishing a subagent or transaction licensee relationship be retained for 6 months.

New subsection (b) contains the current requirements for the production of documents.

Section 35.336. Disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant.

Current § 35.336 is divided into four parts: the Consumer Notice is in subsection (a); the requirement to provide the Consumer Notice is in subsection (b); the retention requirement is in subsection (c); and the refusal note is in subsection (d). Given that Act 47 created additional Disclosure Summaries, the information in current subsection (b) has been moved to § 35.284(a)(1), the retention requirement in current subsection (c) has been moved to §§ 35.284(d) and 35.286(a) and the refusal note in current subsection (d) has been moved to § 35.284(d).

In the final-form rulemaking, current subsection (a) has been made into a stand-alone provision similar to §§ 35.337—35.339. This section has also been amended to track the language and requirements in section 608(b)(1) and (d) of the RELRA.

Sections 35.337—35.339.

Sections 35.337—35.339 contain the verbatim language of the three additional disclosure summaries added by Act 47 in section 608(b), (c) and (e) of the RELRA.

Compliance with Executive Order 1996-1

The Commission reviewed this final-form rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation."

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact or paperwork requirements on the Commonwealth, its political subdivisions or the public sector. In that, changes to the RELRA require licensees to provide up to three Consumer Notices depending upon the status of property, licensees will be subject to a modest fiscal

impact and additional paperwork requirements in producing, distributing and retaining the Consumer Notices.

Sunset Date

The Commission continually monitors the effectiveness of its regulations through communication with the regulated population; accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 5, 2000, the Commission submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 641, to IRRC and to the Chairpersons of the SCP/PLC and the HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the SCP/PLC and the HPLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Commission has considered the comments received from IRRC, the SCP/PLC, the HPLC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on February 11, 2002, this final-form rulemaking was deemed approved by the SCP/PLC and the HPLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 21, 2002, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Deborah Sopko, Administrative Assistant, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, www.state.pa.us/bpoa/recomm/mainpage.htm.

Findings

The Commission finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 30 Pa.B. 641.
- (4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in this preamble.

Order

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

- (a) The regulations of the Commission, 49 Pa. Code Chapter 35, are amended by amending §§ 35.201, 35.281, 35.283, 35.284, 34.286, 34.287, 35.331—35.333 and 35.336 and by adding §§ 35.292, 35.311—35.316 and 35.337—35.340 to read as set forth in Annex A.
- (b) The Commission shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.
- (c) The Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect on final-form publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* The amendment of § 35.286 and the addition of §§ 35.337—35.340 were not included in the proposed rulemaking at 30 Pa.B. 641.)

COLEEN CHRISTY,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 1362 (March 9, 2002).)

Fiscal Note: Fiscal Note 16A-568 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.201. Definitions.

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

Act—The Real Estate Licensing and Registration Act (63 P. S. §§ 455.101—455.902).

Agency relationship—A fiduciary relationship between a broker or licensees employed by a broker and a consumer who becomes a principal.

Associate broker—An individual broker who is employed by another broker.

Broker—An individual or entity that, for another and for a fee, commission or other valuable consideration, does one or more of the following:

(i) Negotiates with or aids a person in locating or obtaining for purchase, lease or acquisition of interest in real estate.

(ii) Negotiates the listing, sale, purchase, exchange, lease, time share and similarly designated interests, financing or option for real estate.

(iii) Manages real estate.

(iv) Represents himself or itself as a real estate consultant, counsellor or house finder.

(v) Undertakes to promote the sale, exchange, purchase or rental of real estate. This subparagraph does not apply to an individual or entity whose main business is that of advertising, promotion or public relations.

(vi) Undertakes to perform a comparative market analysis.

(vii) Attempts to perform one of the actions listed in subparagraphs (i)—(vi).

Broker of record—The individual broker responsible for the real estate transactions of a partnership, association or corporation that holds a broker's license, or the individual broker or limited broker responsible for the real estate transactions of a partnership, association or corporation that holds a limited broker's license.

Builder-owner salesperson—An individual who is a full-time employee of a builder-owner of single- and multi-family dwellings located in this Commonwealth and who is authorized, for and on behalf of, the builder-owner, to do one or more of the following:

(i) List for sale, sell or offer for sale real estate of the builder-owner.

(ii) Negotiate the sale or exchange of real estate of the builder-owner.

(iii) Lease or rent, or offer to lease, rent or place for rent, real estate of the builder-owner.

(iv) Collect or offer, or attempt to collect, rent for real estate of the builder-owner.

Bureau—The Bureau of Professional and Occupational Affairs of the Department.

Buyer agent—A licensee who enters into an agency relationship with a buyer/tenant.

Campground membership—An interest, other than in fee simple or by lease, which gives the purchaser the right to use a unit of real property for the purpose of locating a recreational vehicle, trailer, tent, tent trailer, pickup camper or other similar device on a periodic basis under a membership contract allocating use and occupancy rights between other similar users.

Campground membership salesperson—An individual who, either as an employee or an independent contractor, sells or offers to sell campground memberships. The individual shall sell campground memberships under the active supervision of a broker. A licensed broker, salesperson or time-share salesperson does not need to possess a campground membership salesperson's license to sell campground memberships.

Cemetery—A place for the disposal or burial of deceased human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle. The term does not include a private family cemetery.

Cemetery associate broker—An individual cemetery broker employed by another cemetery broker or by a broker.

Cemetery broker—An individual or entity that is engaged as, or carrying on the business or acting in the capacity of, a broker exclusively within the limited field or branch of business that applies to cemetery lots, plots and mausoleum spaces or openings.

Cemetery company—An individual or entity that offers or sells to the public the ownership, or the right to use, a cemetery lot.

Cemetery salesperson—An individual employed by a broker or cemetery broker exclusively to perform the duties of a cemetery broker.

Commission—The State Real Estate Commission.

Comparative market analysis—A written analysis, opinion or conclusion by a contracted buyer's agent, transactional licensee or an actual or potential seller's agent relating to the probable sale price of a specified piece of real estate in an identified real estate market at a specified time, offered either for the purpose of determining the asking/offering price for the property by a specific actual or potential consumer or for the purpose of securing a listing agreement with a seller.

Consumer—An individual or entity who is the recipient of any real estate service.

Credit—A period of 15 hours of instruction.

Department—The Department of State of the Commonwealth.

Designated agent—One or more licensees designated by the employing broker, with the consent of the principal, to

act exclusively as the agent or agents for the principal to the exclusion of all other licensees within the broker's employ.

Dual agent—A licensee who acts as an agent for the buyer/tenant and seller/landlord in the same transaction.

Hour of instruction—A period of at least 50 minutes.

Initial interview—The first communication between a broker or salesperson and a consumer involving the personal/business or financial needs and motivations of the consumer. A discussion of the objective facts about the property, including dimensions, zoning classification, age, description or list price/lease amount, is not by itself a substantive discussion.

Licensee—An individual or entity licensed under the act. For purposes of the consumer notice in § 35.336(a) (relating to disclosure summary), the term means a broker or salesperson.

Listing broker—A broker who has entered into a written agreement with a seller/landlord to market property as a seller's agent, dual agent or transaction licensee.

Manager of record—The individual rental listing referral agent responsible for the rental listing transactions of a partnership, association or corporation that holds a rental listing referral agent's license.

Open listing agreement—A nonexclusive listing agreement governed by a memorandum or contract wherein the seller retains the right to employ multiple brokers to sell or lease a property.

Nonexclusive buyer agency agreement—A nonexclusive agreement governed by a memorandum or contract wherein the buyer retains the right to employ multiple brokers to purchase or lease a property.

Principal—A consumer who has entered into an agency relationship with a broker or another licensee employed by the broker.

Real estate—An interest or estate in land—whether corporeal or incorporeal, whether freehold or nonfreehold, whether the land is situated in this Commonwealth or elsewhere—including leasehold interests and time share and similarly designated interests.

Real estate school—An individual or entity that conducts classes in real estate subjects. The term does not include a college, university or institute of higher learning accredited by the Middle States Association of Colleges and Secondary Schools or equivalent accreditation.

Rental listing referral agent—An individual or entity that owns or manages a business which collects rental information for the purpose of referring prospective tenants to rental units or locations of rental units. The term does not include an official or employee of a public housing authority that is created under State or Federal law.

Salesperson—An individual who is employed by a broker to do one or more of the following:

- (i) Sell or offer to sell real estate, or list real estate for sale.
- (ii) Buy or offer to buy real estate.
- (iii) Negotiate the purchase, sale or exchange of real estate.
- (iv) Negotiate a loan on real estate.
- (v) Lease or rent real estate, or offer to lease or rent real estate or to place real estate for rent.

(vi) Collect rent for the use of real estate, or offer or attempt to collect rent for the use of real estate.

(vii) Assist a broker in managing property.

(viii) Perform a comparative market analysis.

Seller agent—A licensee who enters into an agency relationship with a seller/landlord.

Subagent—A licensee, not in the employ of the listing broker, who acts or cooperates with the listing broker in selling property as a seller's/landlord's agent and is deemed to have an agency relationship with the seller.

Time share—The right, however evidenced or documented, to use or occupy one or more units on a periodic basis according to an arrangement allocating use and occupancy rights of that unit or those units between other similar users. As used in this definition, the term "unit" is a building or portion thereof permanently affixed to real property and designed for separate occupancy or a campground membership or portion thereof designed for separate occupancy. The term does not include a campground membership.

Time-share salesperson—An individual who, either as an employee or an independent contractor, sells or offers to sell time shares.

Transaction licensee—A licensee who, without entering into an agency relationship with the consumer, provides communication or document preparation services or performs other acts listed in the definition of "broker" or "salesperson."

Subchapter E. STANDARDS OF CONDUCT AND PRACTICE

GENERAL ETHICAL RESPONSIBILITIES

§ 35.281. Putting contracts, commitments and agreements in writing.

(a) All contracts, commitments and agreements between a broker, or a licensee employed by the broker, and a principal or a consumer who is required to pay a fee, commission or other valuable consideration shall be in writing and contain the information specified in § 35.331 (relating to written agreements generally).

(b) The following are exceptions to subsection (a):

(1) Open listing agreements or nonexclusive buyer agency agreements may be oral if the seller/buyer or landlord/tenant is provided with a written memorandum stating the terms of the agreement.

(2) Transaction licensees or subagents cooperating with listing brokers are not required to obtain a written agreement from the seller/landlord.

(3) Transaction licensees or subagents who provide services to the buyer/tenant but are paid by the seller/landlord or listing broker shall provide, and have signed, a written disclosure statement describing the nature of the services to be performed and containing the information required by section 608 of the act (63 P. S. § 455.608).

(c) A licensee may perform services before an agreement is signed, but the licensee is not entitled to recover a fee, commission or other valuable consideration in the absence of a signed agreement.

§ 35.283. Disclosure of interest.

(a) A licensee may not participate in a real estate transaction involving property in which he has an owner-

ship interest unless he first discloses his interest in writing to all parties concerned.

(b) A licensee may not represent, or purport to represent, more than one party to a real estate transaction without the written consent of all parties concerned.

(c) A broker who manages rental property may not accept a commission, rebate or profit on expenditures made for the lessor without the lessor's written consent.

(d) A licensee who provides financial services, title transfer and preparation, insurance, construction, repair or inspection services, may not require a consumer to use any of these services.

(e) If the consumer chooses to use any of the services in subsection (d), the licensee shall provide the consumer with a written disclosure of any financial interest, including, a referral fee or commission, that the licensee has in the service. This disclosure shall be made at the time the licensee first advises the consumer that an ancillary service is available or when the licensee first learns that the consumer will be using the service.

(f) A licensee has a continuing obligation to disclose to a principal any conflict of interest in a reasonably practicable period of time after the licensee learns or should have learned of the conflict of interest.

§ 35.284. Disclosures of business relationships.

(a) *Disclosure to consumers seeking to sell or purchase residential or commercial real estate.*

(1) A licensee shall provide the disclosure summary in § 35.336 (relating to disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant) to consumers seeking to purchase or sell real estate at the initial interview if the interview occurs in person.

(2) If the initial interview does not occur in person, the licensee shall provide the oral disclosure in § 35.339 (relating to the oral disclosure) at the initial interview and the written disclosure statement in § 35.336 no later than the earlier of:

(i) The first meeting that the licensee has in person with the consumer after the initial interview.

(ii) The time the licensee or any person working with the licensee first shows a property to the consumer.

(b) *Disclosure to tenants seeking to lease residential or commercial real estate.*

(1) A licensee who is working on behalf of the tenant shall provide the disclosure summary in § 35.336 as required in subsection (a).

(2) A licensee who is working on behalf of the owner shall provide the disclosure summary in § 35.337 (relating to disclosure summary for the lease of residential or commercial real estate when the licensee is working on behalf of the owner) to tenants seeking to lease residential or commercial property at the initial interview.

(c) *Disclosure to consumers seeking to sell time shares.* A licensee shall provide the disclosure summary in § 35.338 (relating to disclosure summary for time-share estates) to consumers seeking to purchase time-share estates at the initial interview.

(d) *Signed disclosure.* A licensee shall provide a copy of the signed disclosure to the consumers referenced in subsections (a)—(c) and shall retain the signed acknowledgment under § 35.286 (relating to retention and pro-

duction of records). If a consumer refuses to sign the acknowledgment, the refusal shall be noted on the acknowledgment.

§ 35.286. Retention and production of records.

(a) *Retention.* A broker or cemetery broker shall retain records pertaining to a real estate transaction for at least 3 years following consummation except for the following which shall be retained for 6 months:

(1) The acknowledgement portion of the consumer notice applicable to the sale or purchase of real estate in § 35.336 (relating to disclosure summary for the purchase or sale of residential or commercial real estate or the lease of residential or commercial real estate or lease of residential or commercial real estate when the licensee is working on behalf of the tenant) when there is not a real estate transaction.

(2) The acknowledgement portion of the consumer notice applicable to time shares in § 35.338 (relating to disclosure summary for time-share estates).

(3) The acknowledgement portion of the consumer notice applicable to leases in § 35.336 and § 35.337 (relating to disclosure summary for the lease of residential or commercial real estate when the licensee is working on behalf of the owner).

(4) The written disclosure statement establishing a subagent or transaction licensee relationship required by § 35.281(b)(3) (relating to putting contracts, commitments and agreements in writing).

(b) *Production of documents.*

(1) A broker or cemetery broker shall produce the records required in subsection (a) for examination by the Commission or its authorized representatives upon written request or pursuant to an office inspection under § 35.246 (relating to inspection of office).

(2) A corporation, partnership or association that holds a broker's or cemetery broker's license shall produce its corporate, partnership or association records for examination by the Commission or its authorized representatives upon written request or pursuant to an office inspection under § 35.246.

§ 35.287. Supervised property management assistance by salespersons.

A salesperson may assist in property management if the salesperson's work is supervised and controlled by the employing broker. The salesperson may not independently negotiate the terms of a lease nor execute a lease on behalf of the lessor.

§ 35.292. Duties of licensees generally.

(a) The following duties are owed to all consumers of real estate services and may not be waived:

(1) Exercise reasonable professional skill and care.

(2) Deal honestly and in good faith.

(3) Present, in a reasonably practicable period of time, all offers, counteroffers, notices and communications to and from the parties in writing, unless the property is subject to an existing contract and the seller/landlord has agreed in a written waiver.

(4) Comply with the Real Estate Seller Disclosure Act (68 P. S. §§ 1021—1036).

(5) Account for escrow and deposits funds as required by section 604(a)(5) of the act (63 P. S. § 455.604(a)(5)) and §§ 35.321—35.328 (relating to escrow requirements).

(6) Provide consumers with the information in section 608 of the act (63 P. S. § 455.608) at the initial interview.

(7) Disclose, in a reasonably practicable period of time, all conflicts of interest and financial interests as required in § 35.283 (relating to disclosure of interest).

(8) Advise the consumer to seek expert advice on matters about the transaction that are beyond the licensee's expertise.

(9) Ensure that all services are provided in a reasonable, professional and competent manner.

(10) Keep the consumer informed about the transaction and the tasks to be completed.

(11) Provide assistance with document preparation.

(12) Advise the consumer about compliance with laws pertaining to real estate transactions without rendering legal advice.

(b) A licensee is not required to conduct an independent inspection of the property.

(c) A licensee is not required to independently verify the accuracy or completeness of any representation made by the consumer to a transaction which the licensee reasonably believes to be accurate and reliable.

(d) A licensee is not liable for the acts of a consumer unless the consumer is acting at the express direction of the licensee or as a result of a representation by a licensee reasonably relied on by the consumer.

PERMITTED RELATIONSHIPS

§ 35.311. Generally.

(a) A licensee and a consumer may enter into the relationship specified in sections 606.2—606.4 and 606.6 of the act (63 P.S. §§ 455.606—455.606d and 455.606f).

(b) A broker may not extend or delegate the broker's agency relationship without the written consent of the principal.

(c) Compensation paid by a broker to another broker who assists in the marketing and sale/lease of a consumer's property does not create an agency relationship between the consumer and that other broker.

(d) A licensee in an agency relationship may not knowingly, during or following the termination of an agency relationship, reveal or use confidential information of the principal, except when one or more of the following apply:

- (1) The principal consented to the disclosure.
- (2) The information is disclosed to another licensee or third party acting solely on behalf of the principal.
- (3) The information is required to be disclosed under subpoena or court order.
- (4) The disclosure is necessary to prevent the principal from committing a crime.
- (5) The information is used by the licensee to defend in a legal proceeding against an accusation of wrongdoing.

§ 35.312. Duties of seller's agent.

(a) In addition to the duties required in § 35.292 (relating to duties of licensees generally), a seller's agent owes the additional duties of:

- (1) Loyalty to the seller/landlord by acting in the seller's/landlord's best interest.
- (2) Confidentiality, except that a licensee has a duty to reveal known material defects about the property.

(3) Making a continuous and good faith effort to find a buyer/tenant for the property except when the property is subject to an existing agreement of sale/lease.

(4) Disclosure to other parties in the transaction that the licensee has been engaged as a seller's agent.

(b) A licensee does not breach a duty to a seller/landlord by showing alternative properties to a prospective buyer/tenant or listing competing properties.

(c) A seller's agent may compensate other brokers as subagents if the seller/landlord agrees in writing. Subagents have the same duties and obligations to the seller/landlord as the seller's agent.

(d) A seller's agent may also compensate a buyer's agent and a transaction licensee who do not have the same duties and obligations to the seller/landlord as the seller's agent.

(e) Upon entering into a written agreement with the seller/landlord, each licensee employed by the broker will act as a seller's agent unless a licensee has been named, or is thereafter named, a designated agent under § 35.315 (relating to designated agency).

§ 35.313. Duties of buyer's agent.

(a) In addition to the duties required in § 35.292 (relating to duties of licensees generally), a buyer's agent owes the additional duties of:

- (1) Loyalty to the buyer/tenant by acting in the buyer's/tenant's best interest.
- (2) Confidentiality.
- (3) Making a continuous and good faith effort to find a property for the buyer/tenant except when the buyer/tenant is subject to an existing contract for sale/lease.

(4) Disclosure to other parties in the transaction that the licensee has been engaged as a buyer's agent.

(b) A licensee does not breach a duty to a buyer/tenant by showing a property the buyer/tenant is interested in to other buyer/tenants.

(c) A buyer's agent represents the interests of the buyer/tenant even if paid by the seller/landlord.

(d) Upon entering into a written agreement with the buyer/tenant, each licensee employed by the broker will act as a buyer's agent unless a licensee has been named, or is thereafter named, a designated agent under § 35.315 (relating to duties of designated agency).

§ 35.314. Duties of dual agent.

(a) A licensee may act as a dual agent if both parties consent in writing.

(b) In addition to the duties required in § 35.292 (relating to duties of licensees generally), a dual agent owes the additional duties of:

- (1) Taking no action that is adverse or detrimental to either party's interest in the transaction.
- (2) Unless otherwise agreed in writing, making a continuous and good faith effort to find a buyer/tenant for the property and a property for the buyer/tenant except when the buyer/tenant or seller/landlord is subject to an existing contract.
- (3) Confidentiality, except that a licensee is required to disclose known material defects about the property.

(c) A dual agent does not breach a duty to the seller/landlord by showing properties not owned by the seller/landlord to a prospective buyer/tenant or listing competing properties for sale/lease.

(d) A dual agent does not breach a duty to a buyer/tenant by showing a property the buyer/tenant is interested in to other prospective buyer/tenants.

§ 35.315. Duties of designated agent.

(a) A broker, with the written consent of the principal, may designate one or more licensees to act exclusively as the agent of the seller/landlord, and designate one or more licensees to act exclusively as the agent of the buyer/tenant in the same transaction.

(b) Designation may take place at any time. If designation takes place after the initial designation or after a written agreement has been entered into, the broker shall:

(1) Obtain the principal's consent, in writing, to the newly designated licensee.

(2) Obtain, when applicable, the principal's agreement to renounce any previous agency relationship with the other licensees employed by the broker.

(c) Regardless of when the designation takes place, the broker and the designated agents shall use reasonable care to ensure that confidential information is not disclosed or used.

(d) The licensees employed by the broker who are not designated have no agency relationship with either party in the transaction.

(e) Each licensee employed by the same broker who is a designated agent in the same transaction, owes the following additional duties, in addition to those required in § 35.292 (relating to duties of licensees generally):

(1) Loyalty to the principal with whom the designated agent is acting by working in that principal's best interest.

(2) Make a continuous and good faith effort to find a buyer/tenant for a principal who is a seller/landlord or to find a property for a principal who is the buyer/tenant except where the seller/landlord is subject to an existing contract for sale or lease or the buyer/tenant is subject to an existing contract to purchase or lease.

(3) Disclose to the principal prior to writing or presenting an offer to purchase that the other party to the transaction is represented by a designated agent also employed by the broker.

(4) Confirm that the broker is a dual agent in the transaction.

(f) In the transaction specified in subsection (e), the employing broker, as a dual agent, has the additional duties, in addition to those specified in § 35.292 and § 35.314 (relating to duties of dual agents), of:

(1) Taking reasonable care to protect any confidential information that has been disclosed to the designated licensees.

(2) Taking responsibility to direct and supervise the business activities of the designated licensees while taking no action that is adverse or detrimental to either party's interest in the transaction.

§ 35.316. Duties of transaction licensee.

In addition to the duties required in § 35.292 (relating to duties of licensees generally), a transaction licensee shall advise the consumer that the licensee:

(1) Is not acting as an agent or advocate for the consumer and should not be provided with confidential information.

(2) Owes the additional duty of limited confidentiality in that the following information may not be disclosed:

(i) The seller/landlord will accept a price less than the asking/listing price.

(ii) The buyer/tenant will pay a price greater than the price submitted in a written offer.

(iii) The seller/landlord or buyer/tenant will agree to financing terms other than those offered.

REAL ESTATE DOCUMENTS

§ 35.331. Written agreements generally.

(a) A written agreement between a broker and a principal or between a broker and a consumer whereby the consumer is or may be committed to pay a fee, commission or other valuable consideration shall contain the following:

(1) Notification that a Real Estate Recovery Fund exists to reimburse a person who has obtained a final civil judgment against a Commonwealth real estate licensee owing to fraud, misrepresentation or deceit in a real estate transaction and who has been unable to collect the judgment after exhausting legal and equitable remedies. Details about the Fund may be obtained by calling the Commission at (717) 783-3658.

(2) Notification that payments of money received by the broker on account of a sale—regardless of the form of payment and the person designated as payee (if payment is made by an instrument)—shall be held by the broker in an escrow account pending consummation of the sale or a prior termination thereof.

(3) Notification that the broker's commission and the duration of the agreement have been determined as a result of negotiations between the broker, or a licensee employed by the broker, and the seller/landlord or buyer/tenant.

(4) A description of the services to be provided and the fees to be charged.

(5) Notification about the possibility that the broker or any licensee employed by the broker may provide services to more than one party in a single transaction, and an explanation of the duties owed to the other party and the fees which the broker may receive for those services.

(6) Notification of the licensee's continuing duty to disclose in a reasonably practicable period of time any conflict of interest.

(7) In an agreement between a broker and a seller/landlord, a statement regarding cooperation with sub-agents and buyers agents, a disclosure that a buyer agent, even if compensated by the listing broker or seller/landlord will represent the interests of the buyer/tenant and a disclosure of any potential for the broker to act as a dual agent.

(8) In an agreement between a broker and a buyer/tenant, an explanation that the broker may be compensated based upon a percentage of the purchase price, the broker's policies regarding cooperation with listing brokers willing to pay buyer's brokers, a disclosure that the broker, even if compensated by the listing broker or seller/landlord will represent the interests of the buyer/tenant and a disclosure of any potential for the broker to act as a dual agent.

(b) To the extent that any of the information required in subsection (a) is set forth in the disclosure summaries in §§ 35.336—35.338 (relating to disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant; disclosure summary for the lease of residential or commercial real estate when the licensee is working on behalf of the owner; and disclosure summary for time-share estates), those provisions need not be repeated, but may be incorporated by reference.

§ 35.332. Exclusive listing agreements.

(a) An exclusive listing agreement may comprise one of the following:

- (1) The exclusive agency of the broker.
- (2) The exclusive right-to-sell or exclusive right-to-lease.

(b) An exclusive listing agreement shall contain, in addition to the requirements in § 35.331 (relating to written agreements generally), the following:

- (1) The sale or lease price.
- (2) The commission, fees or other compensation expected on the sale or lease price.
- (3) The duration of the agreement.
- (4) In the case of an exclusive right-to-sell agreement, a statement in bold face type that the broker earns a commission on the sale of the property during the listing period by whomever made, including the owner.
- (5) In the case of an exclusive right-to-lease agreement, a statement in bold print that the broker earns a commission on the lease of the property during the listing period by whomever made, including the lessor.

(c) An exclusive listing agreement may not contain:

- (1) A listing period exceeding 1 year.
- (2) An automatic renewal clause.
- (3) A cancellation notice to terminate the agreement at the end of the listing period set forth in the agreement.
- (4) Authority of the broker to execute a signed agreement of sale or lease for the owner or lessor.
- (5) An option by the broker to purchase the listed property.
- (6) Authority of the broker to confess judgment against the owner or lessor for the Commission in the event of a sale or lease.

(d) Authority of the broker to confess judgment against the owner or lessor for the Commission in the event of a sale or lease.

§ 35.333. Agreements of sale.

(a) An agreement of sale, other than for a cemetery lot, mausoleum or cremation space or opening, shall contain:

- (1) The date of the agreement.
- (2) The names of the buyer and seller.
- (3) A description of the property and the interest to be conveyed.
- (4) The sale price.
- (5) The dates for payment and conveyance.
- (6) The zoning classification of the property, except if the property (or each parcel thereof, if subdividable) is zoned solely or primarily to permit single-family dwellings, together with a statement that the failure of the agreement of sale to contain the zoning classification of the property shall render the agreement voidable at the

option of the buyer and, if voided, deposits tendered by the buyer shall be returned to the buyer without a requirement of court action.

(7) A statement identifying the capacity in which the broker, or a licensee employed by the broker is involved in the transaction and whether services have been provided to another party in the transaction.

(8) A provision that payments of money received by the broker on account of the sale—regardless of the form of payment and the person designated as payee (if payment is made by an instrument)—shall be held by the broker in an escrow account pending consummation of the sale or a prior termination thereof.

(9) The following statement:

“A Real Estate Recovery Fund exists to reimburse any person who has obtained a final civil judgment against a Pennsylvania real estate licensee owing to fraud, misrepresentation, or deceit in a real estate transaction and who has been unable to collect the judgment after exhausting all legal and equitable remedies. For complete details about the Fund, call (717) 783-3658.”

(10) A statement that access to a public road may require issuance of a highway occupancy permit from the Department of Transportation.

(11) In the case of an agreement of sale for the purchase of a time share or campground membership, a statement regarding the purchaser's right of cancellation that is set forth conspicuously in bold face type of at least 10 point size immediately above the signature line for the purchaser and that is in substantially the following form:

“You, the purchaser, may cancel this purchase at any time prior to midnight of the fifth day following the date of this transaction. If you desire to cancel, you are required to notify the seller, in writing, at (insert address). Such notice shall be given by certified return receipt mail or by any other bona fide means of delivery which provides you with a receipt. Such notice shall be effective upon being postmarked by the United States Postal Service or upon deposit of the notice with any bona fide means of delivery which provides you with a receipt.”

(b) An agreement of sale that is conditioned upon the ability of the buyer to obtain a mortgage shall contain:

- (1) The type of mortgage.
- (2) The mortgage principal.
- (3) The maximum interest rate of the mortgage.
- (4) The minimum term of the mortgage.
- (5) The deadline for the buyer to obtain the mortgage.

(6) The nature and extent of assistance that the broker will render to the buyer in obtaining the mortgage.

(c) The following terms shall be printed in bold face if made part of an agreement of sale:

(1) A provision relieving the seller from responsibility for defects involving the sale property, or a provision requiring the buyer to execute a release to that effect at the time of settlement, or a provision of similar import.

(2) A provision reserving to the builder-seller the right to change, or depart from, the building specifications for the sale property.

(d) An agreement of sale for a cemetery lot or plot or a mausoleum space or opening shall contain the requirements in subsection (a)(1)—(5) and (9).

§ 35.336. Disclosure summary for the purchase or sale of residential or commercial real estate or for the lease of residential or commercial real estate when the licensee is working on behalf of the tenant.

The Disclosure Summary shall be entitled "Consumer Notice" and shall be in the following format available from the Commission office upon request by phone, fax or internet:

**CONSUMER NOTICE
THIS IS NOT A CONTRACT**

Pennsylvania law requires real estate brokers and salespersons (licensees) to advise consumers who are seeking to sell or purchase residential or commercial real estate or tenants who are seeking to lease residential or commercial real estate where the licensee is working on behalf of the tenant of the business relationships permitted by the Real Estate Licensing and Registration Act. This notice must be provided to the consumer at the first contact where a substantive discussion about real estate occurs unless an oral disclosure has been previously provided. If the oral disclosure was provided, this notice must be provided at the first meeting or the first time a property is shown to the consumer by the broker or salesperson.

Before you disclose any information to a licensee, be advised that unless you select an agency relationship the licensee is not representing you. A business relationship of any kind will not be presumed but must be established between the consumer and the licensee.

Any licensee who provides you with real estate services owes you the following duties:

- Exercise reasonable professional skill and care which meets the practice standards required by the act.
 - Deal honestly and in good faith.
 - Present, in a reasonably practicable period of time, all offers, counteroffers, notices, and communications to and from the parties in writing. The duty to present written offers and counteroffers may be waived if the waiver is in writing.
 - Comply with Real Estate Seller Disclosure Act.
 - Account for escrow and deposit funds.
 - Disclose all conflicts of interest in a reasonably practicable period of time.
 - Provide assistance with document preparation and advise the consumer regarding compliance with laws pertaining to real estate transactions.
 - Advise the consumer to seek expert advice on matters about the transaction that are beyond the licensee's expertise.
 - Keep the consumer informed about the transaction and the tasks to be completed.
 - Disclose financial interest in a service, such as financial, title transfer and preparation services, insurance, construction, repair or inspection, at the time service is recommended or the first time the licensee learns that the service will be used.
- A licensee may have the following business relationships with the consumer:

Seller Agency:

Seller agency is a relationship where the licensee, upon entering into a written agreement, works only for a seller/landlord. Seller's agents owe the additional duties of:

- Loyalty to the seller/landlord by acting in the seller's/landlord's best interest.
- Confidentiality, except that a licensee has a duty to reveal known material defects about the property.
- Making a continuous and good faith effort to find a buyer for the property, except while the property is subject to an existing agreement.
- Disclosure to other parties in the transaction that the licensee has been engaged as a seller's agent.

A seller's agent may compensate other brokers as subagents if the seller/landlord agrees in writing. Subagents have the same duties and obligations as the seller's agent. Seller's agents may also compensate buyer's agents and transaction licensees who do not have the same duties and obligations as seller's agents.

If you enter into a written agreement, the licensees in the real estate company owe you the additional duties identified above under seller agency. The exception is designated agency. See the designated agency section in this notice for more information.

Buyer Agency:

Buyer agency is a relationship where the licensee, upon entering into a written agreement, works only for the buyer/tenant. Buyer's agents owe the additional duties of:

- Loyalty to the buyer/tenant by acting in the buyer's/tenant's best interest.
- Confidentiality, except that a licensee is required to disclose known material defects about the property.
- Making a continuous and good faith effort to find a property for the buyer/tenant, except while the buyer is subject to an existing contract.
- Disclosure to other parties in the transaction that the licensee has been engaged as a buyer's agent.

A buyer's agent may be paid fees, which may include a percentage of the purchase price, and, even if paid by the seller/landlord, will represent the interests of the buyer/tenant.

If you enter into a written agreement, the licensees in the real estate company owe you the additional duties identified above under buyer agency. The exception is designated agency. See the designated agency section in this notice for more information.

Dual Agency:

Dual agency is a relationship where the licensee acts as the agent for both the seller/landlord and the buyer/tenant in the same transaction with the written consent of all parties. dual agents owe the additional duties of:

- Taking no action that is adverse or detrimental to either party's interest in the transaction.
- Unless otherwise agreed to in writing, making a continuous and good faith effort to find a buyer for the property and a property for the buyer, unless either are subject to an existing contract.
- Confidentiality, except that a licensee is required to disclose known material defects about the property.

Designated Agency:

In designated agency, the employing broker may, with your consent, designate one or more licensees from the real estate company to represent you. Other licensees in the company may represent another party and shall not be provided with any confidential information. The designated agent(s) shall have the duties as listed above under seller agency and buyer agency.

In designated agency, the employing broker will be a dual agent and have the additional duties of:

- Taking reasonable care to protect any confidential information disclosed to the licensee.
- Taking responsibility to direct and supervise the business activities of the licensees who represent the seller and buyer while taking no action that is adverse or detrimental to either party's interest in the transaction.

The designation may take place at the time that the parties enter into a written agreement, but may occur at a later time. Regardless of when the designation takes place, the employing broker is responsible for ensuring that confidential information is not disclosed.

Transaction Licensee:

A transaction licensee is a broker or salesperson who provides communication or document preparation services or performs other acts for which a license is required without being the agent or advocate for either the seller/landlord or the buyer/tenant. Upon signing a written agreement or disclosure statement, a transaction licensee has the additional duty of limited confidentiality in that the following information may not be disclosed:

- The seller/landlord will accept a price less than the asking/listing price.
- The buyer/tenant will pay a price greater than the price submitted in a written offer.
- The seller/landlord or buyer/tenant will agree to financing terms other than those offered.

Other information deemed confidential by the consumer shall not be provided to the transaction licensee.

OTHER INFORMATION ABOUT REAL ESTATE TRANSACTIONS

The following are negotiable and shall be addressed in an agreement/disclosure statement with the licensee:

- The duration of the employment, listing agreement or contract.
- The fees or commissions.
- The scope of the activities or practices.
- The broker's cooperation with other brokers, including the sharing of fees.

Any sales agreement must contain the zoning classification of a property except in cases where the property is zoned solely or primarily to permit single family dwellings.

The Real Estate Recovery Fund exists to reimburse any person who has obtained a final civil judgment against a Pennsylvania real estate licensee owing to fraud, misrepresentation, or deceit in a real estate transaction and who has been unable to collect the judgment after exhausting all legal and equitable remedies. For complete details about the Fund, call (717) 783-3658.

ACKNOWLEDGMENT

I ACKNOWLEDGE THAT I HAVE RECEIVED THIS DISCLOSURE.

DATE: _____
PRINT (CONSUMER) PRINT (CONSUMER)

SIGNED (CONSUMER) SIGNED (CONSUMER)

ADDRESS (OPTIONAL): ADDRESS (OPTIONAL):

PHONE NUMBER PHONE NUMBER
(OPTIONAL): (OPTIONAL):

I CERTIFY THAT I HAVE PROVIDED THIS DOCUMENT TO THE ABOVE CONSUMER.

DATE: _____
PRINT LICENSEE

SIGNED LICENSEE

ADOPTED BY THE STATE REAL ESTATE COMMISSION AT 49 PA. CODE § 35.336.

§ 35.337. Disclosure summary for the lease of residential or commercial real estate when the licensee is working on behalf of the owner.

The disclosure summary for the lease of residential or commercial property shall be in the following format:

**CONSUMER NOTICE
THIS IS NOT A CONTRACT**

(LICENSEE) HEREBY STATES THAT WITH RESPECT TO THIS PROPERTY, (DESCRIBE PROPERTY) I AM ACTING IN THE FOLLOWING CAPACITY: (CHECK ONE)

- (I) OWNER/LANDLORD OF THE PROPERTY;
- (II) A DIRECT EMPLOYEE OF THE OWNER/LANDLORD; OR
- (III) AN AGENT OF THE OWNER/LANDLORD PURSUANT TO A PROPERTY MANAGEMENT OR EXCLUSIVE LEASING AGREEMENT.

I ACKNOWLEDGE THAT I HAVE RECEIVED THIS NOTICE:

DATE: _____
PRINT (CONSUMER) PRINT (CONSUMER)

SIGNED (CONSUMER) SIGNED (CONSUMER)

ADDRESS (OPTIONAL): ADDRESS (OPTIONAL):

PHONE NUMBER PHONE NUMBER
(OPTIONAL): (OPTIONAL):

I CERTIFY THAT I HAVE PROVIDED THIS NOTICE:

(LICENSEE) (DATE)

§ 35.338. Disclosure summary for time-share estates.

The disclosure summary for time-share estates shall be in the following format:

**CONSUMER NOTICE
THIS IS NOT A CONTRACT**

(LICENSEE) HEREBY STATES THAT WITH RESPECT TO THIS PROPERTY, (DESCRIBE PROPERTY) I AM ACTING IN THE FOLLOWING CAPACITY: (CHECK ONE)

- (I) OWNER OF THE PROPERTY;
 (II) A DIRECT EMPLOYEE OF THE OWNER; OR
 (III) AN AGENT OF THE OWNER PURSUANT TO A PROPERTY MANAGEMENT OR EXCLUSIVE LEASING OR SELLING AGREEMENT.

I ACKNOWLEDGE THAT I HAVE RECEIVED THIS NOTICE:

 (CONSUMER) (DATE)

I CERTIFY THAT I HAVE PROVIDED THIS NOTICE:

 (LICENSEE) (DATE)

§ 35.339. Oral disclosure.

The disclosure shall be read verbatim:

"THE REAL ESTATE LAW REQUIRES THAT I PROVIDE YOU WITH A WRITTEN CONSUMER NOTICE THAT DESCRIBES THE VARIOUS BUSINESS RELATIONSHIP CHOICES THAT YOU MAY HAVE WITH A REAL ESTATE LICENSEE. SINCE WE ARE DISCUSSING REAL ESTATE WITHOUT YOU HAVING THE BENEFIT OF THE CONSUMER NOTICE, I HAVE THE DUTY TO ADVISE YOU THAT ANY INFORMATION YOU GIVE ME AT THIS TIME IS NOT CONSIDERED TO BE CONFIDENTIAL, AND ANY INFORMATION YOU GIVE ME WILL NOT BE CONSIDERED CONFIDENTIAL UNLESS AND UNTIL YOU AND I ENTER INTO A BUSINESS RELATIONSHIP. AT OUR FIRST MEETING I WILL PROVIDE YOU WITH A WRITTEN CONSUMER NOTICE WHICH EXPLAINS THOSE BUSINESS RELATIONSHIPS AND MY CORRESPONDING DUTIES TO YOU."

§ 35.340. Comparative market analysis.

A comparative market analysis shall contain the following statement printed conspicuously and without change on the first page:

This analysis has not been performed in accordance with the Uniform Standards of Professional Appraisal Practice which requires valuers to act as unbiased, disinterested third parties with impartiality, objectivity and independence and without accommodation of personal interest. It is not to be construed as an appraisal and may not be used as such for any purpose.

[Pa.B. Doc. No. 02-494. Filed for public inspection March 29, 2002, 9:00 a.m.]

**STATE BOARD OF PHYSICAL THERAPY
 [49 PA. CODE CH. 40]
 Examination Fees**

The State Board of Physical Therapy (Board) amends §§ 40.5 and 40.13—40.16 to read as set forth in Annex A.

Effective Date

The amendments take effect upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

This final-form rulemaking authorized under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 8 of the Physical Therapy Practice Act (63 P. S. § 1308).

Background and Purpose

This final-form rulemaking deletes references to examination fees for the physical therapist, athletic trainer and physical therapist assistant examinations. A third-party testing organization develops and administers the examinations. The fees are established by the test provider and are paid by the examinee. The examiner communicates directly with the applicants, who pay the examination fees directly to the examiner. Thus, to avoid the necessity of amending its regulations whenever the examination administrator might change the fees, the Board has deleted all references to examination fees.

Response to Comments

Notice of proposed rulemaking was published at 31 Pa.B. 2379 (May 5, 2001). Publication was followed by a 30-day public comment period during which the Board received no public comments. Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC). The Board did not receive any comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). This final-form rulemaking responds to the comments and suggestions made by IRRC.

As proposed, the Board would have deleted only the examination fees in § 40.5 (relating to fees). IRRC recommended that the Board delete all references to examination fees and examinations in §§ 40.13—40.16.

The Board concurs with the recommendation as it applies to § 40.15 (relating to examinations) and has amended this provision accordingly. The Board has not deleted references to the examination in §§ 40.13 and 40.16 (relating to areas of examination; and licensure by endorsement) since the elimination of the examination fees does not change the Board's review process. The Board still determines eligibility to sit for the examinations and still must notify applicants for licensure that an examination is required. The Board does believe, however, that amendments are necessary to clarify that the examinations are administered by the Board-approved vendor, rather than the Board. The Board, therefore, clarified this language in §§ 40.13 and 40.16.

With respect to § 40.14 (relating to failure; reexamination), an applicant who fails the first examination and wishes to take a second examination shall pay an additional examination fee charged by the vendor. The Board clarifies in § 40.14 that the additional fee is for the examination and that it is charged by the vendor, not by the Board.

The application procedure is as follows. Upon request, the applicant receives from the Board an application consisting of four parts. The first part requires the candidate to provide personal data and an application fee to the Board. The second part requests verification of education which is sent directly to the school by the applicant and the school returns it to the Board. The third part is an application for computerized testing which the applicant sends to the Board. The Board forwards this to the National provider after the Board determines the applicant is eligible for the examination. The fourth part is a payment information form which is directly sent by the applicant along with the examination fee to the National provider. The National provider sends the applicant scheduling information to schedule the examination with Prometric Testing Service.

Compliance with Executive Order 1996-1

The Board reviewed this final-form rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation," and determined that the final-form rulemaking comply with the order.

Fiscal Impact and Paperwork Requirements

The final-form amendments will have no adverse fiscal impact nor will they impose significant paperwork requirements on the Board, licensees, the Commonwealth, its political subdivisions or the public sector.

Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 5, 2001, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 2379, to IRRC and to the Chairpersons of SCP/PLC and HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, SCP/PLC and HPLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered the comments received from IRRC, SCP/PLC, HPLC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on March 4, 2002, this final-form rulemaking was deemed approved by the SCP/PLC and HPLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 7, 2002, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Robert Kline, Administrative Assistant, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7134.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 2379.
- (4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 40, are amended by amending § 40.5 to read as set forth at 31 Pa.B. 2379; and by amending §§ 40.13—40.16 to read as set forth in Annex A.

(b) The Board shall submit this order, 31 Pa.B. 2379 and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order, 31 Pa.B. 2379 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on final-form publication in the *Pennsylvania Bulletin*.

(Editor's Note: The amendments to §§ 40.13—40.16 were not included in the proposal at 31 Pa.B. 2379.)

JAMES J. IRRGANG,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 1590 (March 23, 2002).)

Fiscal Note: Fiscal Note 16A-658 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

Subchapter A. PHYSICAL THERAPISTS LICENSURE

§ 40.13. Areas of examination.

(a) An applicant for licensure shall pass the approved licensing examination described in section 6(b) of the act (63 P. S. § 1306(b)). The Board's approved vendor conducts at least two written examinations each year. The examinations will be conducted in the English language in the following areas:

- (1) Basic science.
- (2) Clinical science.
- (3) Physical therapy theory and procedures.

(b) Oral or practical examinations, or both, for licensure may be administered by the Board-approved vendor under section 6(b) of the act, in addition to the requirement of passing a written examination for licensure.

§ 40.14. Failure; reexamination.

(a) Applicants shall successfully pass, to the satisfaction of the Board, the examination approved by the Board. In cases of failure at the first examination, the applicant shall have, after the expiration of 6 months and within 2 years from the date of the first failure, the privilege of a second examination, with the payment of an additional examination fee charged by the vendor.

(b) After a second or successive failure to pass the examination, an applicant desiring to take a third or successive examination shall make a new application within the meaning of section 5 of the act (63 P. S. § 1305) within 6 months from the date of the last failure; provided, however, that prior to filing a new application for examination, the Board may require evidence of additional training. If the Board determines that the applicant will be permitted to take a third or successive examination, the Board may, authorize in connection with

a written examination an oral or practical examination, or both, to test the knowledge and competence of the applicant.

(c) The granting of permission by the Board to take a third or successive examination is at all times subject to the applicant otherwise qualifying under the requirements in force at the time permission to take the examination is sought.

§ 40.15. Examinations.

(a) An application for licensure by examination may be obtained from the State Board of Physical Therapy, Post Office Box 2649, Harrisburg, Pennsylvania, 17105-2649.

(b) No applicant may be admitted to examination who is unable to present, at the time of application, the required credentials of professional education from an approved institution.

(c) Examinations are conducted by numbers, exclusive of names, and the candidate may in no part of his paper give indication as to his name or school of graduation.

(d) As a means of identifying applicants, two unmounted finished photographs, not proofs, of each applicant shall be furnished, one of which shall be certified by the appropriate officer of the physical therapy school attended and the other of which shall be marked with the number assigned to the candidate and shall be returned to him with a card of admission to the examinations. Each candidate shall bring the admission card and returned photograph to the Board; otherwise, the candidate may not be admitted to the examination.

§ 40.16. Licensure by endorsement.

An applicant for licensure by endorsement is required to submit the professional credentials in § 40.11 (relating

to licensure by examination; requirements for examination), and comply with the following:

(1) Submit a written application on forms provided by the Board, together with evidence satisfactory to the Board that he is licensed or otherwise registered as a physical therapist in another state or territory of the United States, or in the District of Columbia, if the requirements for licensure or registration in the state, territory or district were, at the date of his licensure or registration, substantially equal to the requirements for licensure or registration in this Commonwealth under the act.

(2) In the event that an applicant for licensure by endorsement has taken and failed the Commonwealth's approved examination one or more times but has subsequently taken and passed an examination given in another state or territory of the United States or in the District of Columbia, proof shall be given to the Board by the applicant that the other examination taken and passed by the applicant was in fact equivalent to the examination this Commonwealth has approved, before the Board will exercise its discretion in considering endorsing the applicant for licensure.

(3) A fee prescribed in § 40.5 (relating to fees) shall accompany each application for licensure by endorsement. Reference should be made to section 6(d)(2) of the act (63 P. S. § 1306(d)(2)).

[Pa.B. Doc. No. 02-495. Filed for public inspection March 29, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

Proposed Amendments to the Administrative Manual—Rules of Practice and Procedure Con- cerning Fees Associated with Responses to FOIA Requests

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on proposed amendments to the Commission's *Administrative Manual—Rules of Practice and Procedure*, 25 Pa. Code § 901.1, updating the fee schedule associated with Commission responses to Freedom of Information Act (FOIA) requests. The current schedule of fees was promulgated in 1975 and has not been updated since. Over the past quarter of a century, computer technologies have introduced new methods of recording and reproducing information that were not contemplated by the 1975 regulations, and administrative costs have increased. The proposed fee structure reflects current technology and costs.

Dates

The public hearing will be held on Friday, May 31, 2002, during the Commission's regular business meeting, which will begin at 1 p.m. The meeting on May 31, 2002, must end by 3 p.m., but if necessary, the hearing will continue at the Commission's next scheduled business meeting until all those who wish to testify are afforded an opportunity to do so. Persons wishing to testify are asked to register in advance with the Commission Secretary, (609) 883-9500 ext. 203. Written comments will be accepted through the close of the public hearing; however, earlier submittals would be appreciated.

Addresses

The public hearing will be held at Grey Towers National Historic Landmark, 151 Grey Towers Drive, Milford, PA. Directions will be posted on the Commission's website at <http://www.drbc.net> by April 1, 2002. Written comments should be addressed to the Commission Secretary, Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360.

Further Information, Contacts

Contact Pamela Bush at (609) 883-9500 ext. 203 with questions about the proposed amendments or the rule-making process. Notice also is posted on the Commission's website at <http://www.drbc.net>.

It is proposed to amend Article 8, Section 2.8.10 "Fees" of the *Administrative Manual—Rules of Practice and Procedure*, by striking the language of sub-section A of that section and replacing it with the following:

A. Unless waived in accordance with the provisions of Section 2.8.11, the following fees shall be imposed for production of any record pursuant to this part.

1. Administrative Fees.

a. Charges for administrative fees include staff time associated with:

- (i) Processing FOIA requests;
- (ii) Locating and reviewing files;
- (iii) Monitoring file reviews;

(iv) Generating computer records (electronic print-outs); and

(v) Preparing logs of records deemed non-public.

b. Administrative charges will be calculated as follows: Administrative charges will be billed to the requester per quarter hour following the first quarter hour. These charges will be billed at the current, hourly paygrade rate (pro-rated for quarter hour increments) of the personnel performing the service. Administrative charges will be in addition to any copying charges.

c. Appointment Rescheduling/Cancellation—Requesters that do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the administrative charges incurred by the Commission in preparing the requested records. The Commission will prepare an itemized invoice of these charges and mail it to the requester for payment.

2. *Photocopying Fees*—The following are charges for photocopies of public records made by Commission personnel:

a. Standard Sized, Black and White Copies

The charge for copying standard sized, black and white public records shall be \$0.15 per printed page (i.e., single-sided copies are \$0.15 and double-sided copies are \$0.30). This charge applies to copies on the following standard paper sizes:

- (i) 8.5" × 11"
- (ii) 8.5" × 14"
- (iii) 11" × 17"

b. Color Copies/Printouts

The charge for color copies or color printouts shall be as follows:

- (i) 8.5" × 11"—\$1.00 per page
- (ii) 8.5" × 14"—\$1.50 per page
- (iii) 11" × 17"—\$2.00 per page

(iv) The charge for all color copies larger than 11" x 17" (including, but not limited to: photographic imagery, GIS print-outs, and maps) shall be calculated at the rate of \$2.50 per square foot.

c. Electronically Generated Records

Charges for copying records maintained in electronic format will be calculated by the material costs involved in generating the copies (including, but not limited to: magnetic tape, diskette, or compact disc costs) and administrative costs.

d. Other Copying Fees

The Commission, at its discretion, may arrange to have records copied by an outside contractor if the Commission does not have the resources or equipment to copy such records. In this instance, the requester will be liable for payment of these costs.

3. Forwarding material to destination. Postage, insurance, and special fees will be charged on an actual cost basis.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 02-496. Filed for public inspection March 22, 2002, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, April 3, 2002. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: updates on the Comprehensive Plan, a set of Water Quality Standards revisions under development by the Water Quality Advisory Committee and proposed resolutions to protect existing water quality in the Lower Delaware River; a report of the Flow Management Technical Advisory Committee concerning extending or replacing the Experimental Augmented Conservation Release Program for the New York City Delaware Basin Reservoirs; a report on the PCB Expert Panel meeting of February 12, 2002; and a proposed resolution regarding additional point source discharge monitoring required to support development of a TMDL for PCBs in the Delaware Estuary.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the dockets listed in this notice, a resolution revising and extending Docket No. D-77-20 CP (Revision 4) to continue the Augmented Conservation Release Program for the New York City Delaware Basin Reservoirs and a resolution to issue Guidelines for Developing an Integrated Resource Plan under the Commission Ground Water Protected Area Regulations.

The dockets scheduled for public hearing are as follows:

1. *Holdover Project: Philadelphia Suburban Water Company D-98-11 CP.* A project to withdraw up to 4 million gallons per day (mgd) from the East Branch Brandywine Creek for public water supply when streamflow exceeds 25 % of the average daily flow and is also greater than 90 mgd for the Brandywine River at Chadds Ford. The applicant proposes to serve portions of Wallace, East Brandywine and West Brandywine Townships, all in Chester County, PA. The intake will be situated on the east bank of the East Branch Brandywine Creek just south of Marshall Road in Wallace Township. On a yearly use basis, withdrawal is expected to average approximately .76 mgd. When available, the raw water will be conveyed for storage in a nearby abandoned quarry (known as Cornog Quarry) with an estimated storage capacity of approximately 100 mg. Withdrawals ranging from .5 mgd to 1 mgd will then be made from the quarry, treated by a proposed new filter plant and distributed to the project service area.

2. *Boeing Defense and Space Group D-94-30 (Revision).* A project to revise the NPDES Permit limits for effluent metals parameters listed in Docket No. D-94-30 to reflect modifications which are consistent with current water quality regulations. No increase in the industrial waste treatment plant (IWTP) capacity of .234 mgd is proposed. The IWTP will continue to serve the applicant's military

aircraft manufacturing operation in Ridley Creek Township, Delaware County, PA. No modifications of the treatment process are proposed, as the applicant continues to utilize the Best Available Treatment (BAT) for the industrial classification. IWTP effluent will continue to discharge to the tidal reach of Crum Creek in Water Quality Zone 4, about a 1/2-mile upstream of its confluence with the Delaware River.

3. *Perkasie Borough Authority D-97-12 CP (Revision).* A groundwater withdrawal project to increase the existing withdrawal from the applicant's existing Wells Nos. 5, 6 and 9—12 to 40.2 mg/30 days. The project is located in the Three Mile Run and Perkiomen Creek watersheds in Perkasie Borough, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Mercer County Improvement Authority D-99-28 CP.* A surface water withdrawal project by means of a new intake on Assunpink Creek at Mercer Lake to withdraw up to 1.3 mgd of water. The new intake, in addition to an existing intake, which can also provide up to 1.3 mgd, will irrigate the applicant's Mercer Oaks II Golf Course with a total limit of 15 mg/mo. The project is located off Quakerbridge Road in West Windsor Township, Mercer County, NJ.

5. *Artesian Water Company D-2000-46 CP.* An application for approval of a groundwater withdrawal project to supply up to 63.94 mg/30 days of water to the Delaware Correctional Center from existing Wells Nos. 1 and 2 in the Rancocas Formation; and new Wells Nos. 3 and 4 in the Mount Laurel Formation and to limit the withdrawal from all wells to 63.94 mg/30 days. The project is located near the Town of Smyrna, New Castle County, DE.

6. *United Water Delaware D-2001-37 CP.* A groundwater withdrawal project to supply up to 8.7 mg/30 days of water to the applicant's public water supply system for new Well No. 1 in the Potomac Formation. The project is located in the Christina River watershed in New Castle County, DE.

7. *Camelback Ski Corporation D-2001-40.* A project for a tiered increase of the surface water withdrawal from the applicant's intake on Pocono Creek in the Brodhead Creek Watershed from a maximum seasonal use of 84.6 mg/30 days to 130 mg/30 days during the period between December and January. Up to 50 mg is proposed in the months of November and February, and 15 mg in March. The water supplies the applicant's snowmaking operation at the Camelback Ski Resort in Pocono Township, Monroe County, PA. During the months of April through October, the applicant will use water for minor maintenance purposes averaging less than 100,000 gpd.

8. *Philadelphia Suburban Water Company D-2001-50 CP.* A groundwater withdrawal project to supply up to 7.68 mg/30 days of water to the applicant's public water supply system from new Well 'B' in the Brunswick Formation. The project is located in the Perkiomen Creek watershed in Perkiomen Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

9. *Aronimink Golf Club D-2001-62.* A groundwater withdrawal project to supply up to 6.48 mg/30 days of water to the applicant's irrigation system from new Wells Nos. 2 and 3 in the crystalline rock of the Piedmont Province and to limit the existing withdrawal from all

wells to 10.8 mg/30 days. The project is located in the Darby Creek watershed in Newtown Township, Delaware County, PA.

10. *Hanah Country Inn D-2002-7*. A project to expand a 9,000 gpd secondary septic treatment system to treat 13,830 gpd and provide a new subsurface discharge leach field at the applicant's 900 acre lodging facility located in the Town of Middletown, Delaware County, NY. The project is in the drainage area to the Commission's Special Protection Waters. The site is located on both sides of State Route 30, between County Route 38 (Arkville Road) and East Hubbell Road. The project is in the East Branch Delaware River Watershed, upstream from Pepacton Reservoir.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: minutes of the February 6, 2002, business meeting; announcements; a report on Basin hydrologic conditions; reports by the Executive Director and General Counsel; a resolution regarding additional point source discharge monitoring required to support development of a TMDL for PCBs in the Delaware Estuary; a resolution authorizing the Executive Director to enter into a grant agreement with the State of New Jersey in the amount of \$100,000 for the Lower Delaware Watershed Region Program Grant: Delaware River Estuary Air, Water and Sediment Field Study; and public dialogue.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY), to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 02-497. Filed for public inspection March 29, 2002, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Plum Pox Virus; Order of Quarantine

Whereas, the Plant Pest Act (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth; and

Whereas, the powers granted the Department under the Plant Pest Act include (at 3 P. S. § 258.21) the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth; and

Whereas, Plum Pox Virus—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums and

apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable; and

Whereas, Plum Pox Virus has the potential to cause serious damage to the stone fruit production industry within this Commonwealth; and

Whereas, The two primary means of spread of Plum Pox Virus are: a) through propagation of infected trees and subsequent movement of infected nursery material; and b) through aphid transmission of the virus from infected to healthy trees; and

Whereas, the movement of Plum Pox Virus-infected trees provides the most serious threat of long distance movement of the virus and poses a danger to stone fruit trees in noninfected areas; and

Whereas, there is no known control for Plum Pox Virus other than destruction of infected trees; and

Whereas, Plum Pox Virus has been detected on stone fruit trees located in portions of four counties of this Commonwealth; and

Whereas, the Department exercised its statutory authority and established a quarantine with respect to those portions of the four counties, specifically Latimore and Huntington Townships, Adams County (29 Pa.B. 5735 (November 6, 1999)); South Middleton Township, Cumberland County (30 Pa.B. 3269 (July 1, 2000)); Dickinson Township, Cumberland County and portions of Menallen and Tyrone Townships in Adams County (30 Pa.B. 4357 (August 19, 2000)); the Borough of York Springs, Adams County and the Borough of Mount Holly Springs, Cumberland County (30 Pa.B. 5852 (November 11, 2000)); Southampton Township, Cumberland County (31 Pa.B. 3559 (July 7, 2001)); Washington and Franklin Townships, York County (31 Pa.B. 3560 (July 7, 2001)); and Quincy Township, Franklin County (31 Pa.B. 5117 (September 8, 2001)); prohibiting the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibiting the movement of stone fruit trees and stone fruit budwood out of the quarantined area; and

Whereas, No practical quarantine area can completely limit movement of infectious aphids from within to outside the area; and

Whereas, Plum Pox Virus may not be detectable within a tree newly infected by aphids before that tree is used as a budwood source for propagation of nursery stock;

Now, therefore, under authority of section 21 of the Plant Pest Act (act of December 16, 1992, P. L. 1228, No. 162) (3 P. S. § 258.21), the Department hereby establishes additional quarantine safeguards to be followed by propagators of susceptible *Prunus* within this Commonwealth:

A. No *Prunus* tree shall be used as a source of propagative material (either rootstock or scion) unless it has been tested in the year of its intended use, and has tested negative for Plum Pox Virus using the protocol described for mother trees in the National PPV Surveillance Program. Testing will be done by the Department or by a laboratory approved by the Department.

B. No tree shall be used as a source of propagative material (either rootstock or scion) if it is within the Plum Pox Virus quarantine area or if it falls within 1 mile of the quarantine area. Any propagator may contact the Department for approval of sites of budwood source trees, if there is any question about their distance from the quarantine area.

The Department has the authority to do such monitoring and auditing of records as it deems necessary to show that these requirements are being followed. Failure to comply with this rule may result in the destruction of nursery stock produced from untested or unapproved sources, and destruction of all Plum Pox Virus-susceptible nursery stock within 500 meters of that nursery stock, with no compensation for costs of destruction or loss.

This quarantine is effective as of March 18, 2002, and shall remain in effect until terminated by subsequent order.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 02-498. Filed for public inspection March 29, 2002, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, 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 March 19, 2002.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-14-02	York Traditions Bank York York County	York	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-13-02	Jonestown Bank and Trust Company Jonestown Lebanon County	2 East Main Street Palmyra Lebanon County	Filed
3-13-02	Keystone Savings Bank Bethlehem Northampton County	3015 W. Emmaus Ave. Allentown Lehigh County	Opened
3-13-02	WNB Bank Williamsport Lycoming County	24 N. Cedar Street Lititz Lancaster County	Opened
3-18-02	Orrstown Bank Orrstown Franklin County	2250 Spring Road Carlisle North Middleton Twp. Cumberland County	Filed

Branch Consolidations/Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-15-02	Citizens Bank of Southern Pennsylvania Greencastle Franklin County	<i>Into:</i> 10-12 W. Main Street Waynesboro Franklin County <i>From:</i> 241 West Eighth St. Waynesboro Franklin County	Filed
3-18-02	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>Into:</i> 2A Rte. 413 and Doubletree Road Langhorne Bucks County <i>From:</i> Clemens Market Rte. 413 and Doubletree Road Langhorne Bucks County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-8-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1901 Research Blvd. Rockville Montgomery County Maryland	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-499. Filed for public inspection March 29, 2002, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2002

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of April 2002, is 7 3/4%.

The interest rate limitations under the Commonwealth's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode Commonwealth interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by Commonwealth law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.24 to which was added 2.50 percentage points for a total of 7.74 that by law is rounded off to the nearest quarter at 7 3/4%.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-500. Filed for public inspection March 29, 2002, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Pennsylvania Recreational Trails Advisory Board Meeting

A meeting of the Pennsylvania Recreational Trails Advisory Board of the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation will be held Tuesday April 2, 2002, at 10 a.m., 6th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Scott J. Cope, CPRP CPSI, Recreation and Park Advisor, Grants Projects Management Division at (717) 772-3319.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Scott J. Cope directly at (717) 772-3319 or thorough the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 02-501. Filed for public inspection March 29, 2002, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

ACTIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

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

I. NPDES Renewal Applications

Southeast Region: Water Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0054151	Joseph L. Kennedy 7 College View Road Malvern, PA 19355	Chester County Malvern Borough	UNT of Ridley Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0007757 IW	BPB America, Inc. 5301 W. Cypress Street Tampa, FL 33607	Luzerne County Exeter Township	North Branch Susquehanna River Watershed #5B	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085235	Post Office Inn Corp. d/b/a Emily's Pub 3790 Morgantown Road Mohnton, PA 19540-9618	Berks County Robeson Township	UNT Allegheny Creek/3C	Y
PA0010367	Norfolk Southern Railway Company Hollidaysburg Rail Yard 110 Franklin Rd., SE, Box 13 Roanoke, VA 24042	Blair County Hollidaysburg Borough	Beaverdam Branch Juniata River/11-A	Y
PA0084522	Allentown Refrigerated Ter- minal, Inc. 125 Seneca Trail Boyertown, PA 19512	Berks County Colebrookdale Township	Tributary of Ironstone Creek/3-D	Y
PA008296	Mt. Zion School of Ministry R. R. 1 Box 7380 Grantville, PA 187028	Lebanon County East Hanover Township	UNT to Indiantown Run/ 7-D	Y
PA0070424	Caernarvon Township Mu- nicipal Sewer Authority P. O. Box 291 Morgantown, PA 19543	Berks County Caernarvon Township	Conestoga Creek/7J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0002640 Industrial Waste	T Y K America, Inc. 301 Brickyard Road Clairton, PA 15025	Clearfield Irvona Borough	North Witmer Run (SWP 8C)	Y
PA0010553 Industrial Waste	Fish and Boat Commission 1225 Shiloh Road State College, PA 16801-8495	Centre Benner Township	Spring Creek (SWP 9C)	Y

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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

No. PA0050474, Sewage, **Warwick Drainage Company**, 502 Gordon Drive, Exton, PA 19341. This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Warwick Township, **Chester County**. This is an existing discharge to French Creek.

The receiving stream is classified for the following uses: exceptional value waters, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 13,500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Dissolved Oxygen	2.0 (minimum)	
Total Residual Chlorine	Nondetect	Nondetect
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

No. PA0030970, Sewage, **Cheyney University of Pennsylvania**, P. O. Box 260, Cheyney, PA 19319. This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in Thornbury Township, **Delaware County**. This is existing discharge to East Branch of Chester Creek.

The receiving stream is classified for the following uses: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 270,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	6.5	13.0
(11-1 to 4-30)	19.5	39.0
Total Residual Chlorine	0.5	1.2
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 Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

PA0088781, Industrial Waste, **Conectiv Mid-Merit, Inc.**, 113 Pencader Drive, Suite 100, P. O. Box 6066, Newark, DE 19714-6066. The proposed facility will be located in Peach Bottom Township, **York County**.

Description of Proposed Activity: The application is for issuance of an NPDES permit for a new discharge of cooling tower blowdown.

Notice of this application was printed at 32 Pa.B. 1421 (March 16, 2002). That notice contained an error: the maximum daily discharge temperature limitation for Outfall 001 (discharge to Susquehanna River) was specified as 100°F, when it should have been 110°F.

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

Application No. PA 0088323, Industrial Waste, **Calpine Construction Finance Co., L.P. (Ontelaunee Energy Center)**, The Pilot House, Second Floor, Lewis Wharf, Boston, MA 02110. This facility is located in Ontelaunee Township, **Berks County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Schuylkill River, is in Watershed 3-C and classified for WWF, water supply recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is located on the Schuylkill River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.35 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S.U.)	From 6.0 to 9.0 inclusive				
Total Suspended Solids	Monitor and Report	Monitor and Report	30	60	75
Total Dissolved Solids	Monitor and Report	Monitor and Report	2,400	3,000	3,000
Total Zinc	Monitor and Report	Monitor and Report	1.0	2.0	2.5
Total Chromium	Monitor and Report	Monitor and Report	0.20	0.40	0.50
Chromium VI	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Oil and Grease	XXX	XXX	15	30	30
Temperature	XXX	XXX	Monitor and Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	0.20	XXX	0.5

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0246557, Industrial Waste, SIC Code 2873, **Susquehanna Valley Organics, Corp.**, 3705 Trindle Road, Camp Hill, PA 17011. This facility is located in Lancaster Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of noncontact cooling water.

The receiving stream, Conestoga River, is in Watershed 7-J and classified for WWF, water supply recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 3.0 MGD are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow		Monitored	
Temperature		105°F as Daily Average	
pH		6—9	

The proposed effluent limits for Outfall 002 based on a design flow of stormwater are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅		Monitor	
COD		Monitor	
Total Suspended Solids		Monitor	
Total Phosphorus		Monitor	
Total Kjeldahl Nitrogen		Monitor	
Dissolved Iron		Monitor	
Oil and Grease		Monitor	
pH		Monitor	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

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

PA0228524, Sewerage, SIC 4952, **Duncan Township Supervisors**, P. O. Box 908, Wellsboro, PA 16901. This proposed facility is located in Duncan Township, **Tioga County**.

Description of Proposed Activity: Pending issuance of an NPDES permit for a proposed discharge of treated sewage wastewater.

The receiving stream, an unnamed tributary to Wilson Creek, is in the State Water Plan watershed 9A and is classified for: CWF. The nearest downstream public water supply intake for Jersey Shore Area Joint Water Authority, located on Pine Creek, is 47.9 miles below the point of discharge.

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

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum mg/l
CBOD ₅	25	40		50
TSS	30	45		60
Total Cl ₂ Residual	1.0			2.3
Fecal Coliforms:				
(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			
pH	6.0 to 9.0, at all times			

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

PA0217565, Sewerage, **John and Lynae Williams**, 2212 Anthony Run Road, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Maple Valley Personal Care Home STP in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Anthony Run, which are classified as a CWF 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 Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.006 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	21.0			42.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

WQM Permit No. 1502401, Sewerage, **London Grove Township Municipal Authority**, 372 Rosehill Road, Suite 300, West Grove, PA 19390. This proposed facility is located in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to install a pump station and force main to serve a 94-lot subdivision.

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

WQM Permit No. 2802401, Sewerage, **Guilford Township Authority**, 115 Spring Valley Road, Chambersburg, PA 17201. This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity: Construction of the Loop Road Pumping Station and Sanitary Sewer Extension.

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

WQM Permit No. 1802201, Industrial Waste, **Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823-9620. This proposed facility is located in Logan Township, **Clinton County**.

Description of Proposed Action/Activity: Project includes the installation of an off-line aerated sludge storage tank at the Tylersville Fish Culture Station.

NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

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

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit PAS10 G514, Stormwater, **Megill Development**, 2 Huntrise Lane, West Chester, PA 19382,

has applied to discharge stormwater associated with a construction activity located in East Nottingham Township, **Chester County** to Jordan Run (EV).

NPDES Permit PAS10 G515, Stormwater, **Heritage Building Group, Inc.**, Suite A-100, Furlong, PA 18725, has applied to discharge stormwater associated with a construction activity located in South Coventry Township, **Chester County** to French Creek (HQ-TSF).

NPDES Permit PAS10 G516, Stormwater, **Conestoga High School**, 738 First Avenue, Berwyn, PA 19312-1779, has applied to discharge stormwater associated with a construction activity located in Tredyffrin Township, **Chester County** to Valley Creek (EV).

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

Lehigh County Conservation District: Lehigh Ag Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q236	Barry Follweiler 3372 Jordan Rd. Orefield, PA 18069	Lehigh County Weisenberg Township	Hassen Creek HQ-CWF, MF

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

Lancaster Conservation District: 1383 Arcadia Road, Room 6 Lancaster, PA 17601-3149 (717) 299-5361.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10O085 Stormwater	Two Holdings, Inc. d/b/a Turkey Hill Dairy 2601 River Road Conestoga, PA 17516-9630	Manor Township Lancaster County	Wissler Run HQ-WWF

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

Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823 (814) 355-6817.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10F101	Department of General Services Bureau of Engineering and Architecture 18 and Herr Sts. Harrisburg, PA 17120	Ferguson Township Centre County	Spruce Creeks Beaver Branch HQ-EV

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment 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 after consideration of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

Permit No. 3602502, Public Water Supply.

Applicant Pequea Valley School District
Municipality Leacock Township
County Lancaster
Responsible Official Amy J. Swartz, Business Administrator
 166 S. New Holland Road
 P. O. Box 130
 Kinzers, PA 17535-0103

Type of Facility PWS
Consulting Engineer Daniel L. Miller, P.E.
 L. Robert Kimball & Associates
 415 Moon Clinton Road
 Coraopolis, PA 15108

Application Received Date January 18, 2002

Description of Action Installation of softening, nitrate, disinfection and corrosion control treatments at the Pequea Valley High School facility.

Permit No. 3602503, Public Water Supply.

Applicant Penny Farm Mobile Home Park
Municipality Drumore Township
County Lancaster
Responsible Official Lee E. Mummau, Owner
 7971 Bennett Branch Road
 Mt. Airy, MD 21771

Type of Facility PWS
Consulting Engineer James R. Fisher, P.E.
 Fisher Engineering Inc.
 18 C S. 7th Street
 Akron, PA 17501

Application Received Date January 10, 2002

Description of Action Installation at the mobile home park of iron and manganese treatment via sequestration for Well No. 2.

Permit No. 3602504, Public Water Supply.

Applicant Pequea Valley School District
Municipality Leacock Township
County Lancaster
Responsible Official Amy J. Swartz, Business Administrator
 166 S. New Holland Road
 P. O. Box 130
 Kinzers, PA 17535-0103

Type of Facility PWS

Consulting Engineer Daniel L. Miller, P.E.
 L. Robert Kimball & Associates
 415 Moon Clinton Road
 Coraopolis, PA 15108

Application Received Date January 18, 2002

Description of Action Installation of softening, nitrate, disinfection and corrosion control treatments at the Pequea Valley School District's elementary and middle schools.

Permit No. 6702502, Public Water Supply.

Applicant Department of Conservation and Natural Resources
Municipality Warrington Township
County York
Responsible Official Eugene J. Comoss, Director
 P. O. Box 8451
 Rachel Carson State Office Building
 Harrisburg, PA 17105 8451

Type of Facility PWS
Consulting Engineer Peter Lusardi, P.E.
 CET Engineering Services
 1240 N. Mountain Rd.
 Harrisburg, PA 17112

Application Received Date February 20, 2002

Description of Action Construction of a modified raw water intake on Pinchot Lake, a new 0.094 MGD membrane filtration facility, chemical treatment, sodium hypochlorite disinfection and a 0.096 MG finished water storage tank.

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

Permit No. 3302501, Public Water Supply.

Applicant Pennsylvania American Water Company
 800 West Hershey Park Drive
 Hershey, PA 17033-0888

Township or Borough Punxsutawney Borough
Jefferson County

Responsible Official William C. Kelvington, Vice President Operations
 Pennsylvania American Water Company

Type of Facility PWS
Consulting Engineer Jerry Hankey
 Pennsylvania American Water Company
 1909 Oakland Avenue
 Indiana, PA 15701

Application Received Date March 14, 2002

Description of Action New above ground booster station to replace underground booster station. Capacity will increase from 0.27 MGD to 1.94 MGD. Increase due to a new Wal-Mart store.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 3202503, Minor Amendment.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
Hershey, PA 17033

Township or Borough White Township

Responsible Official Larry Buterbaugh, Operations Superintendent
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Tank

Application Received Date February 25, 2002

Description of Action Painting of tank.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WA26-630A, Water Allocations, **Newell Municipal Authority**, P. O. Box 293, Newell, PA 15466, **Fayette County**. Request to withdraw 1 million gpd from the Monongahela River.

WA2-778A, Water Allocations, **Fawn-Frazier Joint Water Authority**, 326 Donnellville Road, Natrona Heights, PA 15065, **Allegheny County**. Request to withdraw 500,000 gpd from Harrison Township Water Authority, 360,000 gpd from Springdale Borough and 483,000 gpd from Brackenridge Borough; and to sell water to the Harrison Township Municipal Authority, Springdale Borough and East Deer Township.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the

Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department 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 Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Stanley Marvel, Inc., Bensalem Township, **Bucks County**. John M. Ash, URS Corp., 2325 Maryland Rd., 2nd Fl., Willow Grove, PA 19090, on behalf of Stanley Marvel, Inc., 1221 Ford Rd., Bensalem, PA, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and petroleum hydrocarbons.

The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on February 28, 2002.

Assouline and Ting, Inc., City of Philadelphia, **Philadelphia County**. Peter A. Malik, RT Environmental Services, 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Assouline and Ting, Inc., 505 Vine St., Philadelphia, PA 19106, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals and volatiles. 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 Philadelphia Inquirer* on February 25, 2002.

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Brown Residence, Forks Township, **Northampton County**. James S. Meenan, III, Environmental Scientist, Marshall Miller & Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Notice of Intent to Remediate (on behalf of Elsi Brown, Klein Road, Easton, PA 18040) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was published in *The Express Times* in March 2002.

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

Pennsylvania House—White Deer Facility, White Deer Township, **Union County**. Meiser & Earl, Inc., on behalf of Pennsylvania House, Inc., 137 North Tenth Street, Lewisburg, PA 17837-1388, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PHCs. The applicant proposed to remediate the site to meet the Statewide Health Standard. A Final Report was simultaneously submitted. See the Actions section of this *Pennsylvania Bulletin*. A summary of the Notice of Intent to Remediate was reported to have been published in the *Milton Daily Standard* on February 1, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received, withdrawn, denied or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PAD000797548. Ashland Distribution Co., Div. of Ashland Inc., 150 West Fourth Avenue, Freedom, PA 15042. Ashland Distribution Co., Div. of Ashland Inc., 150 West Fourth Avenue, Freedom, PA 15042. An application for a permit renewal of a commercial hazardous storage facility in Freedom Borough, **Beaver County** was received in the Regional Office on March 15, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Permit Application No. 101069. Southeastern Chester County Refuse Authority, P. O. Box 221, Kennett Square, PA 19348, London Grove Township, **Chester County**. Application submitted for an increase in permit area, radiation monitoring and detection plan, meteorological monitoring station approval and revisions to waste acceptance procedures for sewage sludge. An alternative timeline for the review of this application of 225 days of Department review time has been negotiated. The Southeast Regional Office received the application on March 15, 2002.

Applications Accepted 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.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 101243. Northern Tier Solid Waste Authority, P. O. Box 10, Burlington, PA 18814-0010, West Burlington Township, **Bradford County**. Application for the addition of a geosynthetic clay liner, change of waste acceptance criteria and adding a radiation action protection plan. The application was accepted in the Williamsport Regional Office on March 13, 2002.

Comments concerning the application should be directed to John C. Hamilton, P. E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW 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.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department 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 the date of the hearing.

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.

54-310-028: Lehigh Asphalt Paving and Construction Co. (P. O. Box 549, Tamaqua, PA 18252) for modification of a stone crushing operation and associated air cleaning device in West Penn Township, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05025C: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) to replace a 51" crusher with an 84" crusher, adding an air classifier, a baghouse and requisite conveyors at the Gettysburg Quarry, Cumberland Township, **Adams County**. The project is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

67-05023A: American Color Graphics, Inc. (215 North Zarfoss Drive, York, PA 17404-5800) for installation of four additional printing units to an existing litho-

graphic press in West Manchester Township, **York County**. The press is controlled by a regenerative thermal oxidizer.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

AMS-02001: Active Realty Assoc. (10175 Northeast Boulevard, Philadelphia, PA 19116) for construction of two #4 oil fired boilers in the City of Philadelphia, **Philadelphia County**.

AMS-02024: United States Navy (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for reactivation of a diesel engine in the City of Philadelphia, **Philadelphia County**.

AMS-02025: United States Navy (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for construction of two diesel fire suppression pumps and a portable diesel air compressor in the City of Philadelphia, **Philadelphia County**.

AMS-02039: Sunoco Chemicals—Frankford Plant (Margaret and Bermuda Streets, Philadelphia, PA 19137) for modification of catalytic oxidizer CR-601 in the City of Philadelphia, **Philadelphia County**.

AMS-02040: Atlantic Refining and Marketing Co. (1801 Market Street, 15/10 PC, Philadelphia, PA 19103) for installation of an air stripper at the Sunoco Inc. (R&M) Belmont Terminal, 2700 Passyunk Avenue, Philadelphia, **Philadelphia County**.

AMS-02041: Safe Disposal Systems, Inc. (7333 Milnor Street, Philadelphia, PA 19136) for construction of a hammer mill with diesel engine in the City of Philadelphia, **Philadelphia County**.

AMS-02042: Sunoco Chemicals—Frankford Plant (Margaret and Bermuda Streets, Philadelphia, PA 19137) for installation of a Cumene Oxidizer, OX-501, charcoal adsorber system in the City of Philadelphia, **Philadelphia County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0073A: Leonard Kunkin Associates (Cherry Lane, Souderton, PA 18964) for installation of two blasting booths in Hilltown Township, **Bucks County**. This facility is a Title V facility. Total emissions from this source are 12.30 tons of Particulate Matter (PM10) per year. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

46-0059A: Handelok Bag Co. (701A West Fifth Street, Lansdale, PA 19446) for installation of the four station nonheatset flexographic printing press with a waterbased laminating station in Lansdale, **Montgomery County**. This installation will result in the emissions of 5.3 tons per year of VOCs. The Plan Approval and Operating Permit will contain additional recordkeeping and operat-

ing restrictions designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.

48-309-116: Essroc Cement Corp. (3251 Bath Pike, Nazareth, PA 18064-8928) for installation of an air cleaning device (fabric collector) for the clinker/gypsum unloading hopper at the Nazareth Plant II in the Borough of Nazareth, **Northampton County**. The particulate emissions from the fabric collector will not exceed the Best Available Technology standard of 0.01 grain/DSCFT (9.37 tons per year). The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05025B: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) for modification to an existing drum mix asphalt plant to have the capability to burn #4 and #5 fuel oil at the Gettysburg Quarry in Cumberland Township, **Adams County**. This facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

41-00010A: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756-1202) for construction of a thermal foundry sand reclamation system and an associated sand storage silo in Muncy Borough, **Lycoming County**. Andritz, Inc. is a major facility for which a Title V Operating Permit (41-000010) has been issued.

The proposed thermal sand reclamation system will consist of a fluidized bed reclamation unit and associated sand feed system, heat exchanger and sand cooler/classifier. It will incorporate a 15.3 million Btu per hour natural gas-fired burner and will have a capacity of 6 tons of sand per hour. The proposed thermal sand reclamation system will replace a thermal sand reclaiming constructed in 1987. The purpose of the proposed thermal sand reclamation system is to remove residual organic binder materials from used foundry sand to enable reuse of the sand.

A fabric collector will also be installed for the control of particulate matter, including PM10 (particulate matter with an aerodynamic diameter of less than 10 microns), from the reclamation system as well as that from three sand storage silos (the proposed new silo and two existing silos which are to be relocated within the facility).

The operation of the thermal sand reclamation system and associated silos will result in the emission of up to 9.28 tons of particulate matter (including PM10), 1.53 tons of sulfur oxides, 9.08 tons of nitrogen oxides, 2.33

tons of VOCs, 2.58 tons of carbon monoxide and .355 ton of total combined hazardous air pollutants.

The Department's review of the information contained in the application indicates that the proposed thermal sand reclamation system and sand silo and the two existing relocated sand silos, will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue plan approval to construct the proposed thermal sand reclamation system and sand silo.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. The only fuel to be used in the reclamation system shall be natural gas.

2. The particulate matter/PM10 emission rate from the fabric collector associated with the thermal sand reclamation system shall not exceed .007 grain per dry standard cubic foot of collector exhaust, 1.94 pounds per hour and 8.49 tons in any 12 consecutive month period. Additionally, there shall be no visible air contaminant emissions from the collector exhaust other than water vapor.

3. The fugitive particulate matter/PM10 emission rate from the vibratory feeder incorporated in the sand feed system shall not exceed .18 pound per hour and .79 ton in any 12 consecutive month period.

4. The sulfur oxides, nitrogen oxides (NO_x, expressed as NO₂), VOC and carbon monoxide emissions from the thermal sand reclamation system shall not exceed .35, 2.07, .53 and .59 pound per hour (and 1.53, 9.08, 2.33 and 2.58 tons in any 12 consecutive month period), respectively.

5. The freeboard temperature in the fluidized bed reclamation unit shall not be less than 1,300°F at any time the fluidized bed reclamation unit is in operation. The Department reserves the right to increase this required minimum temperature if it deems an increase necessary.

6. The fabric collector shall be equipped with instrumentation to monitor the collector temperature and the differential pressure across the collector on a continuous basis as well as with high temperature and high pressure differential alarms.

7. The fluidized bed reclamation unit shall be equipped with instrumentation to continuously monitor and record the freeboard temperature.

8. The fabric collector shall be equipped with a refrigerated compressed air dryer.

9. Dust shall be removed from the fabric collector dust hoppers via an enclosed system into enclosed containers. No visible fugitive emissions shall occur as a result of dust removal.

10. Particulate matter, VOC, nitrogen oxides, sulfur oxides and carbon monoxide stack testing shall be performed on the fabric collector exhaust within 120 days of startup and again, after at least 3 years, but not more than 3 1/2 years, has elapsed since initial start up.

11. Records shall be maintained of the amount of sand processed through the thermal sand reclamation system each month.

49-00007A: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) for construction of wastewater treatment equipment including three aeration basins, three heat exchangers and one lift station, as well as for installation of air cleaning devices (covers) on existing wastewater treatment equipment (influent wet well, equalization basin, neutralization basin, primary lift station and aeration lift station) at the Cherokee Facility in Riverside Borough, **Northumberland County**.

The Merck Cherokee Facility is a major facility, which has been issued a Title V Operating Permit (49-00007). Although the VOCs emitted from the new wastewater treatment equipment may be 2.1 tons per year, the proposed construction and installation of covers on existing wastewater treatment equipment is expected to result in a reduction in the emissions of VOCs from the levels now actually occurring from the entire wastewater treatment facility.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. The permittee shall install covers on the existing wastewater treatment equipment by no later than October 21, 2002.

2. The total combined VOC emissions from the three new aeration basins, three heat exchangers and one lift station shall not exceed 2.1 tons in any 12 consecutive month period.

3. Upon completion of the cover installations, the total combined VOC emissions from the entire wastewater treatment plant shall not exceed 15 tons in any 12 consecutive month period.

4. The permittee shall keep records of the VOC emissions on a monthly basis. The records shall include a description of the methods used to determine this data (emission modeling methods, emission factors, emissions data, calculations and the like, as well as all assumptions made for all emission estimates calculated).

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

03-975B: Armstrong Energy Limited Partnership, LLLP, c/o Dominion Energy, Inc. (500 Dominion Boulevard, Glen Allen, VA 23060) for construction of the Armstrong Energy Project, near S. R. 156 in South Bend Township, **Armstrong County**.

The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, 40 CFR Part 60, Subparts GG and Kb, 40 CFR Parts 72, 73, 75 and 77 and 25 Pa. Code §§ 123.102—123.120. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

1. The facility is to be constructed in accordance with the plans submitted with the application (as approved herein).

2. Upon completion of the construction of the facility, an operating permit must be obtained. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit.

3. This Plan Approval modifies Plan Approval 03-975A originally issued on December 7, 2000, to allow the construction of a Gas Turbine Generating Station to be located in South Bend Township, Armstrong County. Unless specifically changed by this Plan Approval, all of the requirements of Plan Approval 03-975A shall remain in effect (25 Pa. Code § 127.12b).

4. The main sources at this facility will be four simple-cycle, dual-fuel combustion turbines, General Electric Model GE 7 FA, nominally rated at 165.1 MW and 1545 mmBtu/hour each. Turbines will be equipped with dry low NO_x combustors for use during the combustion of natural gas. Turbines shall also be equipped with water injection for use during the combustion of low sulfur diesel fuel (25 Pa. Code § 127.12b).

5. Supporting equipment at this site will include two natural gas heaters rated at 9.8 mmBtu/hour each and two 2.25 million-gallon diesel fuel storage tanks (25 Pa. Code § 127.12b).

6. NO_x emissions from the turbines shall be limited to 9 ppm, at 15% oxygen, based on a 3-hour rolling average, during the combustion of natural gas. Emission rates from each turbine during the combustion of natural gas shall be limited to the following (25 Pa. Code § 127.12b):

<i>Pollutant</i>	<i>Rate</i>
NO _x	64.0 lb/unit hr
CO	31.0 lb/unit hr
SO ₂	2.8 lb/unit hr
VOCs	3.0 lb/unit hr
PM ₁₀	18.0 lb/unit hr

7. NO_x emissions from the turbines shall be limited to 56 ppm, at 15% oxygen, based on a 3-hour rolling average, during the combustion of low-sulfur diesel fuel. Emission rates from each turbine during the combustion of diesel fuel shall be limited to the following (25 Pa. Code § 127.12b):

<i>Pollutant</i>	<i>Rate</i>
NO _x	456.0 lb/unit hr
CO	79.0 lb/unit hr
SO ₂	100.0 lb/unit hr
VOCs	8.0 lb/unit hr
PM ₁₀	39.0 lb/unit hr

8. The hourly emission limits established in Conditions 6 and 7 do not apply during startup and shutdown. For purposes of this condition, a startup shall take 15 minutes and a shutdown shall take 10 minutes (25 Pa. Code § 127.12b).

9. Pollutant emissions from the gas turbine generating station shall not exceed the following (25 Pa. Code § 127.12b):

Annual Emission Rate (Tons/Year)
Source

Pollutant	Turbines (All)	Natural Gas Heaters	Fuel Oil Storage	Total
NO _x	253.7	3.5		277.8
CO	124.6	3.0		153.1
SO ₂	38.5			38.5
VOCs	11.6		0.1	16.7
PM ₁₀	80.1			80.1

10. The net NO_x emission increase from this facility is limited to 277.8 tons per year. In accordance with 25 Pa. Code § 127.210, new emissions will be offset with Emission Reduction Credits (ERCs) at a ratio of 1.15:1.0. Required NO_x ERCs equals 320 tons.

11. Owner/operator shall secure a total of 320 tons of NO_x ERCs that have been properly generated, certified by the Department and processed through the registry in accordance with 25 Pa. Code § 127.206(d)(1). Upon transfer, owner/operator shall provide the Department with documentation clearly specifying the date that the ERC transaction occurs.

PSD air quality modeling shows that the maximum impacts for CO, NO₂ and PM₁₀ are below the class II area significance levels. A full impact analysis to determine PSD increment consumption and compliance with the National Ambient Air Quality Standards was therefore not necessary.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

16-127B: Piney Creek Ltd. Partnership (R. R. 2 Box 56, Clarion, PA 16214) for installation of Selective Noncatalytic Reduction (SNCR) to reduce consumption of NO_x allowances assigned to the facility under 25 Pa. Code § 145.42 during the ozone season each year at the Piney Creek Power Plant in Piney Township, **Clarion County**. The facility currently has Title V Operating Permit No. 16-00127. The installation of the SNCR will not increase emissions at the facility. The only new pollutant will be ammonia slippage that will be limited to 10 ppmv. The ammonia slippage will be verified with an initial emission test. The SNCR system shall be installed, operated and maintained in accordance with the manufacturer specifications and consistent with good air pollution control practices. The applicant shall be required to comply with the applicable requirements of the NO_x Budget Trading Program in 25 Pa. Code Chapter 145, Subchapter A. The Plan Approval and Operating Permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

33-055A: Glen-Gery Corp. (P. O. Box 68, Summerville, PA 15864) for modernization of the Hanley Plant in Summerville Borough, **Jefferson County**. The facility currently has Title V Operating Permit No. 16-00127. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The permit will be subject to the following conditions:

1. The sources and control devices are subject to 25 Pa. Code §§ 123.1, 123.13, 123.31 and 123.41 for fugitive, particulate matter, odor and visible emissions, respectively.

2. Under the Best Available Technology (BAT) provisions of 25 Pa. Code §§ 127.1 and 127.12, particulate emissions from the wet scrubbing system shall not exceed 0.01 grain per dry standard cubic foot, respectively.

3. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of air contaminants from the kiln shall not exceed the following hourly limits:

NO_x (expressed as NO₂)—5.82 lb/hr
SO₂—48.02 lb/hr,
H₂SO₄—8.17 lb/hr,
HF—0.96 lb/hr,
HCL—0.28 lb/hr.

4. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the wet scrubbing system shall achieve a minimum removal efficiency of 95% for HF, 90% for HCL and 75% for SO₂ and H₂SO₄.

5. Facility wide SO_x emissions shall not equal or exceed 250 tons during any consecutive 12-month period.

6. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain at a conveniently readable location instrumentation to monitor the following:

- Scrubber liquid flow rate.
- Scrubber pressure drop.
- Scrubbing liquid pH.

7. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install and maintain at a conveniently readable location instrumentation to monitor the pressure drop across the mist eliminator.

8. The permittee shall record, on a daily basis, the pressure drop across the control devices and the liquid flow rate to the control devices. A log shall be maintained to record the pressure drop and liquid flow rate. Records shall be kept on file for a period of 5 years and shall be made available to Department personnel upon request.

9. The permittee shall perform monthly preventative maintenance inspection of the control device. A maintenance log shall be kept on file for a period of 5 years and shall be made available to Department personnel upon request.

10. Within 30 days prior to conducting the testing required by Condition 11, a test procedure and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Department.

11. Within 180 days of kiln startup, a stack test shall be performed on the scrubbing system exhaust in accord-

ance with the provisions of 25 Pa. Code Chapter 139 to show compliance with the following:

- (a) Particulate emission rate of 0.01 grain/dscf.
- (b) NO_x emission rate (expressed as NO₂) of 5.82 lb/hr.
- (c) Removal efficiencies of 95% for HF, 90% for HCL and 75% for SO₂ and H₂SO₄ and compliance with the mass emission rate limits for these pollutants specified in Condition 3.

The emission rates shall be expressed in lb/hr and lb/ton of fired brick produced. The stack test shall be performed while the aforementioned source is operating at or near the rated capacity as stated on the application.

12. At least 2 weeks prior to the test, the Department shall be informed of the date and time of the test.

13. Within 60 days after completion of the test, two copies of the complete test report, including all operating conditions, shall be submitted to the Department for approval.

14. Actions related to noncompliance demonstrated by a stack test.

(a) When the results of a stack test performed in conformance with Condition 11, exceed the level specified in any condition of this approval, the permittee shall take appropriate corrective actions. The permittee shall submit a description of these corrective actions to the Department, within 30 days of receipt of the test results. The permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. The Department shall notify the permittee within 30 days, if the corrective actions taken are deficient. The permittee shall submit a description of additional corrective actions taken to the Department within 30 days of receipt of the notice of deficiency. The Department reserves the authority to use enforcement activities to resolve noncompliant stack tests.

(b) A retest to demonstrate compliance shall be performed within 120 days of receipt of the original test results. Should the permittee demonstrate to the Department that retesting in 120 days is not practicable, the Department may extend the retesting deadline. Failure of the second test to demonstrate compliance with the appropriate approval conditions may be grounds for immediate revocation of the approval to operate the affected facility.

15. Source testing of the wet scrubbing system shall be conducted every 5 years or upon permit renewal. The stack test shall comply with the requirements in Conditions 10—14.

16. The sources and control devices shall be installed, maintained and operated in accordance with the manufacturer's specifications.

17. Glen-Gery shall permanently cease operation of the two existing brick tunnel kilns and eight associated brick tunnel dryers prior to beginning operation of the new tunnel kiln and dryers.

18. This approval to construct/modify shall become invalid if: (1) construction is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months after the date of this approval; (2) if construction is discontinued for a period of 18 months or more; or (3) construction is not completed within a reasonable time.

19. Issuance of an operating permit is contingent upon satisfactory compliance with the conditions previously listed, upon the source being constructed and operated as

stated on the application and upon the satisfactory demonstration that the emissions from the source will not be in violation of applicable rules and regulations of the Department.

20. Any information required to be submitted as part of the previous conditions should be submitted to Devendra Verma, New Source Review Section Chief, Air Quality, 230 Chestnut St., Meadville, PA 16335.

The previous conditions will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate the BAT for the source.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

AMS-02034: Eastern States Specialty Dismantlement Co. (1237 Hayes Boulevard, Bristol, PA 19007) for installation of a 200 tons per hour diesel concrete crusher at the Philadelphia Naval Business Center along 4500 South Broad Street, Philadelphia, **Philadelphia County**. This is a temporary installation. The nitrogen oxide emission from the generator will be 9.7 tons per year and PM emissions will be 5.26 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

43-00310: Duferco Farrell Corp. (15 Roemer Blvd., Farrell, PA 16121) for modification of their Title V Operating Permit issues on July 14, 2000, for their facility in Farrell Township, **Mercer County**. The modification will be to incorporate Plan Approvals 43-310C (#4 Tandem Mill) and 43-310D (#7 Pickle Line).

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Saffko, Facilities Permitting Chief, (570) 826-2531.

48-303-005C: Highway Materials, Inc. (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422-0465) for operation of a batch asphalt plant and associated air cleaning device in Upper Nazareth Township, **Northampton County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 171101; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

31-03006: Mead Corp. (P. O. Box 317, Alexandria, PA 16611) for operation of the printing facility in Porter Township, **Huntingdon County**. There is a potential to emit 31 tons of VOCs, 2 tons of HAPs, 1.3 tons of NO_x, 4.6 tons of SO₂ and less than 1 ton each of CO and particulate matter per year. Standard monitoring, recordkeeping and operating restrictions are included to keep the facility operating within applicable requirements.

07-03036: Forsht Concrete Products Co., Inc. (R. D. 4 Box 568, Altoona, PA 16601) for operation of a crematory for human remains in Logan Township, **Blair County**. The facility's emission source includes a propane-operated crematory, which primarily emits NO_x. The facility has the potential to emit 3 tons of NO_x per year. The Natural Minor operating permit will contain monitoring and recordkeeping requirements to keep the facility operating within all applicable air quality requirements.

22-03018: Millersburg Area School District (799 Center Street, Millersburg, PA 17601-1420) for operation of one coal fired boiler at the Lenkerville Elementary School in Upper Paxton Township, **Dauphin County**. The primary pollutant of concern is sulfur oxides (SO_x). The facility has the potential to emit 51 tons per year of SO_x. The Natural Minor operating permit will include testing, monitoring and record keeping requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

28-03011: TDY Industries, Inc., Landis Threading Systems (360 South Church Street, Waynesboro, PA 17268) for operation of two boilers, natural gas fired, 20.3 mmBtu/hr each and three blast cabinets controlled by a fabric collector in Waynesboro Borough, **Franklin County**. The annual emissions of NO_x and particulate matter from the operation are 5 tons and less than 1 ton respectively. Natural Minor operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

67-03033: The Sheridan Press (450 Fame Avenue, Hanover, PA 17331-9581) for operation of its printing facility in Penn Township, **York County**. Potential annual emissions are 22 tons of VOCs. The State only operating permit will include standard monitoring, recordkeeping and operating restrictions to keep the facility operating within all applicable air quality requirements.

67-03094: Del-Wood Kitchens, Inc. (1856 Dubs Church Road, Hanover, PA 17331) for operation of its wood kitchen cabinetmaking facility in Manheim Township, **York County**. The facility has the potential to emit 40 tons of VOC per year. The Natural Minor operating permit will include testing, monitoring and record keeping requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

03-00225: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) for operation of a portable coal crusher at the Jud Surface Mine in Valley Township, **Armstrong County**.

32-00196: United School District (P. O. Box 168, Armaugh, PA 15920) for operation of two air-atomizing Oil Burners at the Junior-Senior High School in East Wheatfield Township, **Indiana County**.

63-00650: Goldschmidt Industrial Chemical Corp. (941 Robinson Highway, McDonald, PA 15057) for renewal at the McDonald Plant for manufacturing of industrial inorganic chemicals in Robinson Township, **Washington County**.

26-00477: United Defense, L.P. (300 University Drive, Lemont Furnace, PA 15456) for renewal at the Fayette Paint Shop in North Union Township, **Fayette County**.

65-00910: McKnight Cylinder Company (168 Pattern Shop Road, R. D. 1, Box 338, Ruffsedale, PA 15679) for operation of shot blaster in South Huntingdon Township, **Westmoreland County**.

63-00538: Dynamet Inc. (195 Museum Road, Washington, PA 15301) for renewal at the Arden Facility of a nonferrous metal extrusion in Chartiers Township, **Washington County**.

30-00087: RAG Emerald Resources Corp. (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370) for renewal of a coal preparation plant in Franklin Township, **Green County**.

PUBLIC HEARING

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-05040: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) to accept testimony concerning the Department's decision to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for the Smelter Plant in Richmond Township, **Berks County**.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 06-05040 for the existing facility to comply with current regulations.

The pertinent documents are available at the Reading District Office for review. Reviews may be scheduled by contacting Roger Fitterling at (610) 916-0100 between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday, except holidays.

The Department will conduct a public hearing on May 7, 2002, at 9 a.m. in the Reading District Office, 1005 Cross Roads Blvd., Reading, PA. Persons wishing to present testimony at the hearing should contact Roger Fitterling at (610) 916-0100 to reserve a time to present testimony. Oral testimony will be limited to 10 minutes. East Penn and all other groups or organizations are requested to designate one witness to present testimony on its behalf. Commentors shall provide two written copies of their remarks at the time of the hearing. Persons interested in submitting written comments should send their comments to Roger Fitterling, Air Quality, 1005 Cross Roads Blvd., Reading, PA 19605, by May 21, 2002.

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 Jeff Minsky at (717) 705-4703 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine

Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to 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 before 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 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. 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 previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that 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 previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

40020201. Rossi Excavating Company (9 West 15th Street, Hazleton, PA 18201), coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 113.0 acres, receiving stream: none. Application received March 4, 2002.

22851304R3. S & M Coal Company (1744 East Grand Avenue, Tower City, PA 17980), renewal of an existing anthracite underground mine operation in Wiconisco Township, **Dauphin County** affecting 4.2 acres, receiving stream: none. Application received March 11, 2002.

49860102R2. Mid-Valley Coal Sales, Inc. (1380 Tioga Street, Coal Township, PA 17866-3855), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 1,215.0 acres, receiving stream: none. Application received March 13, 2002.

54860110R3. Reading Anthracite Company (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 99.0 acres, receiving stream: none. Application received March 13, 2002.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17860140 and NPDES Permit No. PA 0115673. Waroquier Coal Company, P. O. Box 128, Clearfield, PA 16830. Transfer of an existing bituminous surface mine permit from Beth Contracting, Inc. The permit is located in Beccarria Township, **Clearfield County** and affects 305 acres. Receiving streams: unnamed tributaries to Cofinan Run, CWF, unnamed tributaries to Muddy Run, CWF. Application received February 20, 2002.

17930120 and NPDES Permit No. PA 0219614. Energy Resources, Inc., P. O. Box 259, Brockway, PA 15824. Transfer of an existing bituminous surface mine permit from Al Hamilton Contracting Company. The permit is located in Lawrence Township, **Clearfield County** and affects 88.8 acres. Receiving streams: unnamed tributaries of Wallace Run, Wallace Run to Little Clearfield Creek and Laurel Run to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received February 22, 2002.

17910131 and NPDES Permit No. PA 0206792. Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661-0225. Transfer of an existing bituminous surface mine-auger permit from Ecklund Coal Company, Inc. The permit is located in Bigler Township, **Clearfield County** and affects 187.7 acres. Receiving streams: unnamed tributary to Clearfield Creek, Porter Run, CWF. Application received March 14, 2002.

17860144 and NPDES Permit No. PA 0115711. Junior Coal Contracting, Inc., R. D. 3, Box 225A, Philipsburg, PA 16866. Renewal of an existing bituminous surface mine permit located in Decatur Township, **Clearfield County** affecting 324 acres. Receiving streams: unnamed tributary of Moshannon Creek and Shimmel Run. Application received January 30, 2002.

17960121 and NPDES Permit No. PA 0220485. K & J Coal Co., Inc., P. O. Box 189, Westover, PA 16692. Renewal of an existing bituminous surface mine-auger permit located in Chest and Ferguson Townships, **Clearfield County** affecting 297.5 acres. Receiving streams: McMasters Run to Wilson Run and unnamed tributary to Wilson Run to Wilson Run to Chest Creek to the West Branch of the Susquehanna River. Application received February 12, 2002.

17910124 and NPDES Permit No. PA 0206725. TDK Coal Sales, Inc., P. O. Box 259, Brockway, PA 15824-0259. Renewal of an existing surface mine permit located in Brady Township, **Clearfield County** affecting

393 acres. Receiving streams: unnamed tributary of Laurel Branch Run to Laurel Branch Run; unnamed tributaries to Beech Creek and Beech Creek; Beech Run and Laurel Branch Run to East Branch Mahoning Creek; East Branch Mahoning Creek to Mahoning Creek; Mahoning Creek to Allegheny River. Application received February 12, 2002.

57960201 and NPDES Permit No. PA 0220671. Falcon Coal & Construction Company, P. O. Box 207, Mildred, PA 18631. Renewal of an existing Coal Refuse Reprocessing surface mine permit located in Cherry Township, **Sullivan County** affecting 12.1 acres. Receiving streams: Birch Creek to Loyalsock Creek to West Branch of the Susquehanna River. Application received February 15, 2002.

17960119 and NPDES Permit No. PA 0220469. TDK Coal Sales, Inc., P. O. Box 259, Brockway, PA 15824-0259. Renewal of an existing bituminous surface mine permit located in Jordan Township, **Clearfield County** affecting 154 acres. Receiving streams: tributary to Comfort Run and Comfort Run to North Witmer Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received February 20, 2002.

17860146 and NPDES Permit No. PA 0115738. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717. Renewal of an existing bituminous surface mine permit located in Chest Township, **Clearfield County** affecting 214.8 acres. Receiving streams: unnamed tributary to Wilson Run, to Wilson Run, to Chest Creek, to West Branch Susquehanna River. Application received March 4, 2002.

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

32020102 and NPDES Permit No. PA0249173. Big Mack Leasing Company, Inc., R. D. 6, Box 231, Kittanning, PA 16201. Commencement, operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 46.0 acres. Receiving streams: Neal Run and Reeds Run and their unnamed tributaries classified for the following uses: TSF. There are no potable water supply intakes within 10 miles downstream. Application received March 8, 2002.

56910101 and NPDES Permit No. PA0599077. Paul F. Becker Coal Company, 1593 Old Route 22, Duncansville, PA 16635, permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Somerset and Stonycreek Townships, **Somerset County**, affecting 120.0 acres. Receiving streams: unnamed tributaries to Kimberly Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 11, 2002.

56960109 and NPDES Permit No. PA0234273. Croner, Inc., P. O. Box 260, Friedens, PA 15541), permit renewal for continued operation of a bituminous surface mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 129.0 acres. Receiving streams: unnamed tributaries to Blue Lick Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 12, 2002.

56860105 and NPDES Permit No. PA0597686. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**,

affecting 184.2 acres. Receiving streams: unnamed tributaries to Blue Lick Creek and Swamp Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 12, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

24970101 and NPDES Permit No. PA0227404. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip operation in Fox Township, **Elk County** affecting 44.7 acres. Receiving streams: Curry Run and Little Toby Creek, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application for reclamation only. Application received March 11, 2002.

33970104 and NPDES Permit No. PA0227412. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830). Renewal of an existing bituminous surface strip and auger operation in Snyder Township, **Jefferson County** affecting 30.0 acres. Receiving streams: unnamed tributary to Walburn Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application for reclamation only. Application received March 11, 2002.

10020101 and NPDES Permit No. PA0242098. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Cherry Township, **Butler County** affecting 31.6 acres. Receiving streams: unnamed tributaries to Findlay Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received March 8, 2002.

1475-10020101-E-1. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining activities to within 25 feet to unnamed tributary No. 1 to Findlay Run in Cherry Township, **Butler County** affecting 31.6 acres. Receiving streams: unnamed tributaries to Findlay Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received March 8, 2002.

Noncoal Applications Received

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

8073SM1C6 and NPDES Permit #PA0614602. Highway Materials, Inc. (1128 Crusher Road, Perkiomenville, PA 18074), correction to an existing quarry operation and NPDES Permit in Marlborough Township, **Montgomery County** affecting 75.9 acres, receiving stream: Unami Creek, classified for the following use: trout stocking. Application received March 12, 2002.

8074SM2C3 and NPDES Permit #PA0012904. Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422-0405), renewal of NPDES Permit in Whitmarsh Township, **Montgomery County**, receiving stream: Lorraine Run, classified for the following use: trout stocking. Application received March 14, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

37020303. The East Fairfield Coal Co., Inc. (Box 217, 10900 South Avenue, North Lima, OH 44452-9792).

Commencement, operation and restoration of an underground industrial minerals operation in North Beaver Township, **Lawrence County** affecting 187.1 acres. Receiving streams: Honey Creek, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received March 12, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

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

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E15-682. Philadelphia Suburban Water, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3489, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a 16 inch HDPE under an unnamed tributary of the Valley Creek (EV) and the

existing Church Road Culvert water main by method of directional drilling. The project site is located along Church Road approximately 1,400 feet south of the Conestoga Road S.R. 0401 (Malvern, PA Quadrangle N: 8.55 inches; W: 8.90 inches).

E09-836. Quakertown Community School District, 600 Park Avenue, Quakertown, PA 18951, Richland Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain an access road, parking facilities, athletic facilities and stormwater management facilities associated with the construction of the proposed Quakertown Middle School within the 100-year floodplain of Morgan Creek (TSF) and adjacent wetlands (PFO/SS). The applicant also requests an Environmental Assessment Approval to construct, operate and maintain a nonjurisdictional dam in and along a wetland adjacent to Morgan Creek. The proposed project will impact approximately 0.63 acre of wetlands. The site is located just south of the intersection of Fairview Road and Fairview Avenue (Quakertown, PA USGS Quadrangle N: 11.2 inches, W: 10.0 inches).

E23-298. Eastern University, 1300 Eagle Road, St. David's, PA 19087-3696, Radnor Township, **Delaware County**, ACOE Philadelphia District.

To maintain and modify the existing Upper Lake situated in and along Gulph Creek. Work on the lake consists of:

1. Reconfiguration of the lake's shoreline and bed.
2. Creation of approximately 400 linear feet of low flow stream diversion channel along the northern edge of Upper Lake to separate the lake from Gulph Creek.
3. Installation of an inlet structure for maintaining a baseflow into the lake.
4. Also, to create reedbed filtration systems, including inlet and outlet structures for Upper Lake and Willow Lake, which will provide active nutrient removal and to construct a concrete sediment trap in Willow Run upstream from Willow Lake.

The Willow Lake reedbed system and sediment trap will be constructed in wetlands and impact about 0.016 acre of wetlands. This project is located at Eastern University (Norristown, PA Quadrangle N: 9 inches; W: 11.2 inches).

E15-683. Downingtown Mainstreet Group, 342 E. Lancaster Ave, Downingtown, PA 19335, Downingtown Township, **Chester County**, ACOE Philadelphia District.

To relocate and modify a 335 linear-foot section of Park Run (WWF-MF) stream channel, a tributary of the East Branch Brandywine Creek, associated with the S&S Development Co. Inc. Project. Work will involve creating a meandering stream around two existing exposed sanitary sewer manholes and the removal of existing bridge abutments. Work will also include the creation of a riparian buffer and fill in the floodplain to accommodate a proposed building. The project is associated with a redevelopment effort of the former O'Brien Machinery Complex located approximately 700 feet south of the intersection of Lancaster Avenue and the Brandywine Avenue (Downingtown, PA Quadrangle N: 0.75 inch; W: 10.75 inches) in Downingtown Borough, Chester County.

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

E40-597. Borough of Harveys Lake, P. O. Box 60, Harveys Lake, PA 18618. Borough of Harveys Lake, **Luzerne County**, ACOE Baltimore District.

To maintain the Harveys Lake Flood Protection Project (C40:15), in a 1,200-foot reach of a tributary to Harveys Lake known as Wordan Place Run. Construction of the original project was completed in 1979. The project consists of a rectangular concrete channel having a bottom width of 6 feet and a depth of 4 feet, with eight 6-foot by 4-foot concrete box culverts located at S.R. 1415, Center Street and six driveways. The project extends from Harveys Lake eastward under S.R. 1415 (Lakeside Drive) and along the south side of S.R. 1024 (Harveys Lake, PA Quadrangle N: 20.3 inches; W: 4.4 inches).

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

E22-438. Allen Smith, Conewago Contractors, Inc., 610 Edgegrove Road, Hanover, PA 17331 in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District

To construct and maintain a culvert stream crossing in an unnamed tributary to Swatara Creek (WWF) and to place fill in the floodway of the tributary to Swatara Creek for the purpose of constructing the 109.55-acre Stoneridge Commerce Park (Kreider Farm Subdivision) located between Longview Drive, to the north and Fulling Mill Road to the south and North Street to the east (Steelton, PA Quadrangle N: 19.75 inches; W: 0.0 inch) in Lower Swatara Township, Dauphin County.

E36-728. Nissin Foods USA Co. Inc., 2901 Hempland Road, Lancaster, PA 17601 in East Hempfield Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing stormwater collection system/stream enclosure within Brubaker Run (WWF) consisting of a system of corrugated metal pipes and to construct and maintain a new stormwater collection system consisting of reinforced concrete pipes and a precast concrete box culvert (4' x 11'), a concrete endwall, a utility line crossing and two road crossings at a point/points within the existing Nissin Foods USA Company, Inc. property boundaries located at Hempland Road (Columbia East, PA Quadrangle N: 9.0 inches; W: 1.0 inch) in East Hempfield Township, Lancaster County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-414. Historical and Museum Commission, P. O. Box 160A, Harrisburg, PA 16827. Water Obstruction and Encroachment Joint Permit Application, in Harris Township, **Centre County**, ACOE Susquehanna River Basin District (State College, PA Quadrangle N: 5.5 inches; W: 6.25 inches).

To remove existing footbridge and construct and maintain a 10-foot by 62-foot long steel beam, wooden decked footbridge over Spring Creek, which is located at the Pennsylvania Military Museum along S.R. 0322 in Boalsburg. This project proposes to have a minimal impact on Spring Creek, which is, designated a HQ-CWF, wild trout stream and does not propose to impact any jurisdictional wetlands.

E19-224. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Bridge Replacement, in Sugarloaf Township, **Columbia County**, ACOE Baltimore District (Red Rock, PA Quadrangle N: 4.28 inches; W: 11.37 inches).

To remove the existing 19 foot reinforced concrete I-beam bridge which is on a skew of 45 degrees with a curb-to-curb width of 20.3 feet, a hydraulic opening of

104.5 square feet and a design underclearance of 5.5 feet and to construct and maintain a 25 foot prestressed reinforced spread box beam bridge placed on a skew of 55° left ahead with a curb-to-curb width of 40 feet and a hydraulic opening of 148 feet. The project is located on SR 0487, Segment 0760, Offset 1321 over Coles Creek (CWF) approximately 2 miles south of the intersection of SR 487/SR 118. The project will impact less than 0.05 acre of wetlands while impacting approximately 80 feet of waterway.

E19-226. United States Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, PA 16801. Fishing Creek/Kocher Stream Stabilization, in Mount Pleasant, Scott and Orange Townships, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 7.75 inches; W: 7.25 inches).

To construct and maintain approximately 1,500 feet of stabilization and improvement of aquatic habitat of Fishing Creek (CWF) near Light Street off SR 487 downstream from the current confluence of Fishing Creek and Stony Brook. The project will not impact wetlands while impacting approximately 1,500 feet of waterway.

E53-369. The Golf Club at Wending Creek Farms, LLC, One North Main Street, Coudersport, PA 16915. Utility line crossing an unnamed tributary to Allegheny River, in Allegany Township, **Potter County**, ACOE Pittsburgh District (Sweden Valley, PA Quadrangle N: 19.0 inches; W: 0.2 inch).

To construct, operate and maintain rock and stone water features for golf course aesthetics, an 8-inch diameter ductile iron irrigation pipe and two 2-inch diameter irrigation conduits in, along and beneath the channel of an unnamed tributary to the Allegheny River (CWF). Construction and maintenance of the water features and irrigation lines shall be conducted in dry work conditions at stream low flow. Construction and maintenance of the structures authorized by this permit shall not be conducted in and along the unnamed tributary to the Allegheny River between March 1 and June 15 and October 1 and December 31 without the prior written approval of the Fish and Boat Commission. The project will not impact wetlands while permanently impacting 400-feet of waterway that is located along the western right-of-way of SR 0049 approximately 1-mile south of T-410 and SR 0049 intersection. The 400-feet of permanently impacted waterway shall be mitigated with riparian buffer restoration and enhancement along 1,500-feet of the Allegheny River.

E53-370. Genesee Township, P. O. Box 1, Genesee, PA 16923. Genesee River Levee Repair, in Genesee Township, **Potter County**, ACOE Pittsburgh District (Ulysses, PA Quadrangle N: 20.1 inches; W: 15.8 inches).

To restore and repair 150-feet of Genesee River stream bank and to modify, operate and maintain 440-feet of flood protection levee along the Genesee River (CWF) for the protection of public and private property. The stream bank restoration and repair work shall consist of backfilling an erosion area and stabilizing the area with R-6 rip rap. The levee modifications shall consist of filling, grading, compacting and stabilizing 440-feet of levee. The levee shall be modified and maintained with a maximum top width of 5-feet, side-slopes of 1-foot vertical to 1.5-foot horizontal and vegetative stabilization. All in-stream work shall be conducted during stream low and dry work conditions through the use of flumes or dams and pumping stream flow around work area. Construction and future repair shall not be conducted in and along the

Genesee River from March 1 to June 15. The project will not impact wetlands while impacting 150-feet of waterway that is located along the eastern right-of-way of SR 0449 approximately 2,000-feet south of SR 0244 and SR 0449 intersection. This permit also authorize the construction, operation, maintenance and removal of temporary diversions and/or cofferdams; upon completion of the stream bank stabilization activities, all temporary structures shall be removed with the stream channel restored to pre-existing geometry, profile and pattern.

E55-186. Scott E. Garrison, R. R. 1, Box 2064, Beavertown, PA 17813. Water Obstruction and Encroachment Permit Application, in Adams Township, **Snyder County**, ACOE Susquehanna River Basin District (Beavertown, PA Quadrangle N: 7.6 inches; W: 11.1 inches).

To relocate 110 feet of stream in an unnamed tributary to the North Branch of Middle Creek and construct and maintain 40 feet of new stream channel, the banks of which will be stabilized with conservation mix grass, all of which is located 0.5 mile south of Troxelville on SR 0235 to Sheep Hill Road. This project does not propose to impact any jurisdictional wetlands.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-528. Over Time on the Mon, Route 88, P. O. Box 610, Fredericktown, PA 15333. East Bethlehem Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a 650.0 foot long by 24.0 foot wide boat docking facility in the channel and along left bank of the Monongahela River (WWF), to place and maintain rip rap along the left bank of said stream for a distance of 300.0 feet and to construct and maintain a walkway along the left bank of said stream for the purpose of constructing a marina. The project is located from River Mile Post 62.85 to 63.1, just upstream from the confluence of Barneys Run and the Monongahela River (California, PA Quadrangle N: 2.6 inches; W: 15.3 inches).

E65-787. Fred Ulishney, Jr., 1121 Sessi Road, Latrobe, PA 15650. Unity Township, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a 40-foot long, 12-foot diameter pipe culvert (invert depressed 6 inches) in Fourmile Run (TSF) to provide access from Beatty County Road approximately 1,000 feet north of S.R. 30. The project includes construction and maintenance of 80 LF of rock riprap for bank stabilization at the downstream of the structure (Latrobe, PA Quadrangle N: 6.95 inches; W: 8.41 inches).

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

E10-346. Southern Valley Commons, LP, 3468 Broadhead Road, Monaca, PA 15061, Southern Valley Commons Housing Development, in Adams and Cranberry Townships, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 9.5 inches; W: 8.0 inches).

Construction of 180 townhouse units on a 46.3-acre tract of land located in Cranberry and Adams Townships, Butler County. The project includes road construction, utility construction and site grading. An existing stream that flows from southwest to northeast across the site has approximately 2.61 acres of wetland associated with the stream corridor. Approximately 1.41 acres of wetland are proposed to be disturbed and 2.94 acres are proposed mitigation areas. The project also involves the relocation

of an existing replacement wetland constructed in association with the development of Norwegian Spruce Drive. A stream crossing of an unnamed tributary of Kaufman Run (WWF) for the proposed sanitary sewer is also included in the project.

E25-643. Erie-Western Pennsylvania Port Authority, 100 State Street, Suite 205, Erie, PA 16507-1455. West Side Bike Path Bridge across Cascade Creek, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 22.1 inches; W: 15.3 inches).

This is a 1,700-foot extension of the Westside Bike Path south to Frontier Park along the floodplain of Cascade Creek. This extension includes crossing Cascade Creek with a new bridge to be constructed immediately downstream of the Bayfront Parkway bridge. This bridge will have approximately 20 foot of underclearance and a single span of 120 feet. No wetlands will be impacted to complete this project.

E43-296. Grove City College, 100 Campus Drive, Grove City, PA 16127, Grove City College-Rainbow Bridge Reconstruction, in Grove City Borough, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 5.8 inches; W: 11.3 inches).

Reconstruct the Rainbow Bridge located on the campus of Grove City College. The existing bridge was constructed in 1931 and has been damaged due to cyclic freezing and thawing and the use of deicing salts. The reconstruction will be to the same dimensions and clearances as the existing bridge and to reuse existing stone as much as possible. Existing piers and abutments will be demolished to sound concrete and reused. Additional improvements include replacing the existing wing-walls on the east end, constructing new wing-walls on the west end and a new asphalt approach to the west.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the

Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

NPDES Permit No. PA0056553, Industrial Waste, **Allen A. Myers, L.P. d/b/a Independence Construction Materials**, P. O. Box 98, Worcester, PA 19490. This proposed facility is located Charlestown Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Pickering Creek-Manatawny-3D.

NPDES Permit No. PA0051934, Sewage, **Limerick Township Municipal Authority**, 529 King Road, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

The following notice reflects changes to the notice published at 32 Pa.B. 441 (January 26, 2002):

The Monitoring/Report requirement for the acute whole effluent toxicity has been deleted from the permit.

WQM Permit No. 4694201, Industrial Waste, **WN Stevenson Company, Inc.**, 246 Rock Hill Rod, Bala Cynwyd, PA 19004. This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal for the disposal of treated groundwater from an existing groundwater remediation system.

WQM Permit No. 2302402, Sewerage, **Southern Delaware County Authority**, 101 Beech Street, Boothwyn, PA 19061. This proposed facility is located in Upper Chichester Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewer extension to serve the Creekside Village.

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

NPDES Permit No. PA0084077, Sewage, **Snake Spring Township Municipal Authority**, 624 Pennknoll Road, Everett, PA 15537-6945. This proposed facility is located in Snake Spring Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Raystown Branch Juniata River in Watershed 11-C.

WQM Permit No. 3602402, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in West Hempfield Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for modifications to the construction/operation of a Pump Station.

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

NPDES Permit No. PA0026239, Sewerage, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA, 16801-8499. This existing facility is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: This permit action was for the renewal of the Authority's NPDES permit for the discharge of 6.0 million gallons per day of tertiary treated sewage to Spring Creek. The renewal also encompasses an approved 316(a) thermal variance and the first phase of an effluent beneficial reuse project.

NPDES Permit No. PA0045969, Industrial Waste, **Sunoco Partners Marketing and Terminals, L.P.**, 19/10 PC, 1801 Market Street, Philadelphia, PA 19103-1699. This existing facility is located in Point Township, **Northumberland County**.

Description of Proposed Action/Activity: Transfer of permit from Sunoco Inc. (R&M) to Sunoco Partners Marketing and Terminals, L.P.

WQM Permit No. 5501404, Sewerage, **McClure Municipal Authority**, P. O. Box 138, McClure, PA 17841. This proposed facility is located in McClure Borough, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes to construct a 550,000-gallon surge tank and make modifications to the existing wastewater treatment plant to improve overall efficiency. Also, the Authority will do some sewer rehabilitation.

WQM Permit No. 5500404, Sewerage, **Beavertown Municipal Authority**, 419 Old Orchard Drive, Beavertown, PA 17813. This proposed facility is located in Beavertown Borough and Beaver Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes to construct a new 0.160 MGD, three cell, aerated lagoon wastewater treatment plant to serve the Borough of Beavertown. Discharge will be to Kern Run.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0031933, Industrial Waste, **Orion Power MidWest, LP**, P. O. Box 87, Pittsburgh, PA 15219-0087 is authorized to discharge from a facility located at Brunot Island Power Station, City of Pittsburgh, **Allegheny County** to receiving waters named Ohio River.

NPDES Permit No. PA0205443, Industrial Waste, **Hanson Aggregates PMA, Inc.**, 400 Industrial Boulevard, New Kensington, PA 15068 is authorized to discharge from a facility located at Lower Burrell Land Plant, Lower Burrell Township, **Westmoreland County** to receiving waters named Allegheny River.

NPDES Permit No. PA0026841, Sewage, **Borough of Oakmont**, Fifth Street and Virginia Avenue, P. O. Box 206, Oakmont, PA 15139-0206 is authorized to discharge from a facility located at Oakmont Wastewater Treatment Plant, Oakmont Borough, **Allegheny County** to receiving waters named Allegheny River.

NPDES Permit No. PA0032212, Sewage, **Lawrence J. and Pamela K. Nelson**, 144 Silver Lake Lane,

Fombell, PA 16123 is authorized to discharge from a facility located at Camp Silver Lake STP, Marion Township, **Beaver County** to receiving waters named unnamed tributary of Connoquenessing Creek.

NPDES Permit No. PA0090018, Sewage, **North Strabane Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317 is authorized to discharge from a facility located at Willowlake Sewage Treatment Plant, North Strabane Township, **Washington County** to receiving waters named unnamed tributary of Chartiers Creek.

NPDES Permit No. PA0217581, Sewage, **Louis Yemc**, 350 Arona Road, New Stanton, PA 15672 is authorized to discharge from a facility located at Yemc New Stanton Mack Truck Dealership STP, South Huntingdon Township, **Westmoreland County** to receiving waters named unnamed tributary of Hunters Run.

Permit No. 0202402, Sewerage, **Terence Jackovic**, 611 Parliament Drive, Moon Township, PA 15108. Construction of single residence sewage treatment facility located in Sewickley Heights Borough, **Allegheny County** to serve Jackovic single residence sewage treatment facility.

Permit No. 0474418-A1, Sewerage, **Koppel Borough Council**, P. O. Box 1, Arthur Street and Third Avenue, Koppel, PA 16136. Construction of treatment plant replacement and expansion located in Koppel Borough, **Beaver County** to serve Koppel Borough.

Permit No. 3092201-A1, Industrial Waste, **Southwestern Pennsylvania Water Authority**, P. O. Box 297, Jefferson, PA 15344. Construction of Water Treatment Plant located in Cumberland Township, **Greene County** to serve Southwestern Pennsylvania Water Authority (Sludge Drying Beds).

Permit No. 6571417-A3, Sewage, **Kiski Valley Water Pollution Control Authority**, 1200 Pine Camp Road, Leechburg, PA 15656. Sewage treatment plant modifica-

tions located in Allegheny Township, **Westmoreland County** to serve Kiski Valley STP.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

Persons aggrieved by an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U164	Forks Township 1606 Sullivan Trail Easton, PA 18040-8398	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAS10U165	Nic Zawarski & Sons, Developers, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAS10V039	Pike County 506 Broad St. Milford, PA 18337	Pike	Blooming Grove Township	Billing and Shohola Creeks HQ-CWF

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481 (814) 332-6860.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104113	DL Resources, Inc. 1066 Hoover Road Smicksburg, PA 16256	McKean	Hamilton Township	Whiting Run (HQ-CWF), Markham Run (HQ-CWF) and Kinzua Creek (CWF)

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Carbon County Franklin Township	PAR101331	Franklin Township 900 Fairyland Rd. Lehigh, PA 18235	Pohopoco Creek CWF	Carbon County Conservation District (610) 377-4894
Lackawanna County Scranton City	PAR10N131	David Swisher Martz Tower Bldg. 46 Public Square Suite 600 Wilkes-Barre, PA 18701	Lackawanna River WWF	Lackawanna County Conservation District (570) 281-9495
Lackawanna County Borough of Archbald	PAR10N133	Borough of Archbald Fredrick Donnini 400 Church St. Archbald, PA 18403	Tinklepaugh Creek Wildcat Creek CWF	Lackawanna County Conservation District (570) 281-9495
Northampton County Upper Mt. Bethel Township	PAR10U172	William Hopkins LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Allegheny Creek CWF	Northampton County Conservation District (610) 746-1971
Schuylkill County Hegins Township	PAR105837	Metal Industries Home Products, Inc. 528 Park Lane Hegins, PA 17938	Pine Creek CWF	Schuylkill County Conservation District (570) 622-3742

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Schuylkill County West Brunswick Township	PAR105712-R	Brookside Court Properties, Inc. P. O. Box 218 Orwigsburg, PA 17961	Pine Creek CWF	Schuylkill County Conservation District (570) 622-3742
Lehigh County Upper Saucon Township	PAR10Q163	R. Kirkland McQuiddy P. O. Box 14176 Surfside Beach, SC 29587	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Susquehanna Township Dauphin County	PAR10I290	Custer Dev. Co. 1309 Laurel Point Cir. Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAR10I291	441 McNaughton Prop. 4400 Deerpath Rd. Suite 201 Harrisburg, PA 17110	Laurel Run WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Clinton County West Keating Township	PAR10I923	B.A.M.R. Cambria Office 286 Industrial Park Rd. Ebensburg, PA 15931	Loop Run CWF	Clinton County Conservation District 216 Spring Run Rd., Rm. 104 Mill Hall, PA 17751 (570) 726-3798
Montour County Liberty Township	PAR104724	Ed Rothermel 32 Meadow Lane Danville, PA 17821	Beaver Run WWF	Department of Environmental Protection Northcentral Regional Office Water Management 208 W. 3rd St. Suite 101 Williamsport, PA 17701 (570) 327-3574
Butler County Penn Township	PAR10E177	Donald Bailey Butler County Airport Authority 473 Airport Road Butler, PA 16002	Tributary to Glad Run WWF	Butler County Conservation District (724) 284-5270
Erie County Millcreek Township	PAR10K188	Ron Bronstein 8348 Boston-Colden Road Colden, NY 14033	Wilkens Run CWF-MF	Erie County Conservation District (814) 796-6700

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Hatfield Township Montgomery County	PAR110034	Fluid Energy Processing & Equipment Co. 2629 Penn Avenue Hatfield, PA 19440	Neshaminy Creek-2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Merion Township Montgomery County	PAR800037	Con Way Central Express 3240 Hillview Ave. Palo Alto, CA 94304	Crow Creek-3F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Falls Township Bucks County	PAR600043	Safety Kleen Systems 1140 Greenhill Rd. West Chester, PA 19380	Rock Run-2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lancaster County East Lampeter Township	PAR803650	Federal Express Corporation Federal Express World Headquarters Bldg. B, 2nd Floor 3620 Hacks Cross Road Memphis, TN 38125-7113	Conestoga River WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR803652	Federal Express Corporation Federal Express World Headquarters Bldg. B, 2nd Floor 3620 Hacks Cross Road Memphis, TN 38125-7113	Tributary to Codorus Creek TSF CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Bern Township	PAR803651	Federal Express Corporation Federal Express World Headquarters Bldg. B, 2nd Floor 3620 Hacks Cross Road Memphis, TN 38125-7113	Tulpehocken Creek WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR703520	Consolidated Container Company 5605 N. MacArthur Blvd. Suite 360 Irving, TX 75038	UNT to Swarr Run CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York City	PAR703519	Consolidated Container Company 5605 N. MacArthur Blvd. Suite 360 Irving, TX 75038	Codorus Creek	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lawrence Township Tioga County	PAR224805	Bradford Forest, Inc. 444 High Street Bradford, PA 16701	Tioga River WWF Mutton Lane Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Williamsport Lycoming County	PAR144805	Stone Container Corp. P. O. Box 3097 2940 Reach Road Williamsport, PA 17701	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Shippingport Borough Beaver County	PAR216143	NGC Industries Inc. P. O. Box 346 Shippingport, PA 15077	Unnamed swale to Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lebanon County Bethel Township	PAG043579	Drew Dreisbach 61 Deitzler Lane Jonestown, PA 17038	UNT to Monroe Creek WWF	DEP Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4700
Dauphin County East Hanover Township	PAG043568	John and Mildred Zimmerman 1014 Manada Bottom Rd. Harrisburg, PA 17112- 8824	Manada Creek CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Fishing Creek Township Columbia County	PAG044926	Arthur and Mary Ellen Christie 3014 State Rt. 487 Orangeville, PA 17859	Fishing Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Clearfield Township Cambria County	PAG046107	Anthony and Darla Gibbons 206 Stoltz Road Patton, PA 16668	UNT to Burgoon Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Hanover Township Washington County	PAG046116	Ernest E. Peterson 384 County Line Road Burgettstown, PA 15021	Tributary to Aunt Clara Fork Kings Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Sewickley Heights Borough Allegheny County	PAG046248	Terence Jackovic 611 Parliament Drive Moon Township, PA 15108	UNT to Kilbuck Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Montgomery County Douglass Township	PAG050032	Exxon Mobil Corporation P. O. Box 288 Fort Washington, PA 19034	Minister Creek	Southeast Region Water Management (610) 832-6130
Lancaster County Quarryville Borough	PAG053561	Alternative Environmental Solutions, Inc. 930 Pointview Avenue, Suite B Ephrata, PA 17522	Tributary of the South Fork of Big Beaver Creek WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County West Hanover Township	PAG053559	Pilot Corporation 5508 Lonas Road Knoxville, TN 37939- 0146	Manada Creek WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
Hampden Township Cumberland County	PAG083568	Hampden Township Roth Lane WWTP 230 S. Sporting Hill Road Mechanicsburg, PA 17050	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110-8200 (717) 705-4707
Hampden Township Cumberland County	PAG083569	Hampden Township Roth Lane WWTP 230 S. Sporting Hill Road Mechanicsburg, PA 17050	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110-8200 (717) 705-4707
Plumcreek Township Armstrong County	PAG086110	Eastern Armstrong County Municipal Authority P. O. Box 262 Elderton, PA 15736	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Bethel Township Lebanon County	PAG083503	City of Lebanon Authority 250 Dairy Road Lebanon, PA 17042	James and Earl Halterman Bethel Township Lebanon County	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Franklin County Lurgan Township	PAG123542	Hostetter Management Company McClays Farm 120 Lake Street Ephrata, PA 17522-0526	UNT Paxton Township/ WWF	DEP—SCRO Water Management Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Operations Permit issued to **North Penn Water Authority**, 300 Forty Foot Road, Lansdale, PA 19446, Lansdale Borough, **Montgomery County** on March 13, 2002.

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

Operations Permit issued to **Kline Township Municipal Authority**, 76 South Kennedy Drive, P. O. Box 160, McAdoo, PA 18237, Borough of McAdoo, **Schuylkill County** on March 8, 2002.

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

Permit No. 0601517, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Municipality Amity Township
 County **Berks**
 Type of Facility Reconstruction of Douglasville Well 12 and rerating to 120 gallons per minute.
 Consulting Engineer Steven E. Riley, P.E.
 Spotts Stevens and McCoy
 345 North Wyomissing Boulevard
 Reading, PA 19530 0307
 Permit to Operate Issued: March 8, 2002

Permit No. 3401501 MA, Minor Amendment, Public Water Supply.

Applicant **Mifflintown Municipal Authority**
 Municipality Fermanagh Township
 County **Juniata**
 Type of Facility Exterior and interior painting of one 330,000 gallon standpipe and one 225,000 gallon ground water storage tank.
 Consulting Engineer Richard E. Miller, P.E.
 Uni Tec Consulting Engineers Inc.
 2007 Cato Avenue
 State College, PA 16801
 Permit to Construct Issued: February 28, 2002

Permit No. 2199505 MA, Minor Amendment, Public Water Supply.

Applicant **Borough of Carlisle**
 Municipality Borough of Carlisle
 County **Cumberland**
 Type of Facility Operation of new intake facility for water treatment plant.
 Consulting Engineer Jay R. Jackson, P.E.
 ARRO Consulting, Inc.
 Permit to Operate Issued: March 8, 2002

Permit No. 0698505, Minor Amendment, Public Water Supply.

Applicant **Wernersville Municipal Authority**
 Municipality Wernersville Borough
 County **Berks**
 Type of Facility Amended operating permit for lead and copper corrosion control.
 Consulting Engineer Steven E. Riley, P.E.
 Spotts Stevens and McCoy
 345 North Wyomissing Boulevard
 Reading, PA 19530 0307
 Permit to Operate Issued: March 12, 2002

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-481.

Operations Permit #1601505 issued to **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033-0888, Clarion Township, Clarion County on March 14, 2002.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Maiers Bakery—Distribution Center and Thrift Store, Pottstown Borough, **Montgomery County**. Paul R. Morin, P.G., EMP, 1131 Marshallton-Thorndale Rd., West Chester, PA 19380, on behalf of Stroehmann Bakeries, L.C., 255 Business Ctr., Dr., Horsham, PA 19044, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Former Liquid Carbonic Industries Corporation, Laurel Run Borough, **Luzerne County**. John Walker, P.G., Project Director, INTEX Environmental Group, Inc., 6205 Easton Road, Pipersville, PA 18947 has submitted a Final Report (on behalf of Praxair, Inc., P. O. Box 237, Industrial Drive, Keasbey, NJ 08832) concerning the characterization and remediation of site soils and groundwater found or suspected to have been contaminated with

petroleum hydrocarbons, metals, PCBs, solvents and polycyclic aromatic hydrocarbons. The report was submitted to demonstrate attainment of the Statewide health standard.

Former Heraeus Amersil, Inc. Facility, Upper Mt. Bethel Township, **Northampton County**. Michael N. Metlitz, Project Manager, The Whitman Companies, Inc., 44 W. Ferris Street, New Brunswick, NJ 08816 submitted a combined Remedial Investigation Report, Risk Assessment Report and Cleanup Plan (on behalf of Heraeus Amersil, Inc., 100 Heraeus Boulevard, Buford, GA 30518) concerning the site characterization and remediation of site soils found to have been contaminated with fluoride and site groundwater found to have been contaminated with fluoride and solvents. The reports were submitted in partial fulfillment of the site-specific standard.

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

Pennsylvania House—White Deer Facility, White Deer Township, **Union County**. Meiser & Earl, Inc., on behalf of Pennsylvania House, Inc., 137 North Tenth Street, Lewisburg, PA 17837-1388, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PHCs. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted for this site. See the Applications section of this *Pennsylvania Bulletin*.

Houston Property, Huston Township, **Centre County**. Hydrotech, Inc., on behalf of Mark and Barbara Houston, P. O. Box 44, Julian, PA 16844, has submitted a Final Report concerning remediation of site soil contaminated with lead. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

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

CDR Pigments, Ridgway Borough, Elk County. Civil & Environmental Consultants, Inc., 333 Baldwin Rd., Pittsburgh, PA 15205-9702 on behalf of CDR Pigments & Dispersions, 71-75 Front Street, State Rt. 120, Borough of Ridgway, **Elk County**, PA, has submitted a Final Report concerning remediation of site soil, groundwater and surface water contaminated with lead, heavy metals, solvents and BTEX. The report is intended to document remediation of the site to meet the Site Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code [00a7]250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the 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 of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Pitkow Property, Buckingham Township, **Bucks County**. Staci Nelson-Cottone, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, has submitted a Final Report concerning the remediation of site soil contaminated with petroleum hydrocarbons. The Final Report was submitted within 90 days of the release of the contaminant. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 5, 2002.

Realen Homes, L.P. (Groundwater), Falls Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., on behalf of H.C. Price Co., 15660 N. Dallas Parkway, Suite 300, Dallas, TX, has submitted a Final Report concerning the remediation of site groundwater contaminated with SVOCs. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 8, 2002.

Glenside Shopping Center (Produce Junction), Cheltenham Township, **Montgomery County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Produce Junction, Inc., P. O. Box 108, Glenolden, PA 19036, has submitted a Final Report concerning the remediation of site groundwater contaminated with solvents. The report demonstrated attainment of Background Standards and was approved by the Department on February 22, 2002.

Drug Emporium Plaza, City of Philadelphia, **Philadelphia County**. David R. Kerschner, P.G., KU Re-

sources, Inc., One Library Place, Duquesne, PA 15110, on behalf of Empor, L.P., c/o Phil Shelton, GE Capital Real Estate, 16479 Dallas Parkway, Addison, TX 75001, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, BTEX, polycyclic aromatic hydrocarbons, solvents and SVOCs; and groundwater contaminated with lead, heavy metals, BTEX, polycyclic aromatic hydrocarbons, solvents and SVOCs. The report demonstrated attainment of Site-Specific Standards and was approved by the Department on February 26, 2002.

Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Spirax Sarco, Inc., City of Allentown, **Lehigh County**. Dr. William K. Ahlert, Manager Mid-Atlantic Services, Lawler, Matusky and Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a Remedial Investigation Report (on behalf of Spirax Sarco, Inc., 1150 Northpoint Boulevard, Blythewood, SC 20106) concerning the characterization of site soils and groundwater found or suspected to have been contaminated with solvent compounds. The report was submitted in partial fulfillment of the Site-Specific Standard and was approved on March 6, 2002.

PPL—Former Tamaqua Manufactured Gas Plant Facility, Tamaqua Borough, **Schuylkill County**. James F. Villaume, P.G., Environmental Supervisor, PPL Electric Utilities, 2 North Ninth Street, Allentown, PA, 18101 submitted a Remedial Investigation Report concerning the characterization of site soils and groundwater found or suspected to have been contaminated with polycyclic aromatic hydrocarbons, petroleum hydrocarbons and BTEX constituents. The report was submitted in partial fulfillment of the site-specific standard and was approved on March 18, 2002.

Former Open Gate Hotel, Bethlehem Township, **Northampton County**. Lori A. Girvan, Environmental Scientist, Barry Isett & Associates, Inc., 85 S. Route 100 and Kressler Lane, P. O. Box 147, Trexlertown, PA 18087 submitted a Final Report (on behalf of Nazareth National Bank, 3864 Adler Place, Bethlehem, PA 18017) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The report was submitted to demonstrate attainment of the State-wide health standard and was approved on March 13, 2002.

PPL Utilities—Former Penn Fuel Gas Manufactured Gas Plant (Jim Thorpe site), Mahoning Township, **Carbon County**. RETEC, 3040 William Pitt Way, Pittsburgh, PA 15238 submitted a Cleanup Plan (on behalf of PPL Utilities, Environmental Management Division, Two North Ninth Street, Allentown, PA 18101-1179) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with metals, phenolic compounds, cyanide, polycyclic aromatic hydrocarbons and BTEX compounds. The report was submitted in partial fulfillment of a combination of both the Statewide health and site-specific standards and was approved on March 14, 2002.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Sunpro, Inc., 7392 Whipple Avenue, NW, North Canton, OH 44720-7140. License No. **PA-AH 0659**. Effective March 12, 2002.

Fleet Environmental Services LLC, 59 Longwater Drive, Norwell, MA 02061. License No. **PA-AH 0658**. Effective March 12, 2002.

Aghog, Inc., 773 Patterson Court, Inkster, MI 48141. License No. **PA-AH S224**. Effective March 6, 2002.

Maxwell Transport, Inc., 455 Struble Road, State College, PA 16801. License No. **PA-AH 0521**. Effective March 06, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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.

Northwest Region: Regional Solid Waste Manager; 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 101397. Superior Greentree Landfill, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. Major permit modification application for liner system subgrade, final cover layer, low permeability soil layer modifications and an enhanced recirculation project. The permit was issued by the Northwest Regional Office on March 15, 2002.

Persons interested in reviewing the general permit may contact A. Patrick Boyle, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

GP3-4-31-03002: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on March 15, 2002, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Spruce Creek Township, **Huntingdon County**.

GP3-5-31-03002: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on March 15, 2002, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Spruce Creek Township, **Huntingdon County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

GP5-03-00230: Dominion Peoples (625 Liberty Avenue, Pittsburgh, PA 15222) on March 13, 2002, for construction and operation of two Caterpillar Model

3508LE 633 Bhp Compressor Engines at the Belknap Compressor Station in Wayne Township, **Armstrong County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.

48-313-089: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042) on March 12, 2002, for modification of a granulation system and associated air cleaning devices at their Easton Plant in Wilson Borough, **Northampton County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

07-05036: Tarmac-It Materials, Inc. (515 West 17th Street, Tyrone, PA 16686) on March 14, 2002, for installation of a bituminous concrete batch plant controlled by a fabric collector at the Tyrone Plant in Snyder Township, **Blair County**.

36-05084A: Ephrata Community Hospital (169 Martin Avenue, P. O. Box 1002, Ephrata, PA 17522) on March 14, 2002, for installation of a wet scrubber to control emissions from a medical waste incinerator in Ephrata Borough, **Lancaster County**. This facility is subject to 40 CFR Part 62, Subpart HHH—Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996.

67-05030B: C-P Converters, Inc. (15 Grumbacher Road, York, PA 17402) on March 11, 2002, for installation of a Flexographic Press #12 controlled by permanent total enclosure and catalytic incinerator in Manchester Township, **York County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

AMS-01156: Qwest Communication Corp. (1801 California Street, #1160, Denver CO 80202) for operation of a 1500 kW Diesel Emergency Generator in the City of Philadelphia, **Philadelphia County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0028A: FiberMark, Inc. (45 North 4th Street, Quakertown, PA 18951) on March 18, 2002, for operation of Graphic Art Line #2 (Department Source #302) in Quakertown Borough, **Bucks County**.

09-0028: FiberMark, Inc. (45 North 4th Street, Quakertown, PA 18951) on March 18, 2002, for operation of Graphic Art Line #1 (Department Source #301) in Quakertown Borough, **Bucks County**.

46-0025D: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on March 15, 2002, for operation of 10 storage tanks in Upper Merion Township, **Montgomery County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on March 15, 2002, for operation of a waste incinerator in Upper Merion Township, **Montgomery County**.

09-0142: Qwest Communications Corp. (35 Runway Road, Levittown, PA 19057) on March 13, 2002, for operation of four diesel emergency generators in Bristol Township, **Bucks County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

49-313-032J: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on March 8, 2002, to extend authorization to operate some air contamination sources (chemical reaction vessels) identified in the respective plan approval on a temporary basis until July 6, 2002, as well as to extend the expiration date for installation of air cleaning devices (two thermal oxidizers) on various other air contamination sources (chemical reaction vessels) identified in the plan approval in Riverside Borough, **Northumberland County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

AR-03-027: Keystone Owners Group (1001 Broad Street, Johnstown, PA 15907) reissued March 20, 2000, to incorporate change of owner/operator for Phase II Acid Rain Permit at Keystone Station in Plumcreek Township, **Armstrong County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

42-176E: Temple Inland Forest Products Corp. (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on March 30, 2002, for a wood chip refiner start up cyclone in Sergeant Township, **McKean County**.

42-399-015A: Temple Inland Forest Products Corp. (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on March 30, 2002, for wood particle dryers in Sergeant Township, **McKean County**.

10-021 I: INDSPEC Chemical Corp. (133 Main Street, Petrolia, PA 16050) on March 3, 2002, for resorcinol storage and scrubber in Petrolia, **Butler County**.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

03-027A: Reliant Energy (1001 Broad Street, Johnstown, PA 15907) for installation of SCR on Units #1 and #2 at Keystone Station in Plumcreek Township, **Armstrong County**. Plan Approval has been modified to allow the usage of either urea or aqueous ammonia in the SCR systems.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-03004: Homette Corp. (P. O. Box 743, Elkhart, IN 46515-0743) on March 11, 2002, for operation of the Nomad/Layton Travel Trailers facility in Upper Leacock Township, **Lancaster County**.

36-03071: Humane League of Lancaster County (2195 Lincoln Highway East, Lancaster, PA 17602) on March 15, 2002, for operation of a cremation chamber in Swatara Township, **Dauphin County**.

36-03092: Union Quarries, Inc. (P. O. Box 686, Carlisle, PA 17103) on March 14, 2002, for operation of a crushing plant at the Rheems Quarry in West Donegal Township, **Lancaster County**.

36-05064: Homette Corp. (P. O. Box 743, Elkhart, IN 46515-0743) on March 11, 2002, for operation of the Skyline Homes facility in Ephrata Borough, **Lancaster County**.

36-05065: Homette Corp. (P. O. Box 743, Elkhart, IN 46515-0743) on March 11, 2002, for operation of the Skyline Homes facility in Upper Leacock Township, **Lancaster County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Safko, Facilities Permitting Chief, (570) 826-2531.

48-313-070D: Praxair Distributions, Inc. (145 Shimersville Road, Bethlehem, PA 18015) for reconfiguration of specialty gas processing systems and associated air cleaning devices and elimination of two ethylene oxide systems and associated air cleaning devices in Bethlehem, **Northampton County**.

48-313-091: Welco—CGI Gas Technologies (145 Shimersville Road, Bethlehem, PA 18015) for acquisition, reconfiguration and operation (change of ownership) of two ethylene oxide systems and associated air cleaning devices in Bethlehem, **Northampton County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

08-399-001B: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) on March 7, 2002, to authorize the use of a fabric collector identified in the operating permit to control the particulate matter emissions from an additional air contamination source, a small sodium nitrite roll crusher, in North Towanda Township, **Bradford County**.

14-399-009F: Murata Electronics North America, Inc. (1900 West College Avenue, State College, PA 16801) on March 11, 2002, to authorize the conversion of a ceramic chip capacitor kiln to a binder removal oven in Ferguson Township, **Centre County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

63-00014: Orion Power Midwest—Elrama Power Plant (2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275) revised Title V Operating Permit on March 12, 2002, to change the permit contact and include the following control devices; SNCR system (C07) for Boiler #2 and SNCR system (C08) for Boiler #3. These control devices were inadvertently omitted in the initial issuance on December 18, 2001 and still exist in the plant in Union Township, **Washington County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

10-00037: Crompton Corp.—Petroliia Facility (P. O. Box 336, Petroliia, PA 16050) for an Amended Title V Operating Permit to operate a petroleum processing facility in Petroliia Borough, **Butler County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

95-008: PECO Electric Shop—Oregon (2610 Columbus Boulevard, Philadelphia, PA 19148) administratively amended a second time on March 19, 2002, to identify a change in the facility name, owner, facility contact, permit contact and responsible official for their facility in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor operating permit was originally issued on November 8, 2000 and first amended on January 4, 2001.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17910125 and NPDES Permit No. PA 0206733. Laurel Energy, L. P., One Energy Place, Suite 7500, Latrobe, PA 15660. Transfer and renewal of an existing bituminous surface mine-auger permit, formerly Al Hamilton Contracting Company, located in Lawrence Township, **Clearfield County** affecting 78 acres. Receiving streams: unnamed tributary to Wallace Run and McLaughlin Run to Little Clearfield Creek to Clearfield

Creek to the West Branch of the Susquehanna River. Application received December 26, 2001. Permit issued March 8, 2002.

17000110 and NPDES Permit No. PA 0243019. Hepburnia Coal Company, P. O. Box I, Grampian, PA 16838. Revision to an existing bituminous surface mine-auger permit for a change in permit acreage from 51 to 75.4 acres. The permit is located in Penn Township, **Clearfield County**. Receiving streams: unnamed tributary to Kratzer Run and unnamed tributary to West Branch Susquehanna River. Application received November 6, 2001. Permit issued March 13, 2002.

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

56000103 and NPDES Permit No. PA0235245. Hoffmann Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541. Permit revision for a stream enhancement project for an unnamed tributary to Oven Run, the proposed project will include redirecting an unnamed tributary A to a second tributary B to provide a more consistent water source to unnamed tributary B and for existing discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 111.4 acres. Receiving streams: unnamed tributary to Oven Run classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Water Authority and Cambria/Somerset Water Authority Border. Application received December 6, 2001. Permit issued March 12, 2002.

32970106 and NPDES Permit No. PA0234435, GLR Mining, Inc., P. O. Box 105, Clymer, PA 15728, permit renewal for reclamation only for continued restoration of a bituminous surface and auger mine in Pine Township, **Indiana County**, affecting 92.5 acres. Receiving streams: unnamed tributaries to Leonard Run, unnamed tributary to Yellow Creek classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority. Application received February 7, 2002. Permit issued March 8, 2002.

56920104 and NPDES Permit No. PA0599468, Commercial Coal Sales, Inc., Box 148, Friedens, PA 15541, permit renewal for reclamation only for continued restoration of a bituminous surface mine in Milford Township, **Somerset County** affecting 71.0 acres. Receiving streams: unnamed tributaries to and Middle Creek; and unnamed tributaries to and the Casselman River classified for the following uses: TSF and CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 13, 2002. Permit issued March 8, 2002.

32950108 and NPDES Permit No. PA0213241. TLH Coal Company, R. D. 1, Box 170, Rochester Mills, PA 15771, permit renewal for reclamation only for continued restoration of a bituminous surface mine and for existing discharge of treated mine drainage in East Mahoning Township, **Indiana County**, affecting 52.6 acres. Receiving streams: Dixon Run and unnamed tributaries to Rayne Run classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Indiana County Municipal Authority-Indiana Borough Water Supply. Application received February 26, 2002. Permit issued March 12, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

16960106 and NPDES No. PA0227277. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801) Re-

newal of an existing bituminous strip and auger operation in Redbank Township, **Clarion County** affecting 38.6 acres. This renewal is issued for reclamation only. Receiving streams: two unnamed tributaries to Pine Creek. Application received January 18, 2002. Permit issued March 11, 2002.

33910110 and NPDES No. PA0211079. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 74.6 acres. This renewal is issued for reclamation only. Receiving streams: two unnamed tributaries to Little Sandy Creek. Application received January 18, 2002. Permit issued March 11, 2002.

16960109 and NPDES No. PAPA0227323. Milestone Crushed, Inc. (521 South Street, P. O. Box 644, Clarion, PA 16214) Renewal of an existing bituminous strip operation in Perry Township, **Clarion County** affecting 52.6 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Dunlap Creek and Dunlap Creek. Application received January 23, 2002. Permit issued March 11, 2002.

37010103. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip and auger operation in New Beaver Borough and Little Beaver Township, **Lawrence County** affecting 53.9 acres. Receiving streams: None. Application received July 30, 2001. Permit issued March 4, 2002.

16010102 and NPDES No. PA0241971. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous strip operation in Clarion Township, **Clarion County** affecting 23.3 acres. Receiving streams: unnamed tributary "B" to Brush Run. Application received October 12, 2001. Permit issued March 4, 2002.

Noncoal Permits Actions

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

05920301 and NPDES Permit No. PA0212261. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, Church Street, New Enterprise, PA 16664, for continued operation of a noncoal surface mine and to add 20.7 acres to the permit. Total acres increase from 351.5 to 372.2 in Snake Spring Valley Township, **Bedford County**. Receiving streams: Cove Creek and Raystown Branch of the Juniata River classified for the following uses: EV, TSF. There are no potable water supply intakes within 10 miles downstream. Application received November 28, 2001. Permit issued March 8, 2002.

07010801. Randy C. Aurandt, R. D. 1, Box 229A-2, Williamsburg, PA 16693-9615, commencement, operation and restoration of a small industrial minerals (topsoil) permit in Woodbury Township, **Blair County**, affecting 14.0 acres. Receiving streams: Frankstown Branch of the Juniata River classified for the following uses: TSF. There are no potable water supply intakes within 10 miles downstream. Application received October 18, 2001. Permit issued March 15, 2002.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

37910305. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057) Renewal of NPDES No. PA0208485 in Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run and unnamed tributary to Taylor Run. Application received January 23, 2002. Permit issued March 11, 2002.

Project Proposals Issued

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

EGS 32002, Blacklick Creek Watershed Association, Inc., 297 Sarah Street, Homer City, PA 15748. A project to collect, transport and passively treat the abandoned Judy 14 Deep Mine acid mine discharge along SR 954 approximately 1 mile east of the village of Tide with treatment facilities located on State Game Lands No. 273 in Brushvalley and Center Townships, **Indiana County**. Receiving stream Yellow Creek. Project received November 1, 2001. Project issued March 11, 2002.

**ACTIONS ON BLASTING ACTIVITY
APPLICATIONS**

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

09024003. Godown-Carney (329 Keewayden Street, Coopersburg, PA 18036) and **Explo-Tech/AEEI** (401 West High Street, Suite 102, Pottstown, PA 19474), construction blasting in Haycock Township, **Bucks County** with an expiration date of June 7, 2002. Permit issued March 13, 2002.

13024003. Blocker Enterprises, Inc. (Route 248, Parryville, PA 18244), construction blasting in Franklin Township, **Carbon County** with an expiration date of May 8, 2002. Permit issued March 13, 2002.

40024001. Mericle Commercial East Mountain Corp. (100 Baltimore Drive, Wilkes-Barre, PA 18702), construction blasting in Pittston Township, **Luzerne County** with an expiration date of April 30, 2002. Permit issued March 13, 2002.

46024012. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting in East Norriton Township, **Montgomery County** with an expiration date of June 13, 2002. Permit issued March 13, 2002.

09024004. Allan A. Myers, Inc. (P. O. Box 98, Worcester, PA 19490), construction blasting in Wrightstown Township, **Bucks County** with an expiration date of May 8, 2002. Permit issued March 14, 2002.

13024001. Latona Trucking, Inc. (620 South Main Street, Pittston, PA 18640), construction blasting in Franklin and Mahoning Townships and Lehigh Township, **Carbon County** with an expiration date of May 8, 2002. Permit issued March 14, 2002.

21024014. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Southampton Township, **Cumberland County** with an expiration date of April 30, 2004. Permit issued March 14, 2002.

28024006. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Fannett-Metal School District in Metal Township, **Franklin County** with an expiration date of September 30, 2002. Permit issued March 14, 2002.

28024008. P & W Excavating, Inc. (P. O. Box 712, McConnellsburg, PA 17233), construction for Stone Mill Estates in Antrim Township, **Franklin County** with an expiration date of March 14, 2007. Permit issued March 14, 2002.

45024012. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for the Country Club of the Poconos in Smithfield Township, **Monroe County** with an expiration date of March 10, 2007. Permit issued March 14, 2002.

45024013. Explosive Services, Inc. (5 Pine Street, Bethany, PA 18431), construction blasting in Stroud Township, **Monroe County** with an expiration date of February 23, 2003. Permit issued March 14, 2002.

48024005. Grand Central Sanitary Landfill (1963 Pen Argyl Road, Pen Argyl, PA 18072), blasting for landfill in Plainfield Township, **Northampton County** with an expiration date of October 13, 2002. Permit issued March 14, 2002.

36024013. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Manor Township, **Lancaster County** with an expiration date of August 30, 2002. Permit issued March 14, 2002.

36024014. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Earl Township, **Lancaster County** with an expiration date of April 15, 2007. Permit issued March 14, 2002.

36024015. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Paradise Township, **Lancaster County** with an expiration date of October 15, 2002. Permit issued March 14, 2002.

36024016. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Caernarvon Township, **Lancaster County** with an expiration date of October 15, 2002. Permit issued March 14, 2002.

36024017. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of October 15, 2002. Permit issued March 14, 2002.

21024017. TJ Angelozzi Co., Inc. (7845 Kabik Court, Woodbine, MD 21797), construction blasting in Upper Allen Township, **Cumberland County** with an expiration date of May 15, 2002. Permit issued March 15, 2002.

36024018. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of October 15, 2002. Permit issued March 15, 2002.

40024004. No. 1 Contracting Corporation (49 S. Main Street, Ashley, PA 18706), blasting for Growing Greener—Preston Bank Project in Hanover Township, **Luzerne County** with an expiration date of May 15, 2002. Permit issued March 15, 2002.

46024010. AMROC, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Douglass Township, **Montgomery County** with an expiration date of July 10, 2002. Permit issued March 15, 2002.

45024011. Schlouch, Inc. (Excelsior Park, P. O. Box 69, Blandon, PA 19510), construction blasting in

Perkiomen Township, **Montgomery County** with an expiration date of September 26, 2002. Permit issued March 15, 2002.

Persons aggrieved by an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Persons aggrieved by an 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 Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note:* Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-831. Camp-Men-O-Lan, 1415 Doerr Road, Quakertown, PA 18951, Milford Township, **Bucks County**, ACOE Philadelphia District.

To replace and maintain an existing single span pedestrian bridge with a two span pedestrian bridge spanning Hazelback Creek (HQ, TSF) and associated wetland. The bridge is situated in the Min-O-Lan Camp located approximately 100 feet southwest of the intersection of Doerr Road and Canary Road (Milford, PA Quadrangle N: 4.5 inches; W: 6.5 inches).

E23-418. Pennsylvania Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Chadds Ford Township, **Delaware County**, ACOE Philadelphia District.

To remove an existing deteriorated single span bridge which carries SR 0100, Section 67 over Harvey Run, a tributary to Brandywine Creek (WWF, MF) and to construct and maintain a single span prestressed concrete plank bridge having clear span of 30 feet and an average under clearance of 3.97 feet at the same location and the same horizontal alignment. This site is located (Wilmington North, PA Quadrangle N: 22 inches; W: 13 inches).

E51-199. Saint Joseph's University, 5600 City Avenue, Philadelphia, PA 19131-1395, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia.

To construct and maintain a boathouse, a 24-foot long by 60-foot wide boat ramp and 144-foot long by 15-foot wide floating dock in and along the Schuylkill River (WWF MF) and its floodplain for rowing activities on the river. This site is located in Fairmount Park on the western side of Kelley Drive and approximately 2,000 feet south of Strawberry Mansion Bridge (Philadelphia, PA-NJ Quadrangle N: 21.2 inches; W: 7.5 inches).

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

E40-555. Joseph Amato, 1 Amato Drive, Moosic, PA 18507. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a pile supported, private recreational dock and boathouse having a surface area of approximately 4,358 S.F. and extending 58 feet from the shore of Harveys Lake. The project also includes the construction of 3,976 S.F. of spawning bed area for mitigation by placing 4 inches of washed AASHTO #10 stone on the lake bed around the structure. The project is located along the southern shore at Pole 302 (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 4.5 inches) in Harveys Lake Borough, Luzerne County.

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

E12-128. Department of Conservation and Natural Resources, R. R. 4, Box 212, Suite 1, Emporium, PA 15834. Stillhouse Run Stream Bank Stabilization, in Lumber Township, **Cameron County**, ACOE Baltimore District (Cameron, PA Quadrangle N: 10.5 inches; W: 7.5 inches).

To construct, operate and maintain 155 linear feet bank stabilization in two locations of Stillhouse Run. The first site measures 100 linear feet and the second measures 55 linear feet. Both will be constructed of R-5 riprap and reinforced with geo-textile and trenched under the bed of the stream to ensure stability. This project is located 400 feet from SR 120 on the south side of Stillhouse Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-221. Pennsylvania Department of Transportation, District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Bridge Replacement, in Benton Township, **Columbia County**, ACOE Baltimore District (Benton, PA Quadrangle N: 18.1 inches; W: 1.7 inches).

To remove the existing single span, open steel deck, I-beam bridge which has a string length of 53 feet and a clear span of approximately 50 feet, a minimum underclearance of 6 feet and a hydraulic opening of 354 feet; and to construct and maintain a single-span concrete box beam bridge with a 90 degree skew, a normal opening of 52 feet, a curb-to-curb width of 33.5 feet and an out-to-out width of approximately 36 feet, a hydraulic opening of 392 square feet and a minimum underclearance of approximately 8.5 feet over West Creek on SR 0239, Section 013 at the intersection of SR 0239 and T-719.

E47-072. Danville Borough, 239 Mill Street, Danville, PA 17821. Danville Soccer Complex, in Danville Borough, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle N: 13 inches; W: 14 inches).

To construct, operate and maintain stable flyash fill and topsoil cover of a 28 acre soccer complex located east of Danville on Market Street in Danville Borough, Montour County.

E59-422. Delores Monacelli, 3704 Bellaire Road, Philadelphia, PA 19154. Private Stream Crossing, in Sullivan Township, **Tioga County**, ACOE Baltimore District (Roseville, PA Quadrangle N: 7.8 inches; W: 5.4 inches).

To construct, operate and maintain a 6-foot diameter by 20 foot long steel driveway culvert, the headwalls at the inlet and outlet and associated fill cover over the culvert. This project is located in Gaffers Run, .75 mile south of the intersection of Dewey Hollow Road and Old Mill Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E10-348, Butler County, P. O. Box 1208, Butler, PA 16003-1208. County Bridge No. 142 T-380 McFann Road Across Glade Run, in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 18.3 inches; W: 9.2 inches).

To remove the existing County Bridge No. 142 and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 41 feet and an underclearance of 7.8 feet on a 70 degree skew across Glade Run on T-380 approximately 0.75 mile west of S.R. 8.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D06-500 Detention Pond 1 Dam. Forino Company, LP (555 Mountain Home Road, Sinking Spring, PA 19608). To modify, operate and maintain the Detention Road 1 Dam across a tributary to Antietam Creek (CWF), directly impacting 0.1 acre of wetlands (PEM) and 100 feet of stream and indirectly impacting 1.3 acres of wetland and 530 feet of stream by temporary flooding within the basin and providing 0.1 acre of wetland mitigation, for the purpose of stormwater detention (Birdsboro, PA Quadrangle N: 11.25 inches; W: 14.0 inches) in Exeter Township, **Berks County**.

[Pa.B. Doc. No. 02-502. Filed for public inspection March 29, 2002, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "December 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

The following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 362-0300-007. Title: Alternate Systems Guidance. Description: The purpose of this guidance is to provide current technical standards for alternate onlot systems and to update these standards periodically through amendments to this document. This guidance applies to siting, design and construction of alternate onlot sewage treatment systems and to update these standards periodically through amendments to this document. Effective Date: April 1, 2002. Contact: Karen Fenchak at (717) 787-8184 or e-mail: kfenchak@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-503. Filed for public inspection March 29, 2002, 9:00 a.m.]

Technical Advisory Committee on Diesel-Powered Equipment; Change of Meeting Location and Time

The April 16, 2002, meeting of the Technical Advisory Committee on Diesel-Powered Equipment has been changed. The meeting will be held at the Department of Environmental Protection's (Department) Cambria District Mining Office, 286 Industrial Park Road, Ebensburg PA, 3 p.m. The date remains unchanged.

Questions concerning this meeting can be directed to Allison Gaida at (724) 439-7289 or e-mailed to agaida@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on Department's website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-504. Filed for public inspection March 29, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, April 10, 2002. The meeting will be held from 10 a.m. to 3 p.m. in the Heritage B Conference Room, Department of Education, 333 Market Street, Harrisburg, PA.

For additional information, contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services, (717) 772-4959.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, should contact the Head Injury Program at (717) 772-4959; V/TT (717) 783-6514 for

speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-505. Filed for public inspection March 29, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land no Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003 of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Combination of two parcels of land both located in the City of Erie, Erie County near the northern terminus of Interstate 79 and western section of the Bayfront Parkway. Parcel 1 is located at Lincoln Avenue, Tax Parcel No. 16-031-006.0-210.00, approximately 200 feet × 195 feet irregular shape, .9517 acre. Parcel 2 is located at West 11th Street, Tax Parcel No. 16-031-006.0-113.00, approximately 211 feet × 128 feet irregular shape, .6652 acre. Total combined acreage of both parcels is approximately 1.62 acres.

The property will be sold in "as is condition." The estimated fair market value is \$350,000. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express interest in purchasing the site within 30-calendar days from the date of publication of this notice to William G. Petit, P.E., District Engineer, Department of Transportation, Engineering District 1-0, P. O. Box 398, Oil City PA 16301.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-506. Filed for public inspection March 29, 2002, 9:00 a.m.]

Finding

Delaware County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Creek Road Bridge over Harvey Run in Chadds Ford Township, Delaware County. The project will require the acquisition of land from the Brandywine Battlefield National Historic Landmark Historic District and the Chadds Ford Historic District.

Impacts to the resources will be mitigated by the following minimization measures:

1. Reduction in visual impacts by maintaining the existing alignment and grade as closely as possible and

incorporation of visually sensitive architectural treatment to the bridge parapets and the use of weathering steel guide rail.

2. Strict adherence to the approved erosion and sedimentation control plan to minimize water quality impacts and sedimentation to Harvey Run.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929, and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize any effect.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-507. Filed for public inspection March 29, 2002, 9:00 a.m.]

Finding Lehigh County

Under the provisions of section 2002(b) of The Administrative Code of 1929 (code) (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation plan to replace the Main Street Bridge which carries S.R. 0873 over Trout Creek in Slatington Borough, Lehigh County.

The subject project will require use of the National Register-eligible West Main Street/Kern Historic District, the National Register-eligible Slatington New Company Building and Kern's Mill Park. The project will require the demolition of the Main Street Bridge which is a contributing element to the National Register-eligible West Main Street/Kern Historic District. The project will also require demolition of the Slatington News Company Building. The Slatington News Company Building not only contributes to the significance of the West Main Street/Kern Historic District but is also individually eligible for listing in the National Register of Historic Places. The project will also require the permanent acquisition of approximately 0.024 hectare (0.065 acre) from the 5.1-hectare (12.6 acre) Kern's Mill Park. In addition, a 0.01 hectare (0.022 acre) temporary construction easement will be required from Kern's Mill Park on the north side of the existing bridge and a 0.36 hectare (0.898 acre) temporary construction easement will be required from Kern's Mill Park on the south side of the existing bridge.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of the code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects. A Memorandum of Agreement (MOA) has been prepared and signed by all appropriate agencies for the proposed action to take into account the effect of the proposed undertaking on historic properties. Mitigation measures have been stipulated in the MOA. As stipulated in the MOA that was prepared for this project, the design for the replacement Main Street Bridge will be compatible with the historic and architectural qualities of the West Main Street/Kern Historic District. The substructure (piers, abutments and retaining walls) of the new bridge will be faced in stone similar in appearance to the existing stone substructure. A plaque briefly describ-

ing the history and significance of the West Main Street/Kern Historic District will be placed within an incised blind arch in the southeastern wing wall of the new bridge. This plaque will be developed in consultation with the PA SHPO.

Prior to implementation of the project, the National Park Service will be contacted to determine the appropriateness of Historic American Building Survey/Historic American Engineering Record documentation of the Slatington News Company Building and the Main Street Bridge. The Borough of Slatington will be compensated for the taking of land from Kern's Mill Park and replacement of facilities affected. Project refinements have eliminated the impacts to 435 Main Street and the Slatington High School Property, which are both contributing elements to the West Main Street/Kern Historic District. Therefore, the mitigation identified in the MOA stipulations 1.C and 1.E is no longer applicable.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of the code and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-508. Filed for public inspection March 29, 2002, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Donald F. Goetz v. DEP and National Wind Power, Permittee; EHB Doc. No. 2002-069-K

Donald F. Goetz has appealed the issuance by the Department of Environmental Protection of an NPDES permit to National Wind Power for a facility in Canaan and Clinton Townships, Wayne County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 02-509. Filed for public inspection March 29, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Thomas J. and Mary Ann Hussar; 02-308-70333; Erie Insurance Exchange; Doc. No. PI02-03-016; April 24, 2002, 3 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like necessary, to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-510. Filed for public inspection March 29, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:
Lehigh County, Wine & Spirits Shoppe #3901, 1500 Cedar Crest Boulevard, Allentown, PA 18104-2357.

Lease Expiration Date: July 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 13,500 to 15,000 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of North Cedar Crest Boulevard (Route 229) and Walbert Avenue, South Whitehall Township.

Proposals due: April 19, 2002, at 12 noon

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110

Contact: Willard Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 02-511. Filed for public inspection March 29, 2002, 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 (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 22, 2002, as set forth in 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use 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 to begin operating as common carriers for transportation of persons described under each application.

A-00118443. Larue Limousine, LLC (17 Louella Court, Wayne, Delaware County, PA 19087), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Chester, Delaware, Bucks, Montgomery, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return. *Attorney:* Mark O. Schaffer, 1429 Walnut Street, Suite 800, Philadelphia, PA 19102.

A-00118578. A-Class, Inc. t/d/b/a A-Class Luxury Transportation (1675 Wrightstown Road, Newtown, Bucks County, PA 18940), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Bucks, Montgomery, Delaware, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return.

A-00118580. Pacifico Luxury Limousine Service, Inc. (205 E. Lancaster Avenue, Ardmore, Delaware and Montgomery Counties, PA 19003), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in Pennsylvania. *Attorney:* Herbert E. Squires, Five Penn Center, Suite 2330, 1601 Market Street, Philadelphia, PA 19103.

A-00118711. Tri-State Limousine Service, Inc. (1524 Waimea Drive, Downingtown, Chester County, PA 19335), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the city and county of Philadelphia, and from points in said city

and county, to points in Pennsylvania, and return. *Attorney:* Herbert E. Squires, 1601 Market Street, Suite 2330, Philadelphia PA 19103.

A-00118714. People to Places, Inc. (56 Deysner Road, Fleetwood, Berks County, PA 15222), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Berks, Chester, Lancaster, Lehigh, Montgomery, Northampton and York, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return. *Attorney:* J. Bruce Walter, Twelfth Floor, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-11465.

A-00118717. Sallie A. Bender (P. O. Box 139, Carrolltown, Cambria County, PA 15722)—persons in group and party service, in vehicles seating 15 passengers or less, including the driver, between points in the counties of Blair, Cambria, Somerset, Clearfield, Westmoreland, Indiana, Bedford and Centre, and from points in said counties, to points in Pennsylvania, and return.

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-00087075, F.7. Willow Grove Yellow Cab Co., Inc. t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont Transportation Services Co. (710 Lincoln Avenue, Willow Grove, Montgomery County, PA 19090), a corporation of the Commonwealth of Pennsylvania—additional right—persons in limousine service, between points in the counties of Bucks and Montgomery, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Cara Levy Braslow, 2000 Market Street, 10th Floor, Philadelphia, PA 19103-3291.

A-00117788, Folder 2. Long Motor Buses, Inc. (P. O. Box 290, Philipsburg, Clearfield County, PA 16866), a corporation of the Commonwealth of Pennsylvania, additional right—persons in paratransit service, between points in the counties of Centre and Clearfield, and from points in said counties, to points in Pennsylvania, and return.

A-00117788, Folder 3. Long Motor Buses, Inc. (P. O. Box 290, Philipsburg, Clearfield County, PA 16866), 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 Centre and Clearfield, and from points in said counties, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-00116323, Folder 2. Roger Sharma, t/d/b/a Phoenix Movers (668 Stoney Hill Road, No. 227, Yardley, Bucks County, PA 19067)—household goods, in use, between points in the townships of Lower Makefield, Upper Makefield, Newtown, Bensalem, Falls, Bristol, Buckingham and Middletown, and the boroughs of Yardley, Morrisville, Tulleytown, Langhorne and New Hope, all located in Bucks County, and from points in said territory, to points in Pennsylvania, and vice versa.

Application of the following for the approval of the transfer of stock as described under the application.

A-00089650, Folder 5000. Williamsport Moving Co., Inc. (3340 Wahoo Drive, Williamsport, Lycoming County, PA 17701), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of 550 shares of issued and outstanding shares as follows: (1) 330 shares held by Robert J. McKernan, Sr. to Williamsport Moving Co., Inc. as issued stock but held by the company; and (2) 220 shares from Patricia G. McKernan to Robert J. McKernan, Jr. *Attorney:* Robert B. Wayne, 125 East Third Street, Williamsport, PA 17701.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-512. Filed for public inspection March 29, 2002, 9:00 a.m.]

Telecommunications

A-311149F7002. The United Telephone Company of Pennsylvania d/b/a Spirit and NPCR, Inc. d/b/a Nextel Partners. Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and NPCR, Inc. d/b/a Nextel Partners for approval of a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and NPCR, Inc. d/b/a Nextel Partners filed on March 13, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and NPCR, Inc. d/b/a Nextel Partners Joint Petition are on file with Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-513. Filed for public inspection March 29, 2002, 9:00 a.m.]

Water Service

A-210112. Borough of Berlin. Application of the Borough of Berlin for approval to offer, render, furnish or supply water service beyond the Borough's corporate limits in a proposed territory including at least the extraterritorial area of the Borough's water system.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265,

Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 15, 2002, under 52 Pa.Code (relating to public utilities).

Applicant: Borough of Berlin

Through and by Counsel: William R. Lloyd, Jr., Esquire, P. O. Box 425, Somerset, PA 15501.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-514. Filed for public inspection March 29, 2002, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

The act of June 26, 1989 (P. L. 26, No. 9) (65 P. S. §§ 401—413), known as the Public Official and Employee Ethics Law (Ethics Law) requires that the State Ethics Commission (Commission) hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The Commission will conduct a public meeting in Room 307 Finance Building, Harrisburg, PA on May 2, 2002, beginning at 9 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present a statement, information or other comments in relation to the Ethics Law, the regulations or operations of the Commission should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of statements should be provided at the time of the meeting.

DANEEN E. REESE,
Chairperson

[Pa.B. Doc. No. 02-515. Filed for public inspection March 29, 2002, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of a Design Management Firm

**I-95/I-276 (Pennsylvania Turnpike)
Interchange Project
Corrections and Revisions
Reference No. 4-061**

The Turnpike Commission (Commission) is revising its advertisement for retention of a design management firm to provide project management services for the design development of an interchange between Interstate 95 and Interstate 276 (Pennsylvania Turnpike) in Bucks County that was published at 32 Pa.B. 1460 (March 16, 2002).

Note the following corrections/revisions/clarifications:

1. The selected firm is required to establish and maintain an office near the project in Lower Bucks County fully accessible to the public, and to provide a full-time permanent staff of qualified and experienced professional engineers, public involvement specialists, environmental specialists and support personnel to maintain project control. The office must include a conference room capable of seating at least 25 people.

2. Tasks required will also include: establishment and performance of an overall public involvement function during the design and preconstruction phases of the project; and general environmental monitoring tasks to include environmental impact and permit tracking, and other related responsibilities.

3. The statement of interest and required information must be received by 12 p.m., Friday, April 12, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Direct inquiries about these revisions to Jeffrey C. Davis, (717) 939-9551, ext. 5160; or e-mail at jdavis@paturndpike.com. Direct contractual questions to George M. Hatalowich, (717) 986-8737; or e-mail at ghatalowpaturndpike.com.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-516. Filed for public inspection March 29, 2002, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

- The payment date specified in the contract.
- 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
- The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

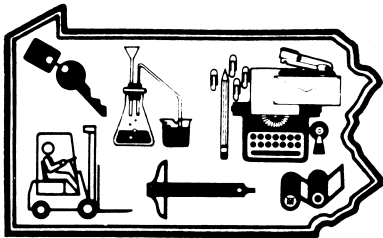
BARBARA HAFER,
State Treasurer

Effective April 15, 2002, the Department of General Services (Department), Bureau of Purchases, will no longer send vendors notices of the availability of invitations for bids or requests for proposals (by fax or other means). Bidding/contracting opportunities will be posted on the Department's website. Vendors who are interested in competing for a particular contracting opportunity with this Commonwealth will be able to download the particular invitation for bids or request for proposals.

The website address for viewing bidding/contracting opportunities and for obtaining copies of invitations for bids and requests for proposals is www.dgs.state.pa.us. To access the information on this website, vendors must select "Procurement" followed by "Bidding Opportunities."

If a vendor wishing to participate does not have access to a computer, public libraries offer free access to the Internet. Additionally, a vendor can obtain a copy of an individual invitation for bids or request for proposals by calling Vendor Services at (717) 787-2199 or (717) 787-4705, or by visiting us at 414 North Office Building, Harrisburg, PA.

Contact Susan Plecker, Website Manager, at (717) 787-1105 or Ray Cunningham, Vendor Information Section Supervisor, at (717) 787-5862, concerning questions or problems in gaining access to bidding/contracting opportunities information or in locating and downloading invitations for bids or requests for proposals.



Commodities

1555110 Rebid #4 Pole Shed. For a copy of bid package fax request to (717) 787-0725.
 Bid opening date: 03/29/02
Department: Corrections
Location: Huntingdon, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

9150-03 Rebid in Part #1 Bulk, Motor Oil. Bid opening date: 04/12/02
Department: General Services
Location: Various, PA
Duration: Contract Period: Date of Award - March 31, 2002
Contact: Vendor Services (717) 787-2199

6810-09 Boiler Water Treatment Chemicals (Warehouse). If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/12/02
Department: General Services
Location: Commodity Warehouse, Harrisburg, PA
Duration: 07/01/02—06/30/03
Contact: Vendor Services (717) 787-2199

1285381 Latest Model 25,500 Lb GVWR Truck with 21' Carrier Body. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/15/02
Department: General Services
Location: Harrisburg, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1263211 Diesel Generator. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/08/02
Department: Public Welfare
Location: South Mountain Restoration Center, South Mountain, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

7490-03 Rebid in Part #1 Mailroom Equipment and Supplies. For a copy of bid package fax request to (717) 787-0725. Bid opening date: 03/27/02
Department: General Services
Location: Various, PA
Duration: Contract Period: Date of Award - December 31, 2005
Contact: Vendor Services (717) 787-2199

8141910 Superpave Wearing Course. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/15/02
Department: Transportation
Location: Meadville, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1315211 80KW LP Gas Emergency Generators. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/10/02
Department: Public Welfare
Location: Clarks Summit, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1332131 Electric Articulating Boom Lift. JLG Model E400AN or approved equal. For a copy of bid package fax request to (717) 787-0725.
Department: Military Affairs
Location: Annville, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

8520-01 Supplement #3 To obtain a copy of the bid package for Contract #8520-01 Supplement #3 for Toiletries fax request to Vendor Services at (717) 787-0725. Vendor Services will mail a complete bid package, including a diskette.
Department: General Services
Location: Various, PA
Duration: Date of Award - 02/28/03
Contact: Vendor Services (717) 787-2199

1320221 Bulk Liquid Oxygen for Fish Culture. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/10/02
Department: Fish and Boat Commission
Location: Loganton, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1275111 Converted Van Type Wheelchair/Passenger Vehicle. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/10/02

Department: Corrections
Location: Camp Hill, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

1338111 Cartons. 6/10 Cartons for Canned Goods. 19" x 12 5/8" x 7". If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/12/02

Department: Corrections
Location: Bellefonte, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

LE-01006 Outboard Engines: 1 each - Mercury Model 225XL Optimax, Model year 2002; 1 each - Mercury Model 200XL, Model year 2002; 1 each - Mercury Model JET40, Model year 2002.

Department: Fish and Boat Commission
Location: Harrisburg, PA
Duration: One Time Purchase
Contact: Dennis Grove (717) 705-7915

3-02-020 Mail and parcel scanner, large capacity (1 each). For copies of bid please e-mail: RFAITH@STATE.PA.US or send request by fax to (717) 861-2932 ATTN: Regine Faith.

Department: Military Affairs
Location: FT. Indiantown Gap, Annville, PA 17003
Duration: FY-01
Contact: Regine Faith (717) 861-8455

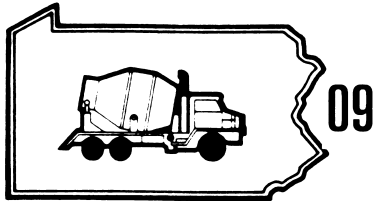
8506220 Bridge (Sealant, Membrane, Primer). If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. Bid opening date: 04/12/02

Department: Transportation
Location: Montoursville, PA
Duration: FY 2001-02
Contact: Vendor Services (717) 787-2199

SCR01-125 Provide approximately a minimum of 520 sq. yds. of carpet for office building's basement, 1st and 2nd floors per bid specifications.

Department: Attorney General
Location: Office of Attorney General, Samter Building, 101 Penn Avenue, Scranton, PA 18503
Duration: April—June 30, 2002
Contact: Jean Kreiser (717) 783-2369

SERVICES



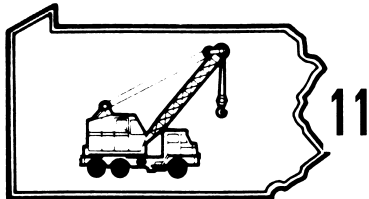
Construction & Construction Maintenance

HGA-003 The Hiram G. Andrews Center is seeking a contractor to provide all material and labor to perform surface crack repairs and seal coat of the Facility Parking/Roadway areas. To obtain a bid package that includes a detailed work scope, submit a written request to the address shown below or Fax your request to the attention of R. D. Robinson at (814) 255-8370.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, HIRAM G. ANDREWS CENTER, 727 Goucher Street, Johnstown, PA 15905
Duration: For the period of July 1, 2002 through June 30, 2003
Contact: Robert D. Robinson, Purchasing Agent II (814) 255-8210

63-0023 -Short Term Building Facade Rehabilitation The work consists of building facade rehabilitation work at the following buildings: Francis Harvey Green Library, Russell L. Sturzebecker Health Science Center and Main Hall. The work includes masonry restoration (repainting brick masonry, spot brick replacement, steel shelf angle repairs and replacement, vertical crack repairs, cutting of new vertical control joints and re-anchoring existing brick veneer), concrete restoration work (patching of spalls, rebuilding precast concrete beams, epoxy crack injection and concrete coatings) and joint sealant work.

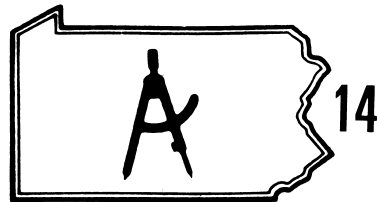
Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: Work to begin on June 3, 2002 and be completed by August 30, 2002.
Contact: Marianne Peffall, Contract Manager (610) 436-2705



Demolition—Structural Only

061923 Demolition and/or removal of structures at 3643 Bristol Road, Chalfont, PA (Bucks County).

Department: Transportation
Location: 3643 Bristol Road, Chalfont, PA (Bucks County)
Duration: OPEN
Contact: Linda Bunt (610) 205-6784



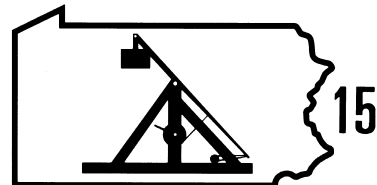
Engineering Services

SP3535402001 PADEP-BAMR. The Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation is seeking bids for professional survey services on various abandoned mine reclamation projects located in Carbon, Columbia, Lackawanna, Luzerne, Northumberland and Schuylkill Counties in the Commonwealth of Pennsylvania. The professional shall furnish all transportation, equipment, supplies and labor necessary to perform the work.

Department: Environmental Protection
Location: Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711
Duration: One Year (06/01/02-05/31/03) with option for renewal of up to two (2) additional, consecutive annual terms
Contact: Ted Fisher (570) 826-2371

PennDOT-ECMS The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at www.dot2.state.pa.us.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Environmental Maintenance Service

OSM 17(6481)101.1 Abandoned Mine Reclamation, Pine Grove East, involves approximately 43,600 c.y. grading, 1,030 tons limestone screenings and seeding 9.8 acres. This project issues March 29, 2002; payment in the amount of \$10.00 must be received before bid documents are sent. Federal funds are available for this project from the \$29.1 million 2000 AML Grant.

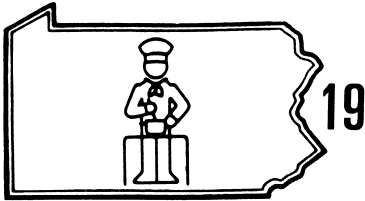
Department: Environmental Protection
Location: Lawrence Township, Clearfield County
Duration: 160 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994

AMD 03(1937)101.1 Acid Mine Drainage Abatement, Sugar Creek, involves approximately 63,300 c.y. grading, one (1) mine seal construction, 3,320 s.y. channel/rock toe buttress installation and 6,700 c.y. wetland construction. This project issues March 29, 2002; payment in the amount of \$10.00 must be received before bid documents are sent. Federal funds are available for this project from the \$29.1 million 2000 AML Grant.

Department: Environmental Protection
Location: Bradys Bend Township, Armstrong County
Duration: 130 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994

AMD 10(0747)101.1 Acid Mine Drainage Abatement, Argentine Central, involves approximately 17,025 c.y. embankment material for pond construction and 1,050 c.y. clay for pond construction, 225 c.y. channel excavation, 800 s.y. high velocity erosion control mulch blanket, 325 s.y. rock lining with filter material, 500 l.f. six inch diameter PVC pipe and two (2) six inch gate valve and valve box, and seeding 2 acres. This project issues March 29, 2002; payment in the amount of \$10.00 must be received before bid documents are sent. Federal funds are available for this project from the \$13.8 million 2001 AML Grant.

Department: Environmental Protection
Location: Washington Township, Butler County
Duration: 375 calendar days after notice to proceed
Contact: Construction Contracts Section (717) 783-7994



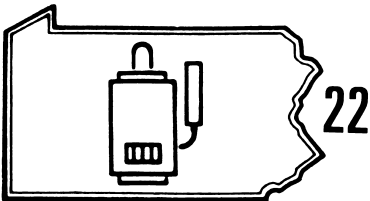
Food

MER-02-039 CC#: 8915-2010-000, Contractor to provide carbonated drink dispensing system, concentrated syrup, and carbon dioxide canisters. Specifications are contained within quote format. Approximate total consumption for a 12 month period should approach eight thousand (8,000) gallons of concentrated syrup. Anticipated contract period: thirty-six (36) months or three (3) years.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258 South Mercer, PA 16137
Duration: July 1, 2002 to June 30, 2005
Contact: John Pitonyak (724) 662-1837 Ext. 194

APR 633480 Poultry and Poultry Products Bid.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr. N., Warren, PA 16365-5099
Duration: 4/01/02—6/30/02
Contact: Bobbie Muntz, PA III 814-726-4496



HVAC Services

480080 Repair/Maintenance of new or existing system(s) in District 12-4 Washington County and stocking shed areas in the county. To include all installations maintained by PennDot-Washington County-PA Dept of Transportation.

Department: Transportation
Location: Washington
Duration: 1 Year with three 1-year renewals
Contact: Terri Schubenski (724) 223-4489



Janitorial Services

FM-8372 Furnish all materials, equipment, and labor to perform janitorial services three (3) visits per week at the Troop D, Beaver Station. Detailed work schedule to be coordinated with Station Commander. Bid specifications can be obtained from the Facility Management Division.

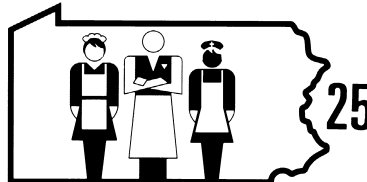
Department: State Police
Location: PA State Police, Troop D, Beaver Station, 1400 Brighton Road, Beaver, PA 15009
Duration: July 1, 2002, through June 30, 2005
Contact: Stacey Logan-Kent (717) 705-5952

FM-8510 Furnish all materials, equipment, and labor to perform janitorial services three (3) visits per week at the Troop C, Ridgway Station. Detailed work schedule to be coordinated with Station Commander. Bid specifications can be obtained from the Facility Management Division.

Department: State Police
Location: Troop C, Ridgway Station, HCR 1, Box 106, Ridgway, PA 15853
Duration: July 1, 2002, through June 30, 2005
Contact: Stacey Logan-Kent (717) 705-5952

2002-Janitorial Provide janitorial service after regular working hours for office buildings located at Pleasant Gap, Centre County, PA; buildings located at Bellefonte Fish Culture Station, Bellefonte, Centre County, PA; and building located at Benner Spring Research Station, State College, Centre County, PA. Interested parties are required to visit all sites to inspect facilities prior to submitting a bid.

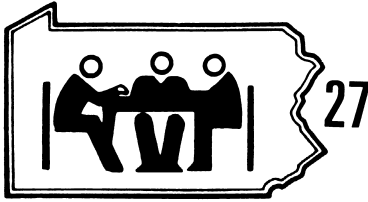
Department: Fish and Boat Commission
Location: PA Fish & Boat Commission, Pleasant Gap, Bellefonte, and State College, Centre County, PA
Duration: July 1, 2002 through June 30, 2004
Contact: Kathi Tibbott (814) 359-5131



Laundry/Dry Cleaning & Linen/Uniform Rental

LBLA 2225 Provide uniform pants and shirts. Red Kap brand only. No substitutes. To be outright purchase with no laundry service.

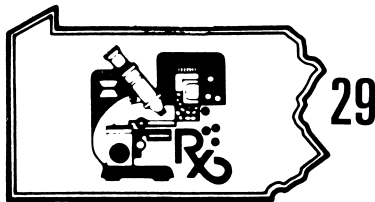
Department: Public Welfare
Location: Loysville Youth Development Center, R. D. #2, Box 365B, Loysville, PA 17047
Duration: Undetermined
Contact: Dee Kuhn (717) 789-5509



Lodging/Meeting Facilities

SP 1623350001 Contractor(s) will provide lodging, meals (breakfast/lunch/dinner/am and pm breaks), meeting rooms and ancillary equipment for assessment advisory committee meetings within a 30-mile radius of 333 Market Street, Harrisburg, PA. Meetings will be held on various dates from July 1, 2002 through June 30, 2003. Meetings will be for 25 to 125 persons each. All sites will be subject to inspection prior to contract award.

Department: Education
Location: Within 30-mile radius of 333 Market Street, Harrisburg, PA.
Duration: July 1, 2002—June 30, 2003 (with 4-year renewal option)
Contact: Diann Kitner (717) 783-2862



Medical Services

HUN 370 Contractor to provide for dental laboratory services for inmate dental prosthesis.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 7/01/02 to 6/30/05
Contact: Robert Jessell (814) 643-2400 x 304



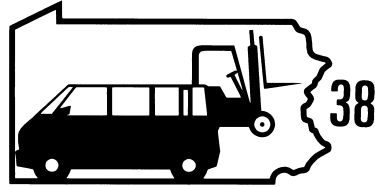
Personnel, Temporary

1626200001 Contract for Clerk, Clerk Typist and Data Entry Operator services on an as needed basis. Contract will be utilized for short-term help (six weeks or less) throughout the Department's Harrisburg offices.

Department: Education
Location: 333 Market Street & Forum Building located on Commonwealth Avenue, Harrisburg, PA.
Duration: July 1, 2002 to June 30, 2004
Contact: Donna Fessler (717) 787-5151

RFP #2002-03 The Educational Resources Group, Pennsylvania State System of Higher Education, is soliciting proposals from employment agencies to provide temporary personnel services for the various operating components of the Educational Resources Group and the Office of the Chancellor, both located at the Dixon University Center in Harrisburg, PA. Request For Proposal #2002-03 may be found at: <http://www.ergpa.org/procurement/bidsopen.html> or interested agencies may obtain the RFP package by contacting the issuing office at lvneri@ergpa.org. Proposals are due by April 25, 2002.

Department: State System of Higher Education
Duration: 5 Years
Contact: Linda Venneri (717) 720-4135



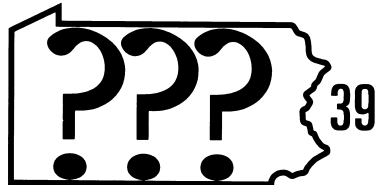
Vehicle, Heavy Equipment and Powered Machinery Services

SP112-5000-004 CC#: 6210-0100-000, Contractor shall provide maintenance service to a fleet of diesel powered generating equipment to include scheduled preventative maintenance service, repair and repair parts, and emergency service. Service is all inclusive to include diesel engines and generating machinery. Specifications are contained within quotation format.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258, South Mercer, PA 16137
Duration: July 1, 2002 to June 30, 2005
Contact: John Pitonyak (724) 662-1837 Ext. 194

1250-10 The Commonwealth is seeking price quotations for tire repairs or replacement in county facility district 12-5, Greensburg PA - Westmoreland County the contract will be for three renewals, contract will run from July 1, to June 30 yearly, vendor must be able to supply 24 hour road service with maximum response time of 45 minutes from time to call, yearly renewals will be by letter.

Department: Transportation
Location: PENN Dot 12-5 Maintenance District 12-5, P. O. Box 189, Greensburg, PA 15601
Duration: One Year with Option of Three renewals by letter yearly
Contact: Keith Howard (724) 832-5387



Miscellaneous

061329 For the removal of ice and snow from the entire length of Interstate I-95 and from the Bensalem Park & Ride Lot in Bucks County. Bidding documents will be available for purchase upon request from the PennDot Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, P. O. Box 2730, Harrisburg, PA 17120, Telephone Number (717) 787-5968. Specifications can also be viewed on PennDOT's home page <http://www.dot.state.pa.us> by selecting either "Doing Business with PennDot/Construction Specifications" or "General Information/Publications/Highway Related Publications/Publication 408." The Bid Opening is expected to occur in May or June of 2002.

Department: Transportation
Location: Interstate Route I-95 and the Bensalem Park & Ride
Duration: For the 2002-2003 and the 2003-2004 Snow Seasons.
Contact: Louis J. Porrini, Highway Maintenance Manager (610) 205-6703

063346 For the removal of ice and snow from the entire length of Interstate I-95 in Delaware County. Bidding documents will be available for purchase upon request from the PennDot Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, P. O. Box 2730, Harrisburg, PA 17120, Telephone Number (717) 787-5968. Specifications can also be viewed on PennDOT's home page <http://www.dot.state.pa.us> by selecting either "Doing Business with PennDot/Construction Specifications" or "General Information/Publications/Highway Related Publications/Publication 408." The Bid Opening is expected to occur in May or June of 2002.

Department: Transportation
Location: Interstate Route I-95.
Duration: For the 2002-2003 and the 2003-2004 Snow Seasons.
Contact: Louis J. Porrini, Highway Maintenance Manager (610) 205-6703

063347 For the removal of ice and snow from the entire length of Traffic Route 202 in Delaware County. Bidding documents will be available for purchase upon request from the PennDot Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, P. O. Box 2730, Harrisburg, PA 17120, Telephone Number (717) 787-5968. Specifications can also be viewed on PennDOT's home page <http://www.dot.state.pa.us> by selecting either "Doing Business with PennDot/Construction Specifications" or "General Information/Publications/Highway Related Publications/Publication 408." The Bid Opening is expected to occur in May or June of 2002.

Department: Transportation
Location: Traffic Route 202.
Duration: For the 2002-2003 and the 2003-2004 Snow Seasons.
Contact: Louis J. Porrini, Highway Maintenance Manager (610) 205-6703

063348 For the removal of ice and snow from the entire length of Traffic Route 3 in Delaware County. Bidding documents will be available for purchase upon request from the PennDot Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, P. O. Box 2730, Harrisburg, PA 17120, Telephone Number (717) 787-5968. Specifications can also be viewed on PennDOT's home page <http://www.dot.state.pa.us> by selecting either "Doing Business with PennDot/Construction Specifications" or "General Information/Publications/Highway Related Publications/Publication 408." The Bid Opening is expected to occur in May or June of 2002.

Department: Transportation
Location: Traffic Route 3
Duration: For the 2002-2003 and the 2003-2004 Snow Seasons.
Contact: Louis J. Porrini, Highway Maintenance Manager (610) 205-6703

065370 For the removal of ice and snow from the entire length of Interstate I-95 and Traffic Route 63 in Philadelphia County. Bidding documents will be available for purchase upon request from the PennDot Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, P. O. Box 2730, Harrisburg, PA 17120, Telephone Number (717) 787-5968. Specifications can also be viewed on PennDOT's home page <http://www.dot.state.pa.us> by selecting either "Doing Business with PennDot/Construction Specifications" or "General Information/Publications/Highway Related Publications/Publication 408." The Bid Opening is expected to occur in May or June of 2002.

Department: Transportation
Location: Interstate 95 and Traffic Route 63.
Duration: For the 2002-2003 and the 2003-2004 Snow Seasons.
Contact: Louis J. Porrini, Highway Maintenance Manager (610) 205-6703

065371 For the removal of ice and snow from the entire length of Interstates I-76, I-676 and Traffic Route 1 in Philadelphia County. Bidding documents will be available for purchase upon request from the PennDot Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, P. O. Box 2730, Harrisburg, PA 17120, Telephone Number (717) 787-5968. Specifications can also be viewed on PennDOT's home page <http://www.dot.state.pa.us> by selecting either "Doing Business with PennDot/Construction Specifications" or "General Information/Publications/Highway Related Publications/Publication 408." The Bid Opening is expected to occur in May or June of 2002.

Department: Transportation
Location: Interstates 76, 676 and Traffic Route 1.
Duration: For the 2002-2003 and the 2003-2004 Snow Seasons.
Contact: Louis J. Porrini, Highway Maintenance Manager (610) 205-6703

SP112-5000-003-A CC#: 9999-4000-000, Contractor shall provide Imam services to the residents of the Orthodox Muslim religious persuasion with considerations recognizing the spiritual needs of other sects within this faith.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rte. 258 South Mercer, PA 16137
Duration: July 1, 2002 to June 30, 2005 July 1, 2002 to June 30, 2003
Contact: John Pitonyak (724) 662-1837 Ext. 194

081S37 Rental and cleaning of portable toilets at various sites throughout Adams County.

Department: Transportation
Location: Various sites throughout Adams County
Duration: One (1) year Contract with two (2) renewal of one (1) year
Contact: Donald Crabbs (717) 334-3155

SP112-5000-002-A CC#: 9999-4000-000, Request for proposal (MER-RFP-02-001) for the contractor to provide chaplaincy services to the residents of the Protestant religion.

Department: Corrections
Location: State Regional Correctional Facility, 801 Butler Pike, Rt. 258 South Mercer, PA 16137
Duration: July 1, 2002 to June 30, 2005
Contact: John Pitonyak (724) 662-1837 Ext. 194

SU-01-15 Shippensburg University is seeking vendors interested in submitting bids for copier maintenance & repair services for Ricoh Copiers, located at various locations on campus from July 1, 2002 through June 30, 2003. Interested bidders must be authorized service providers for Ricoh Copiers in Cumberland County, Pennsylvania. Please fax your request to Pam King Administrative Services Office at (717) 477-4004 to be added to the bidders list. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: July 1, 2002 through June 30, 2003
Contact: Pamela A. King (717) 477-1121

934919 Building & Equipment Maintenance. Personnel will be required to do cleaning, adjustments, calibrations, replacing worn or damaged belts, replace filters, lube, change oil, clean coils, add freon, as part of their service. Provide 37 service and inspection visits of listed building equipment throughout the year. Provide emergency service a max. of 750 normal hours and 425 overtime/premium hours for maintenance and repair of building. For bid package fax your name and address to Cookie McWithey @ (717) 783-5955.

Department: Transportation
Location: 1118 State Street, Harrisburg, PA 17120
Duration: 1 year from July 1, 2002 through June 30, 2003, with a option to renew for four (4) 1 year periods.
Contact: Cookie McWithey (717) 783-5988

[Pa.B. Doc. No. 02-517. Filed for public inspection March 29, 2002, 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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KELLY POWELL LOGAN,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
3830-09	04/01/02	Flink Co.	\$174,650.00	9985-15 sup#3	03/13/02	Acurid Commercial Services/Orkin	50,000.00
6810-08	03/12/02	Bradford Soap Works	139,000.00	9985-15 sup#3	03/13/02	Pest Solutions Exterminating	50,000.00
6810-08	03/12/02	FBC Chemicals	27,327.00	8251240-01	03/18/02	Wildcat Mfg.	111,226.00
6810-08	03/12/02	George S. Coyne Chemical	803.00	8254020-01	03/18/02	Plasterer Equipment	1,877,654.00
6810-08	03/12/02	North Industries Chemicals	6,450.00	8254020-02	03/18/02	Furnival Machinery	1,750,760.00
6810-08	03/12/02	Somers Chemical	34,580.00			KELLY POWELL LOGAN, <i>Secretary</i>	

[Pa.B. Doc. No. 02-518. Filed for public inspection March 29, 2002, 9:00 a.m.]