

# PENNSYLVANIA BULLETIN

Volume 32

Number 18

Saturday, May 4, 2002 • Harrisburg, Pa.

Pages 2187—2306

**Agencies in this issue:**

The General Assembly  
The Courts  
Commission on Crime and Delinquency  
Department of Banking  
Department of Community and Economic  
Development  
Department of Conservation and Natural  
Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of State  
Environmental Hearing Board  
Environmental Quality Board  
Executive Board  
Housing Finance Agency  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Infrastructure Investment  
Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Professional Standards and Practices  
Commission  
Public School Employees' Retirement Board

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



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

**No. 330, May 2002**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.**

Attn: *Pennsylvania Bulletin*

**800 W. Church Rd.**

**Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

**FRY COMMUNICATIONS**

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2002 Commonwealth of Pennsylvania  
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE GENERAL ASSEMBLY

*See also* DEPARTMENT OF STATE  
 Recent actions during the 2002 regular session of  
 the General Assembly . . . . . 2195

## THE COURTS

### DISCIPLINARY BOARD OF THE SUPREME COURT

Collection fee and late payment penalty for 2002-  
 2003 registration year . . . . . 2212  
 Notice to attorneys . . . . . 2212  
 Notice of suspension . . . . . 2215  
 Notice of transfer of attorneys to inactive status . . . 2215

### MINOR COURT CIVIL RULES

Order amending Rule 305 of the rules of conduct,  
 office standards and civil procedure for district  
 justices; no. 136; magisterial doc. no. 1; book  
 no. 2 . . . . . 2206  
 Order amending Rules 403, 515, 516 and 519 of the  
 rules of conduct, office standards and civil proce-  
 dure for district justices; no. 135; magisterial doc.  
 no. 1; book no. 2 . . . . . 2207  
 Order renumbering Rule 325, adopting new Rules  
 211, 341 and 342, and amending or revising the  
 notes to Rules 306, 315, 324, 402, 514, 518, 1001,  
 and 1007 of the rules of conduct, office standards  
 and civil procedure for district justices; no. 134;  
 magisterial doc. no. 1; book no. 2 . . . . . 2199

### PHILADELPHIA RULES

**Philadelphia County**  
 Deferment of Villanova Insurance Company cases  
 by reason of order of rehabilitation; administra-  
 tive doc. 04 of 2002 . . . . . 2212

### RULES OF CRIMINAL PROCEDURE

Rule 118; use of two-way simultaneous audio-visual  
 communication in criminal proceedings . . . . . 2197

### RULES OF JUDICIAL ADMINISTRATION

Rescission of Rule 701 governing assignment of  
 judges to courts and promulgation of new Rule  
 701; no. 242 judicial administration; doc. no. 1 . . . 2196

## EXECUTIVE AGENCIES

### COMMISSION ON CRIME AND DELINQUENCY

**Notices**  
 Drug control and system improvement strategy . . . . 2236

### DEPARTMENT OF BANKING

**Notices**  
 Action on applications . . . . . 2236

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

**Notices**  
 Land Use Planning and Technical Assistance Pro-  
 gram . . . . . 2238

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Notices**  
 Retention of an engineering/construction manage-  
 ment firm . . . . . 2238

### DEPARTMENT OF EDUCATION

*See also* PROFESSIONAL STANDARDS AND PRACTICES COMMISSION  
**Notices**  
 Application of Lancaster General College of Nursing  
 and Health Sciences for approval of articles of  
 incorporation . . . . . 2239  
 Consolidated application under the Elementary and  
 Secondary Education Act . . . . . 2240  
 Professional Standards and Practices Commission;  
 application of Stephen J. Wesley for reinstatement  
 of teaching certificates; doc. no. RE-01-03 . . . 2240

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

*See also* ENVIRONMENTAL QUALITY BOARD  
**Notices**  
 Applications, actions and special notices . . . . . 2240  
 Availability of technical guidance . . . . . 2277  
 Meetings scheduled . . . . . 2294  
 Pennsylvania Bituminous Mine Safety Advisory  
 Committee special meeting . . . . . 2278

### DEPARTMENT OF GENERAL SERVICES

**Notices**  
 Contract awards . . . . . 2305  
 State contracts information . . . . . 2297

### DEPARTMENT OF HEALTH

**Notices**  
 Infant Hearing Screening Advisory Committee  
 meeting . . . . . 2278  
 Traumatic Brain Injury Advisory Board meeting . . . 2278

### DEPARTMENT OF REVENUE

**Notices**  
 Pennsylvania Cool 7's instant lottery game . . . . . 2278  
 Pennsylvania Deep Sea Doubler instant lottery  
 game . . . . . 2279  
 Pennsylvania Star Spangled Dollars instant lottery  
 game . . . . . 2281  
 Pennsylvania Winning Hand instant lottery game . . 2283

### DEPARTMENT OF STATE

**Notices**  
 May Primary; notice from the Secretary of the  
 Commonwealth . . . . . 2285

---

**Now Available Online at <http://www.pabulletin.com>**

---

**ENVIRONMENTAL HEARING BOARD****Notices**

Borough of Duncannon v. DEP; EHB doc. no. 2002-082-C ..... 2285

**ENVIRONMENTAL QUALITY BOARD****Proposed Rulemaking**

Coal mining ..... 2217  
Stream redesignations; Oysterville Creek, et al. .... 2219

**EXECUTIVE BOARD****Statements of Policy**

Reorganization of the Department of Labor and Industry ..... 2224

**HOUSING FINANCE AGENCY****Notices**

Low Income Housing Tax Credit Program ..... 2285

**INDEPENDENT REGULATORY REVIEW COMMISSION****Notices**

Actions taken by the Commission ..... 2285  
Notice of comments issued ..... 2286

**INSURANCE DEPARTMENT****Notices**

Admissibility of prepaid premium taxes in financial statements; Insurance Department notice no. 2002-02 ..... 2290  
Capital Blue Cross and Capital Advantage Insurance Company; certificate of assumption CBC/CAIC filing no. 02-C; Security 65 Medicare supplement policy ..... 2291  
Jamaladdin, Yusef A.; prehearing ..... 2291  
Keystone Health Plan West, Inc.; rate filing ..... 2291  
Mazzone, Stephen J., Jr.; prehearing ..... 2292

Pennsylvania 2001 private passenger automobile data calls ..... 2292  
Progressive Northern Insurance Company; private passenger auto rate revision ..... 2292  
Prudential Property and Casualty Insurance Company; homeowner rate revision ..... 2292  
Review procedure hearings; cancellation or refusal of insurance ..... 2293  
Review procedure hearings under the Unfair Insurance Practices Act ..... 2293

**LIQUOR CONTROL BOARD****Notices**

Expiration of leases ..... 2294

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY****Notices**

Meetings scheduled ..... 2294  
Meetings scheduled and application cut-off dates. ... 2294

**PENNSYLVANIA PUBLIC UTILITY COMMISSION****Notices**

Telecommunications (2 documents) ..... 2294, 2295  
Wastewater ..... 2295

**PHILADELPHIA REGIONAL PORT AUTHORITY****Notices**

Request for bids ..... 2295

**PROFESSIONAL STANDARDS AND PRACTICES COMMISSION****Statements of Policy**

Bylaws ..... 2226

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD****Notices**

Hearings scheduled ..... 2295

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

### Printing Format

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

### Fiscal Notes

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

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

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

# 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.

<b>4 Pa. Code (Administration)</b>			
<b>Adopted Rules</b>			
6 .....	2109		
<b>Statements of Policy</b>			
9 .....	255, 948, 1227, 1412, 1539, 1879, 2224		
68 .....	615		
95 (with correction) .....	1643, 1723		
<b>7 Pa. Code (Agriculture)</b>			
<b>Proposed Rulemaking</b>			
21 .....	66		
31 .....	1046		
35 .....	1046		
41 .....	1046		
43 .....	1046		
45 .....	1046		
46 .....	1046		
47 .....	1046		
49 .....	1046		
53 .....	1046		
55 .....	1046		
61 .....	1046		
63 .....	1046		
78 .....	1046		
79 .....	1046		
80 .....	1046		
81 .....	1046		
130d .....	1965		
138 .....	775		
138e .....	775		
1381 .....	775		
<b>10 Pa. Code (Banks and Banking)</b>			
<b>Adopted Rules</b>			
44 .....	1180		
<b>17 Pa. Code (Conservation and Natural Resources)</b>			
<b>Proposed Rulemaking</b>			
11 .....	1611		
<b>22 Pa. Code (Education)</b>			
<b>Adopted Rules</b>			
4 .....	17		
73 .....	1844		
<b>Proposed Rulemaking</b>			
4 .....	882, 905		
<b>Statements of Policy</b>			
233 .....	2226		
<b>25 Pa. Code (Environmental Protection)</b>			
<b>Adopted Rules</b>			
901 .....	878		
977 .....	1515		
<b>Proposed Rulemaking</b>			
86 .....	2217		
93 .....	427, 2219		
96 .....	428		
271 (with correction) .....	564, 882		
287 (with correction) .....	564, 882		
901 .....	1661, 1868		
1021 .....	1980		
<b>28 Pa. Code (Health)</b>			
<b>Adopted Rules</b>			
23 .....	1305		
27 .....	491		
211 .....	491		
701 .....	1183		
705 .....	1183		
709 .....	1183		
711 .....	1183		
713 .....	1183		
<b>Proposed Rulemaking</b>			
6 .....	796		
<b>31 Pa. Code (Insurance)</b>			
<b>Adopted Rules</b>			
65 .....	1516		
89 .....	1475, 1847		
89a .....	1475		
<b>Proposed Rulemaking</b>			
83a .....	1869		
115 .....	609		
146b .....	1406		
148 .....	1873		
148a .....	1873		
<b>34 Pa. Code (Labor and Industry)</b>			
<b>Adopted Rules</b>			
401 (with correction) .....	1849, 2114		
<b>Proposed Rulemaking</b>			
111 .....	1518		
131 .....	1518		
<b>49 Pa. Code (Professional and Vocational Standards)</b>			
<b>Adopted Rules</b>			
13 .....	423		
16 .....	249		
18 .....	249		
27 .....	1194		
29 .....	561		
31 .....	1861		
35 .....	1644		
40 .....	1658		
41 .....	424, 2114		
47 .....	1197		
48 .....	1197		
49 .....	1197		
<b>Proposed Rulemaking</b>			
9 .....	1731		
25 .....	1734		
29 .....	946		
<b>52 Pa. Code (Public Utilities)</b>			
<b>Rules and Regulations</b>			
63 .....	1723		
71 .....	1723		
<b>Proposed Rulemaking</b>			
35 .....	797		
63 (with correction) .....	1986, 2116		

**55 Pa. Code (Public Welfare)**

**Adopted Rules**  
 1187 .....734, 1962

**Proposed Rulemaking**

133 ..... 431  
 141 ..... 431  
 183 ..... 431

**Statements of Policy**

6000 ..... 2117

**58 Pa. Code (Recreation)**

**Adopted Rules**

61 ..... 1962  
 65 ..... 1962  
 71 ..... 1725  
 73 ..... 1725  
 91 ..... 1865  
 109 ..... 1865  
 111 ..... 1865  
 135 ..... 1305  
 141 ..... 1305  
 143 ..... 1305  
 147 ..... 1307

**Proposed Rulemaking**

53 ..... 1217, 1729  
 61 ..... 1729  
 65 ..... 1729  
 69 ..... 1728  
 93 ..... 1217  
 131 ..... 1219  
 135 ..... 1224  
 139 ..... 1219, 1401  
 141 ..... 1219  
 143 ..... 1219

**61 Pa. Code (Revenue)**

**Adopted Rules**

31 ..... 1213  
 101 .....250, 253

**67 Pa. Code (Transportation)**

**Proposed Rulemaking**

71 ..... 1396  
 171 ..... 1396

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**

7 ..... 2196

**Proposed Rulemaking**

19 ..... 245

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

29 ..... 875  
 85 ..... 1838

89 ..... 1838  
 93 ..... 1838  
 211 ..... 876

**Proposed Rulemaking**

83 ..... 1302  
 89 ..... 1302

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

4 ..... 733  
 33 ..... 1386

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

25 ..... 1839  
 31 ..... 876  
 37 ..... 876

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 548

**Proposed Rulemaking**

200 .....245, 247  
 1000 ..... 1038  
 1900 ..... 1387  
 1910 ..... 1387  
 1915 ..... 1387  
 1920 ..... 1387  
 Part III ..... 311

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1391, 1630  
 7 ..... 1393  
 9 ..... 1173, 1391, 1840

**Proposed Rulemaking**

1 ..... 1039, 2197  
 4 ..... 1042  
 5 ..... 1042

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

200 ..... 2199  
 300 ..... 1176, 2199, 2206  
 400 ..... 2199, 2207  
 500 ..... 1176, 2199, 2207  
 1000 ..... 2199

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 422, 1178, 2113, 2212

**255 Pa. Code (Local Court Rules)**

Unclassified .....9, 10, 11, 13, 14, 248, 312,  
 313, 314, 315, 548, 555, 556, 733, 1044,  
 1045, 1178, 1179, 1303, 1514, 1631, 1958, 2113



# THE GENERAL ASSEMBLY

## Recent Actions During the 2002 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2002 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2002 GENERAL ACTS ENACTED—ACT 030 through 039</b>					
030	Apr 17	SB0016	PN1842	immediately	Municipal Police Pension Law—members benefits and payment into police pension funds
031	Apr 17	HB1536	PN3477	60 days	Borough Code, The—shade tree commission composition
032	Apr 17	HB1923	PN3463	60 days	Recorder of Deeds Fee Law—document recording fee in home rule charter counties
033	Apr 17	HB2129	PN2841	60 days	Crimes Code (18 Pa.C.S.)—unlawful possession of retail or library theft instruments
034	Apr 18	HB2545	PN3726	immediately*	Congressional Redistricting Act of 2002—enactment
035	Apr 18	SB0705	PN1860	60 days	Public School Code of 1949—integrated pest management programs in schools
036	Apr 18	HB1289	PN3678	immediately*	Public School Code of 1949—unfunded debt in distressed school districts approval, educational assessment centers and notification of school pesticide treatments
037	Apr 23	HB2048	PN2698	60 days	Conveyance—reversion of Commonwealth property in Northampton County
038	Apr 23	HB0027	PN3727	immediately*	Education (24 Pa.C.S.) and State Government (71 Pa.C.S.)—omnibus amendments
039	Apr 23	HB1935	PN3725	immediately	Main Street Act—enactment

\* with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,  
*Director*  
 Legislative Reference Bureau

[Pa.B. Doc. No. 02-781. Filed for public inspection May 3, 2002, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

### Rescission of Rule 701 Governing Assignment of Judges to Courts and Promulgation of New Rule 701; No. 242 Judicial Administration; Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 18th day of April, 2002, Pennsylvania Rule of Judicial Administration 701 is rescinded and new Rule 701 is promulgated to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Rules of Judicial Administration or otherwise, the rescission of Rule 701 and promulgation of new Rule 701 is hereby found to be required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 6, 2003.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 7. ASSIGNMENT OF JUDGES

#### ASSIGNMENT AND TRANSFER OF JUDGES

#### Rule 701. Assignment of judges to courts.

(A) *Conditions Applicable for the Certification of Senior District Justices, Judges or Justices.*

(1) To be eligible for senior certification, a district justice, judge or justice:

(a) shall have served as a district justice, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling a full term of office; and

(b) shall not have been defeated for reelection or retention.

(2) In addition to paragraph (1), any duly elected district justice, judge or justice, having an aggregate of five years of judicial service, who is required to retire at age seventy, shall be eligible for certification.

(3) Senior status shall end on the last day of the calendar year in which a district justice, judge or justice attains age seventy-five; however, those serving in senior status as of the effective date of this rule who were previously excepted from the age seventy-five limitation pursuant to the amendment of January 1, 1999 may continue to serve until the last day of the calendar year in which they attain age eighty.

(4) For certification of senior status, a district justice, judge or justice shall verify such additional information as required by the application for certification forms authorized under paragraph (B) below.

(B) *Certification of Senior District Justices, Judges and Justices.* The Administrative Office shall promulgate application forms, as approved by the Supreme Court, for certification of senior district justices, judges and justices. A former or retired district justice, judge or justice who

requests assignment to temporary judicial service shall file the application for certification form with the Administrative Office, and, upon approval, shall be eligible for judicial assignment. Failure to comply with the provisions contained in the application form may result in the immediate revocation of senior certification.

(C) *Request for the Assignment of Additional District Justices or Judges.*

(1) *Request for Assignment.* Whenever a president judge deems additional judicial assistance necessary for the prompt and proper disposition of court business, a formal request for assignment of one or more district justices or judges shall be transmitted to the Administrative Office.

(2) *Recommendation by the Court Administrator of Pennsylvania and Action by Chief Justice.* Upon the recommendation of the Court Administrator, the Chief Justice may, by order, assign any retired, former, or active district justice, judge or justice to temporary judicial service on any court to fulfill a request by a president judge, or to reduce case inventories, or to serve the interest of justice.

(3) *Duration of Assignment.* Unless otherwise provided in the order of assignment, the order shall continue in effect after its stated expiration date until unfinished business pending before the assigned judge is completed.

(4) *Certification of Service.* The president judge of a district to which a district justice or judge has been temporarily assigned under this rule shall certify to the Administrative Office, on a certificate completed and signed by the assigned district justice or judge, the number of days of temporary judicial service and the amount of any compensation to which the assigned judge is entitled.

(5) *Expenses of Assigned Judges.* All judges assigned to duties outside of their judicial districts may, in addition to any per diem payment authorized by law, be reimbursed with the approval of the Court Administrator for necessary expenses, including hotel accommodations and meals, incident to such duties.

(6) *Restrictions on Temporary Assignments.* No judge shall be assigned under this rule to any court while any judge thereof is assigned to another court under this rule, except when required to take the place of a judge who is recused or disqualified, or is otherwise unavailable, or under other appropriate circumstances.

(7) *Ceremonial Functions.* District justices, judges and justices on temporary assignments shall have authority to conduct ceremonial functions, including performing weddings and administering oaths.

(D) *Judicial Assignment Records.* The Administrative Office shall maintain records of certification applications and assignments to temporary judicial service.

(E) *Regional Administrative Units.*

(1) Judicial districts through their president judges may petition the Supreme Court for approval to combine with other districts to form regional administrative units that provide for the assignment of district justices and judges to any other judicial district in the unit. Upon annual approval by the Supreme Court, district justices and judges, when so assigned, shall exercise the same power and authority as vested in a district justice or judge of that judicial district.

(2) In cases where a judge has disqualified him or herself for any of the reasons specified in Canon 3 C of the Code of Judicial Conduct, the assignment of another judge to the case shall be made through the Administrative Office. In other instances of recusal, the assignment may be made through the Regional Unit, but in no case shall a recusing judge select his or her replacement.

(3) Each regional unit shall file with the Administrative Office a quarterly report of all assignments that occurred within the unit for that period.

(F) *Suitable Facilities and Staffing for Senior Common Pleas Judges.* Suitable facilities and adequate staff are to be provided for senior judges, the parameters of which are to be determined and promulgated by the Administrative Office.

*Directive:* In accordance with Rule of Judicial Administration 701(F), the Administrative Office of Pennsylvania Courts promulgates this directive establishing minimum standards for suitable facilities and adequate staff for the senior judges of the courts of common pleas.

The president judge of a judicial district, in consultation with the Court Administrator of Pennsylvania as needs may require, shall provide from available resources for each senior judge formerly of the judicial district who is regularly or periodically assigned in that district and for each visiting senior judge the following facilities and staff for matters arising under the appointment:

(1) the use of judicial chambers which shall be of adequate size and appropriately furnished, afford a measure of privacy, and include office equipment and supplies as are necessary to conduct judicial business;

(2) services of a law clerk who shall provide customary assistance including legal research and drafting of legal documents; and

(3) services of a secretary who shall provide customary assistance including typing correspondence, orders and opinions, answering phone calls and taking messages, receiving and sending mail and deliveries.

**Official Note:** The expense reimbursement authorized by subdivision (C)(5) is in addition to the per diem payable under the Act of June 1, 1956 (1955 P. L. 1959) § 10, 17 P. S. § 830.32.

Supreme Court Rule 79 adopted effective Oct. 10, 1966; renumbered Rule 701 March 15, 1972; amended effective Feb. 20, 1975; June 10, 1975; Oct. 5, 1977, amended June 26, 1980, effective Aug. 2, 1980, amended effective April 29, 1998; Dec. 8, 1998, effective Jan. 1, 1999; amended April 18, 2002, effective January 6, 2003.

[Pa.B. Doc. No. 02-782. Filed for public inspection May 3, 2002, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

### [234 PA. CODE CH. 1]

#### Rule 118; Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings

The Criminal Procedural Rules Committee is planning to recommend the Supreme Court of Pennsylvania adopt new Pa.R.Crim.P. 118 (Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings).

New Rule 118 would authorize a court or issuing authority to use two-way simultaneous audio-visual communication in criminal proceedings. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed new rule precedes the Report.

We request interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, fax: (717) 795-2106, e-mail: criminal.rules@supreme.court.state.pa.us no later than Monday, June 17, 2002.

JOSEPH P. CONTI,  
Chair

#### Annex A

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

#### PART A. BUSINESS OF THE COURTS

#### Rule 118. Use Of Two-Way Simultaneous Audio-Visual Communication In Criminal Proceedings.

(A) The court or issuing authority may use two-way simultaneous audio-visual communication at any criminal proceeding except:

- (1) preliminary hearings;
- (2) trials;
- (3) sentencing hearings;
- (4) parole, probation, and intermediate punishment revocation hearings;
- (5) ARD revocation hearings; and
- (6) any other proceeding in which the defendant has a right to appear.

(B) When a criminal proceeding is conducted using two-way simultaneous audio-visual communication, the defendant must be permitted to communicate fully and confidentially with defense counsel immediately prior to and during the proceeding.

#### Comment

This rule was adopted in 2002 to make it clear that unless the case comes within one of the exceptions in paragraph (A), the court or issuing authority may use two-way simultaneous audio-visual communication in any criminal proceeding. Two-way simultaneous audio-visual communication is a type of advanced communication technology as defined in Rule 103.

This rule is not intended to preclude the use of advanced communication technology for the preservation of testimony as permitted by Rules 500 and 501.

Nothing in this rule is intended to limit any right of a defendant to waive his or her presence at a criminal proceeding in the same manner as the defendant may waive other rights. See, e.g., Rule 602 Comment.

See Rule 542 for the procedures governing preliminary hearings.

See Chapter 6 for the procedures governing trials.

See Chapter 3 for the procedures governing ARD.

See Chapter 7 for the procedures governing sentencing hearings.

See Rule 708 for the procedures governing revocation of probation, intermediate punishment, and parole.

The paragraph (A)(4) reference to revocation hearings addresses Gagnon II-type probation (*Gagnon v. Scarpelli*, 411 U.S. 778 (1973)) and parole (*Morrissey v. Brewer*, 408 U.S. 471 (1972)) revocation hearings, and is not intended to prohibit the use of two-way simultaneous audio-visual communication in hearings to determine probable cause (Gagnon I).

**Official Note:** New Rule 118 adopted \_\_\_\_\_, effective \_\_\_\_\_.

*Committee Explanatory Reports:*

Report explaining proposed new Rule 118 published at 32 Pa.B. 2198 (May 4, 2002).

## REPORT

Proposed New Pa.R.Crim.P. 118

### USE OF TWO-WAY SIMULTANEOUS AUDIO-VISUAL COMMUNICATION IN CRIMINAL PROCEEDINGS

#### I. Background

This proposal is the fifth in a series of proposals the Committee has developed that would permit the use of advanced communication technology (ACT) in criminal proceedings. In making the proposals, the Committee recognizes that the implementation of provisions for the use of ACT in criminal proceedings furthers the goals of achieving statewide, uniform procedures in criminal proceedings, providing quick and efficient administration of justice, and bringing convenience to the parties.<sup>1</sup>

Following the publication of these proposals, and through various communications to the Committee,<sup>2</sup> we became aware that the uses of ACT are expanding throughout Pennsylvania. To determine how widespread the use of ACT is, and in which criminal proceedings ACT is being used, the Committee conducted a survey of the president judges concerning the use of ACT in their judicial districts.<sup>3</sup> The responses to the survey indicated that several judicial districts rapidly are moving ahead in this area, but several others are reluctant to invest the resources in ACT until the Criminal Rules provide guidance for its use. Other judicial districts are not using ACT because of concerns about the "face-to face" constitutional provision.<sup>4</sup> In view of the survey responses and the general communications concerning when ACT should be used in criminal proceedings, the Committee agreed that it was imperative to have a general rule governing the use of ACT in all criminal proceedings.

<sup>1</sup> The first published proposals incorporated ACT provisions into the rules that govern, inter alia, the procedures for preliminary arraignments, arraignments, search warrants, and arrest warrants. See 28 Pa.B. 3934 (August 15, 1998), 29 Pa.B. 4426 (August 21, 1999), 29 Pa.B. 4429 (August 21, 1999), 29 Pa.B. 4539 (August 28, 1999).

<sup>2</sup> Some of these general communications include comments made during the common pleas automation project, oral communications made to Committee members and Staff, and questions to the Committee from AOPC staff.

<sup>3</sup> We received 41 survey responses: 17 judicial districts reported that they are experimenting with ACT; 16 want to begin to use ACT in criminal proceedings; 8 have no plans to use and no need to use ACT. Some judicial districts use ACT for a large number of criminal cases and a panoply of criminal proceedings; other judicial districts are proceeding conservatively, waiting for the Court or the rules to sanction its use before they proceed. In many instances, funding was reported to be a problem, but the anticipation is that the judicial districts will achieve ACT capabilities and use it in the same way as the judicial districts already using ACT.

<sup>4</sup> See PA.CONST. art. I, § 9.

#### II. Discussion of Proposed New Rule 118

One issue of concern in developing the earlier ACT-related proposals was how to safeguard the defendant's rights, including the defendant's participation in the defense of his or her case and access to defense counsel. The Committee agreed that, when the criminal proceeding is one that requires rigid protection of the defendant's rights and the integrity and fairness of the judicial process, any rules addressing this type of procedure must require that the type of ACT employed for the criminal proceeding must be one capable of providing two-way simultaneous audio-visual communication, and allow for confidential communications between defendant and defendant's counsel.

When developing the procedures for the new rule, the Committee agreed that the proposed new rule should preserve the status quo, i.e., the new rule should not create nor abridge existing rights of the defendant to appear at a criminal proceeding; rather, the new rule merely should be permissive of the use of two-way simultaneous audio-visual communication in criminal proceedings. In addition, the Committee recognized that the rule also should not alter a defendant's right to effectively waive his or her appearance at a hearing, nor address whether the parties must agree to its use. Finally, the Committee agreed that although the scope of the new rule should be broad, the rule should be clear that in those criminal proceedings in which the use of two-way simultaneous audio-visual communication would not be appropriate, no other form of ACT may be used to conduct the proceeding. Accordingly, the Committee is proposing a new Rule 118 that generally would authorize a court or issuing authority to use two-way simultaneous audio-visual communication in criminal proceedings, and would enumerate the criminal proceedings in which using any form of ACT to conduct the proceeding would be prohibited.

The new rule would be divided into two paragraphs. Paragraph (A) would provide the general rule that a court or issuing authority may use two-way simultaneous audio-visual communication at any criminal proceeding. Paragraph (A) also provides six enumerated exceptions to the general rule. These exceptions are (1) preliminary hearings, (2) trials, (3) sentencing hearings, (4) parole, probation, and intermediate punishment revocation hearings, (5) ARD revocation hearings, and (6) any other proceeding in which the defendant has a right to appear.

Paragraph (B) makes it clear that when a criminal proceeding is conducted using two-way simultaneous audio-visual communication, the defendant must be permitted to communicate fully and confidentially with his or her defense counsel immediately prior to and during the proceeding. This language is consistent with the language included in the Committee's earlier ACT-related proposals and recognizes the importance of the defendant's access to defense counsel, and the confidentiality of communications between the defendant and defense counsel.

The Comment would:

- highlight that the criminal proceedings contemplated by the rule require two-way simultaneous audio-visual communication
- make it clear that the rule is not intended to preclude the use of ACT for the preservation of testimony as permitted by Rules 500 and 501

- provide a cross-reference to Rule 103 further explaining that two-way-simultaneous is one form of advanced communication technology as defined in Rule 103
- make it clear that the language in paragraph (A)(6) is not intended to alter the right of a defendant to waive his or her presence at a criminal proceeding
- explain that the paragraph (A)(4) exception for revocation hearings addresses *Gagnon* II-type hearings, in which there may be a sentencing for a violation of the defendant's probation or parole, and not the *Gagnon* I-type revocation hearings in which there only is a probable cause finding that a violation has occurred
- cross-reference the rules concerning the "criminal proceedings" enumerated as exceptions in paragraph (A)(1)—(5).

[Pa.B. Doc. No. 02-783. Filed for public inspection May 3, 2002, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

[246 PA. CODE CHS. 200—500 AND 1000]

**Order Renumbering Rule 325, Adopting New Rules 211, 341, and 342, and Amending or Revising the Notes to Rules 306, 315, 324, 402, 514, 518, 1001, and 1007 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 134; Magisterial Doc. No. 1; Book No. 2**

The Minor Court Rules Committee has prepared a Final Report explaining the renumbering of Rule 325; the adoption of new Rules 211, 341, and 342, and; the amendments or revisions to the Notes to Rules 306, 315, 324, 402, 514, 518, 1001, and 1007 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective January 1, 2003. These rule changes provide a procedural mechanism for the entry of satisfaction of money judgments. The changes also provide for several technical or "housekeeping" amendments to these rules. The Final Report follows the Court's Order.

### Order

*Per Curiam:*

Now, this 5th day of April, 2002, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 31 Pa.B. 4528 (August 18, 2001), 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 Pa. R.C.P.D.J. No. 325 is renumbered, new Pa. R.C.P.D.J. Nos. 211, 341, and 342 are adopted, and Pa. R.C.P.D.J. Nos. 306, 315, 324, 402, 514, 518, 1001, and 1007 are amended or the Notes thereto are revised in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2003.

### Annex A

## TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

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

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

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

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

Adopted April 5, 2002, effective January 1, 2003.

#### CHAPTER 300. CIVIL ACTION

#### **Rule 306. Numbering and Filing of Complaints.**

The district justice shall retain the original of the complaint. Complaints shall be numbered consecutively in order of filing, annually, and shall be filed as prescribed by the [ State ] Court Administrator of Pennsylvania. Complaints filed in the case by a defendant shall take the same number as the plaintiff's complaint.

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

**The phrase "[ c ]omplaints filed in the case by a defendant" includes cross-complaints filed pursuant to Rule 315 and supplementary actions filed pursuant to Rule 342.**

Amended June 30, 1982, effective 30 days after July 17, 1982; amended April 5, 2002, effective January 1, 2003.

#### **Rule 315. Claim by Defendant.**

A. The defendant, by filing [ his own ] a complaint at least five [ (5) ] days before the date set for the hearing, may assert in the case any claim against the plaintiff [ which ] that is within the jurisdiction of a district justice. Such a claim need not arise from the same transaction or occurrence from which the plaintiff's claim arose, nor need it be the same type of claim.

B. The rules governing the form, processing, and service of a plaintiff's complaint shall apply also to the defendant's complaint[, and]. The district justice shall set a date and time for the hearing of both complaints together [shall be set which] that shall not be less than [twelve (12)] 12 or more than [thirty (30)] 30 days from the filing of the defendant's complaint.

\* \* \* \* \*

D. If the defendant files a cross-complaint, the district justice shall promptly notify the plaintiff of the time and date set for the hearing of both complaints together. If the plaintiff has an attorney of record [named in the complaint form filed by him], the notice shall be given to the attorney of record instead of to the plaintiff.

**Official Note:** Subdivision A of this rule permits the defendant to file a cross-complaint against the plaintiff at least five days before the date originally set for the hearing, if it is for a claim cognizable by a district justice. [See the Judicial Code, § 1515(a)(3)] See Section 1515(a)(3) of the Judicial Code, 42 Pa.C.S. § 1515(a)(3), [as amended by § 10(18) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53,] as to waiver of jurisdictional limits, a defendant filing a cross-complaint being considered a "plaintiff" as to the cross-complaint within the meaning of this statute. [Such a claim need not comply with the counterclaim rules found in Pa.R.C.P. Nos. 1031(a) and 1046.] The requirement that a cross-complaint be filed at least five days before the hearing [limitation] is intended to give the district justice time to notify the plaintiff or [his] the plaintiff's attorney, under subdivision D of the rule, of any new hearing time and date[, so that he will not arrive at the office of the district justice with his witnesses only to find that the original date of the hearing has been changed to a later date]. Notice under subdivision D is not a substitute for the service required under subdivision B. If the defendant does not file [within the five day period, he can] an action at least five days before the hearing, the defendant may still file a complaint against the plaintiff but it will not be processed [under the cross-complaint rules] as a cross-complaint.

No provision has been made for a stay of the district justice proceedings upon notice by the defendant [that he intends] of intention to commence an action in the court of common pleas on a claim against the plaintiff not within district justice jurisdiction. It was thought that no such provision was necessary, for if the plaintiff prevails in the district justice action the defendant may appeal, the appeal operates as an automatic supersedeas of the money judgment, the case is heard de novo, and the defendant may assert [his] a claim in the court of common pleas, possibly as a counterclaim. [See Pa.R.C.P.J.P. Nos.] See Rules 1002, 1007, and 1008.

Since a cross-complaint is in the nature of a responsive pleading, there is no fee for filing it.

**No cross-complaint may be filed in a supplementary action filed under Rule 342. See Rule 342 and Note.**

Amended Oct. 17, 1975, effective in 90 days; Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30

days; June 30, 1982, effective 30 days after July 17, 1982; amended April 5, 2002, effective January 1, 2003.

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

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

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

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

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

(3) a statement advising that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the district justice if the judgment debtor pays in full, settles, or otherwise complies with the judgment.

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

Amended effective Feb. 1, 1973; amended Oct. 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended March 27, 1992, effective June 25, 1992 [The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line."]; amended and Note added April 5, 2002, effective January 1, 2003.

Rule [ 325 ] 210. Practices Prohibited.

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

[Amended] Rule 325 amended June 30, 1982, effective 30 days after July 17, 1982; renumbered Rule 210 April 5, 2002, effective January 1, 2003.

**SATISFACTION OF MONEY JUDGMENTS**

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

A. If a judgment debtor has paid in full, settled, or otherwise complied with a judgment rendered in a district justice court, anyone interested in the judgment may request the entry of satisfaction of the judgment by filing a written request in the office of the district justice who rendered the judgment.

B. A request for entry of satisfaction by anyone other than the judgment creditor must be served upon the

judgment creditor in accordance with the rules in the 300 Series regarding service of the complaint.

C. Within 90 days from the date of service of the request for entry of satisfaction, the judgment creditor shall enter satisfaction in the office of the district justice in which the request for entry of satisfaction was filed.

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

Subdivision B is intended to provide a number of alternative methods of service. See Rules 307, 308, 309, 310, 311, 312 and 313. When permitted, service by mail should be at the option of the person filing the request for entry of satisfaction.

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

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

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

A party may contest the entry of satisfaction by filing a petition to strike the entry of satisfaction with the court of common pleas.

Adopted April 5, 2002, effective January 1, 2003.

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

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

B. (1) Except as provided in subparagraph B(2), upon the filing of a complaint as provided in subdivision A, the action shall proceed as a civil action in accordance with the rules of the 300 Series.

(2) No claim under Rule 315 will be permitted in a supplementary action filed pursuant to this Rule.

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

Subdivision B provides that, once a supplementary action is filed under subdivision A, the proceedings in the

action, including the form of the complaint, setting the hearing date, service, and hearing, should proceed as if a regular civil action, except that no cross-complaints under Rule 315 will be permitted. See Rules 304 through 381. While it is not the intent of this rule to limit defenses that may be raised in a supplementary action, only those issues arising from the Rule 342 supplementary action are to be considered at the hearing. Therefore, subparagraph B(2) makes clear that no cross-complaints are permitted to be filed.

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

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

Adopted April 5, 2002, effective January 1, 2003.

**CHAPTER 400. EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY**

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

A. Execution of a judgment for the payment of money rendered by a district justice may be ordered by a district justice in whose office the judgment was rendered or entered, provided the plaintiff files in that office

(1) not before the expiration of [ **thirty (30)** ] **30** days after the date the judgment is entered by the district justice, and

(2) within five [ **(5)** ] years of that date,

a request for an order of execution [ **on a form which shall be prescribed by the State Court Administrator** ].

\* \* \* \* \*

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

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

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

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

D. (1) The plaintiff may enter the judgment in the court of common pleas in any county. When so entered, the indexing, revival and execution of the judgment shall be in accordance with procedures applicable in the court of common pleas.

(2) The judgment may be entered in the court of common pleas by filing with the prothonotary a copy of the record of the proceedings containing the judgment, certified to be a true copy by the district justice in whose office the judgment was rendered or by any other official custodian of the record.

(3) The judgment may be entered in the court of common pleas after [ thirty (30) ] 30 days from the date the judgment is entered by the district justice. The judgment may not be entered in the court of common pleas after five [ (5) ] years from the date the judgment is entered by the district justice.

(4) Except as provided in subparagraph D(5) of this rule, once the judgment is entered in the court of common pleas all further process must come from the court of common pleas and no further process may be issued by the district justice.

(5) The district justice shall enter satisfaction on the docket of the district justice proceedings upon the filing by any Party in interest of a certified copy of the docket entries of the court of common pleas showing the and satisfaction have been entered in the court of common pleas.

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

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

As to subdivision D, [ see the Judicial Code, § 1516, 42 Pa.C.S. § 1516. ] see Section 1516 of the Judicial Code, 42 Pa.C.S. 4 1516. The [ thirty ] 30 day limitation in the rule appears to be required by this Section. Certification by the district justice should not be done before the expiration of [ thirty (30) ] 30 days after the date of entry of the judgment. The only method available to renew a judgment would be to record the judgment in the Prothonotary's office prior to the expiration of the five year period and then follow the applicable Rules of Civil Procedure for the [ Revival of a Judgment, Rule 1521 and 3025 et seq. ] revival of judgments. See Pa.R.C.P. No. 3025 et seq. Also, [ Subdivision ] subdi-

vision D makes clear that when the judgment is entered in the court of common pleas, all further process shall come from the court of common pleas and that no further process shall be issued by the district justice **except that the district justice shall enter on the district justice docket proof of satisfaction of a judgment that had been entered in the court of common pleas and subsequently satisfied in that court. This exception is necessary so that procedures exist for entering satisfaction of all judgments with the district justice court, regardless of whether the judgment has been certified to and satisfied in the court of common pleas.**

Amended Jan. 29,1976, effective in 30 days; amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25,1992; amended December 15, 2000, effective January 1, 2001; amended April 5, 2002, effective January 1, 2003.

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

**Rule 514. Judgment.**

\* \* \* \* \*

*Official Note:*

\* \* \* \* \*

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

Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended March 27, 1992, effective June 25, 1992 [ **The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line."** ]; March 28, 1996, effective March 29, 1996; Note revised April 5, 2002, effective January 1, 2003.

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

\* \* \* \* \*

*Official Note:* [ Rent in arrears shall include only those sums ] "Rent actually in arrears" means the sum set forth on the order for possession.

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

Amended June 30, 1982, effective 30 days after July 17, 1982; March 27,1992, effective June 25, 1992 [ **The March 27, 1992, Order provided in part: "in promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line."** ]; Note revised April 5, 2002, effective January 1, 2003.



## CHAPTER 1000. APPEALS

APPELLATE PROCEEDINGS WITH RESPECT TO  
JUDGMENTS AND OTHER DECISIONS OF  
DISTRICT JUSTICES IN CIVIL MATTERS

## Rule 1001. Definitions.

As used in this chapter\*:

\* \* \* \* \*

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

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

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; **amended April 5, 2002, effective January 1, 2003.**

## Rule 1007. Procedure on Appeal.

\* \* \* \* \*

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

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

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

Adopted June 1, 1971. Amended June 30, 1982, effective 30 days after July 17, 1982; **amended April 5, 2002, effective January 1, 2003.**

FINAL REPORT<sup>1</sup>

*Renumbering of Pa. R.C.P.D.J. No. 325, New Pa. R.C.P.D.J. Nos. 211, 341, and 342, and Amendments to or Revisions to the Notes of Pa. R.C.P.D.J. Nos. 306, 315, 324, 402, 514, 518, 1001, and 1007*

ENTRY OF SATISFACTION OF MONEY  
JUDGMENTS

On April 5, 2002, effective January 1, 2003, upon recommendation of the Minor Court Rules Committee<sup>2</sup>, the Supreme Court of Pennsylvania renumbered Rule 325, adopted new Rules 211, 341, and 342, and amended or revised the Notes to Rules 306, 315, 324, 402, 514, 518, 1001, and 1007 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices<sup>3</sup>.

## I. Background

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

The Committee was concerned that the information provided to credit reporting agencies may not be complete because satisfaction of judgment information is not entered in district justice civil cases. The Committee, therefore, wished to establish simplified procedures by which a judgment debtor may request an entry of satisfaction and a judgment creditor may enter a satisfaction in district justice court.

In conjunction with proposed new rules and amendments to, or revisions to the Notes of, existing rules regarding entry of satisfaction, the Committee also recognized the need to renumber Rule 325, and for several technical or "housekeeping" amendments to Rules 306, 315, 324, 402, and 1007.

The Committee's initial proposal was published at 31 Pa.B. 1319 (March 10, 2001). In response to comments

<sup>1</sup>The Committee's Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

<sup>2</sup>Recommendation No. 3 Minor Court Rules 2001.

<sup>3</sup>Supreme Court of Pennsylvania Order No. 134, Magisterial Docket No. 1, Book No. 2 (April 5, 2002).

received after this first publication, the Committee revised the original proposal. Because of the nature and extent of the revisions, the Committee deemed it necessary and appropriate to republish the proposal for additional comments. A revised proposal and Report were published at 31 Pa.B. 4528 (August 18, 2001).

## II. Discussion of Rule Changes

### A. Request for and Entry of Satisfaction—New Rules

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

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

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

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

#### 1. New Rule 341

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

Subdivision B of the new rule addresses service of the request for entry of satisfaction. Unless the judgment creditor is the requesting party, the request needs to be served upon the judgment creditor in accordance with the existing rules regarding service of an original complaint. The Note to Rule 341 refers to Rules 307, 308, 309, 310, 311, 312 and 313.

Subdivision C of the new rule provides that a judgment creditor has 90 days from the date of service of the request for entry of satisfaction to enter satisfaction with the district justice who rendered the judgment, which satisfaction would forever discharge the judgment. It is the Committee's intention that, once satisfaction is entered, the satisfaction would appear in the DJS data as the final disposition of the case so that it is clear to inquiring credit agencies that the judgment has been paid. The Note also makes clear that once the satisfaction is entered, the judgment debtor may file a true copy of the entry of satisfaction in any other district justice court in which the judgment may have been entered pursuant to Rule 402. It is not the Committee's intention that the judgment creditor be required to enter the satisfaction in any court other than the district justice court in which judgment was rendered.

The Committee incorporates a number of clarifying statements in the Note to the new rule. First, the Note makes clear that the procedures set forth in the new rule also apply to satisfaction of money judgments rendered in actions for the recovery of possession of real property (land lord/tenant actions). Also, the Note states that a party may contend that satisfaction should not have been entered in a matter by filing a petition to strike entry of satisfaction with the court of common pleas. Although all other procedures relating to satisfaction are handled at the district justice level under these rules, the Committee felt that petitions to strike an entry of satisfaction would be more appropriately handled at the common pleas level since the decision to strike an entry of satisfaction is an exercise of the court's general equitable powers.

#### 2. New Rule 342

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

Subdivision B provides that the supplementary action is to proceed in accordance with the 300 Series rules as if a regular civil action. The Committee had considered an abbreviated hearing process similar to that provided for in Rules 420 and 421 when a party files an ancillary property claim in a case in which execution is underway. The Committee decided, however, that full due process (including notice, service and hearing requirements) should be afforded since the supplementary "Rule 342 action" could result in a judgment for liquidated damages being entered against the judgment creditor. After hearing in a "Rule 342 action" the district justice may determine if the judgment debtor is entitled to liquidated damages for the judgment creditor's failure to enter satisfaction, and may enter satisfaction in the underlying judgment. Subdivision B does include one exception to the general rule that the Rule 342 action proceed as a regular civil action: no claims under Rule 315 (cross-complaints) will be permitted. While it was not the intent of the

Committee in drafting this rule to limit defenses that may be raised in a supplementary action, the Committee did believe that only those issues arising from the Rule 342 supplementary action are to be considered at the hearing. Therefore, subdivision B(2) makes clear that no cross-complaints are permitted to be filed.

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

## **B. Correlative Rule Changes**

### *1. Correlative Revision to the Note to Rule 306*

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

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

### *2. Correlative Amendment to Rule 315*

The Committee recommended a revision to the Note to Rule 315 to make clear that no cross-complaint may be filed in a supplementary action filed under Rule 342. See discussion *supra* Part II.A.2.

### *3. Correlative Amendment to Rule 324*

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

The Committee further recommended an amendment to the rule (not directly related to satisfaction of judgments) to require that the Notice of Judgment form contain a statement advising that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the district justice. The Note to Rule 402 was revised effective January 1, 2001 to clarify this restriction, and the Committee concluded that it should also be clearly stated in the notice of judgment so that a judgment holder can make an informed decision about entering a judgment in the court of common pleas. This is important because there are advantages and disadvantages to entering a judgment in the court of common pleas. Many judgment holders opt to enter the judgment in the court of common pleas because, once entered, it can act as a lien against real property. However, judgment holders must be aware that execution of the judgment at the common pleas level can be much more costly and complicated than at the district justice level. By making this restriction clear in the notice of judgment, a judgment holder can consider all factors before deciding to enter a judgment in the court of common pleas.

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

### *4. Correlative Amendment to Rule 402*

As stated above, the Note to Rule 402 was revised effective January 1, 2001 to clarify that if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the district justice. Upon further consideration, and in light of the important considerations relating to satisfaction of judgments, the Committee concluded that this restriction should be more prominently pronounced in the rule. Accordingly, the Committee recommended an amendment to Rule 402 to state clearly the restriction on further process from the district justice court after a judgment has been entered in the court of common pleas. The Committee, however, did want to provide a means for a district justice to make an entry of satisfaction on the district justice docket if a judgment has been entered and then satisfied in the court of common pleas. This is necessary to prevent district justice judgments that are entered and then satisfied in the court of common pleas from remaining open on the district justice's docket and appearing on that docket as if they have not been satisfied. To accomplish this, the Committee recommended dividing Rule 402D into five numbered subparagraphs to outline the procedures for entering a judgment in the court of common pleas, with a new subparagraph (5) to read "[t]he district justice shall enter satisfaction on the docket of the district justice proceedings upon the filing by any party in interest of a certified copy of the docket entries of the court of common pleas showing the judgment and satisfaction have been entered in the court of common pleas."

### *5. Correlative Revisions to the Notes to Rules 514 and 518*

Because the procedures for the entry of satisfaction set forth in new Rules 341 and 342 also apply to the satisfaction of money judgments rendered in actions for the recovery of possession of real property (landlord/tenant actions), the Committee recommended revisions to the Notes to Rules 514 (relating to judgment in landlord/tenant actions) and 518 (relating to satisfaction of order for possession by payment of rent and costs) to cross reference new Rule 341. The Committee also included a clarification in the Note to Rule 518 that "rent actually in arrears" means the sum set forth on the order for possession.

### *6. Correlative Amendments to Rules 1001 and 1007*

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

The Committee further recommended that Rule 1007 be amended by the addition of a subdivision C to restrict

appeals from "Rule 342 actions" to issues that arise from the Rule 342 action. This is to make clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

### C. Technical and "Housekeeping" Amendments

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

#### 1. Renumbering and Moving Rule 325

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

#### 2. New Rule 211

In further contemplating the new rules, the Committee recognized that it needed to make provision for the filing of a request for entry of satisfaction when the office of the district justice who rendered the judgment has been abolished, consolidated or otherwise changed by reestablishment (redistricting) of magisterial districts. This situation is currently provided for in Rule 402 as it relates to requesting an order of execution. The Committee determined that this situation could arise in a number of circumstances and decided to recommend a general rule in the 200 Series to deal with the situation. Accordingly, the Committee recommended a new Rule 211 entitled "Abolished, Consolidated, or Changed Magisterial Districts; Subsequent Filings." This new rule is intended to cover all situations in which a party wishes to file or serve an ancillary or supplemental action, such as a request for order of execution or a request for a certified copy of a judgment (under Rule 402), an objection to levy or other property claim (under Rule 413), a request for order of possession (under Rule 515), or a request for entry of satisfaction (under Rule 341), among others, when the action should be filed or served in the office of the district justice who rendered the judgment or issued other process, but that office has been abolished, consolidated or otherwise changed. The new rule provides that, under these circumstances, the action may be filed or served only with the district justice who has become the official custodian of the original record, even though that district justice did not render the judgment.

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

#### 3. Other Technical or "Housekeeping" Changes

Also, in Rules 315, 402, and 1007, the Committee recommended minor changes to correct citation form, to address gender neutrality issues in the rules, to conform

to modern drafting style, and to make other minor corrections and clarifications.

[Pa.B. Doc. No. 02-784. Filed for public inspection May 3, 2002, 9:00 a.m.]

### [246 PA. CODE CH. 300]

## Order Amending Rule 305 of the Rules Of Conduct, Office Standards and Civil Procedure for District Justices; No. 136; Magisterial Doc. No. 1; Book No. 2

The Minor Court Rules Committee has prepared a Final Report explaining the amendments Rule 305 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective July 1, 2002. These rule changes remove from the rule the implication that parties can obtain legal advice from district justices or court staff. The changes also provide for several technical or "housekeeping" amendments to these rules. The Final Report follows the Court's Order.

### Order

*Per Curiam:*

Now, this 5th day of April, 2002, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 31 Pa.B. 5794 (October 20, 2001), 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 305 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2002.

### Annex A

## TITLE 246. MINOR COURT CIVIL RULES

### PART I. GENERAL

#### CHAPTER 300. CIVIL ACTION

### Rule 305. Setting the Date For Hearing; Delivery for Service.

The district justice, at the time the complaint is filed, shall:

(1) Set a hearing date which shall be not less than [ **twelve (12)** ] **12** or more than [ **sixty (60)** ] **60** days from the date the complaint is filed.

(2) Insert the hearing time and date and the address of [ **his magisterial office** ] **the district justice court** in the complaint form.

(3) Deliver a copy of the complaint form with hearing time and date thereon to the plaintiff [ **or his agent** ].

(4) Deliver a copy of the complaint form with hearing time and date thereon for service on the defendant as hereinafter set forth, which copy shall contain the following notice:

\* \* \* \* \*

(b) If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint

form at this office at least five [ (5) ] days before the date set for the hearing. [ **If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow.** ]

(c) [ **You must appear at the hearing and present your defense.** ] **YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT [ WILL ] MAY BE ENTERED AGAINST YOU BY DEFAULT.**

**Official Note.** The [ **sixty** ] **60** day limitation in subdivision (1) of this rule was considered to provide sufficient time in which to effect service under the requirement of Rule 307 that service be made at least ten days before the hearing. See Rule 314E as to reinstatement of complaints **dismissed because of lack of service.** [ **It is contemplated that the** ] The copies required in subdivisions (3) and (4) [ **will be** ] are provided by the District Justice Automated System [ **or “snap out” forms** ]. Giving the notice mentioned in subdivision (4)(a) is necessary if the defendant is to obtain judgment under Rule 319A because of the plaintiff's failure to appear. Subdivision (4)(b) gives notice of the right to file a cross-claim within district justice jurisdiction. The procedure for filing such a claim is set forth in Rule 315, and the [ **note** ] **Note** to that rule indicates possible procedures as to counterclaims not within district justice jurisdiction. Subdivision (4)(c) provides for a warning concerning a default judgment, which may be rendered under Rule 319B.

Amended Oct. 17, 1975, effective in 90 days; June 30 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [ **The March 27, 1992, Order provided in part: “in promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line”** ]; amended April 5, 2002, effective July 1, 2002.

#### FINAL REPORT<sup>1</sup>

*Amendment to Pa. R.C.P.D.J. No. 305*

#### **AMENDMENT TO RULE 305 TO REMOVE FROM THE RULE THE IMPLICATION THAT PARTIES CAN OBTAIN LEGAL ADVICE FROM DISTRICT JUSTICES OR COURT STAFF**

On April 5, 2002, effective July 1, 2002, upon recommendation of the Minor Court Rules Committee<sup>2</sup>, the Supreme Court of Pennsylvania amended Rule 305 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices<sup>3</sup>.

#### **I. Background**

The Committee undertook a review of Rule 305 in response to a request from the Administrative Office of Pennsylvania Courts (AOPC). The AOPC reported that it had received an inquiry from a district justice regarding the language on the Civil Action Hearing Notice, AOPC

form 308-B-94. The last sentence in the third paragraph of the Notice to Defendant section of the form provides that if the defendant has “a claim against the plaintiff which is not within district justice jurisdiction, you [the defendant] may request information from this [district justice court] office as to the procedures you may follow.” The district justice was concerned that this language, the inclusion of which is required by Rule 305(4)(b), implies that a party can obtain legal advice from district justices or court staff. Upon review of the Rule, the Committee agreed that such an implication does exist. Accordingly, the Committee recommended that Rule 305 be amended to remove from the rule the language that creates the implication that parties can obtain legal advice from district justices or court staff.

In conjunction with the amendment to the rule described above, the Committee also recognized the need for several technical or “housekeeping” amendments to this rule.

#### **II. Discussion of Rule Changes**

First, as noted above, the Committee recommended that the last sentence in Rule 305(4)(b) be deleted entirely as it creates the implication that parties can obtain legal advice from district justices or court staff. The Committee determined that the sentence may create more confusion and problems than it solves, and therefore should be deleted from the rule and the Civil Action Hearing Notice form.

Also, the Committee recommended that both sentences in the section of the Notice to Defendant as required by Rule 305(4)(c) be capitalized to make this important section of the notice stand out more prominently.

Finally, in conjunction with the proposed amendments to Rule 305 described above, the Committee also recognized the need for minor changes to the rule and its Note to make other minor clarifications, to address gender neutrality issues, and to conform with modern drafting style.

[Pa.B. Doc. No. 02-785. Filed for public inspection May 3, 2002, 9:00 a.m.]

#### [246 PA. CODE CHS. 400 AND 500]

#### **Order Amending Rules 403, 515, 516 and 519 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 135; Magisterial Doc. No. 1; Book No. 2**

The Minor Court Rules Committee has prepared a Final Report explaining the amendments to Rules 403, 515, 516, and 519 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective July 1, 2002. These rule changes provide for the issuance and reissuance of orders of execution and orders for possession after a supersedeas is terminated or a stay is lifted, and for time limits for requesting the issuance or reissuance of orders for possession in cases arising from residential leases. The changes also provide for several technical or “housekeeping” amendments to these rules. The Final Report follows the Court's Order.

#### **Order**

*Per Curiam:*

*Now, this 5th day of April, 2002, upon the recommendation of the Minor Court Rules Committee; the proposal*

<sup>1</sup>The Committee's Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

<sup>2</sup>Recommendation No. 5 Minor Court Rules 2001.

<sup>3</sup>Supreme Court of Pennsylvania Order No. 136, Magisterial Docket No. 1, Book No. 2 (April 5, 2002).

having been published before adoption at 31 Pa.B. 4392 (August 11, 2001), 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 Rules 403, 515, 516, and 519 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2002.

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 400. EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY

#### Rule 403. Issuance and Reissuance of Order of Execution.

\* \* \* \* \*

B. (1) Upon written request filed by the plaintiff within five years from the date of entry of the judgment, an order of execution [ may ] shall be reissued at any time, and any number of times [ except that any request for reissuance must be filed within five years from the date of the judgment ].

(2) If an order of execution is superseded by an appeal, writ of certiorari, supersedeas, or a stay pursuant to a bankruptcy proceeding, and

(a) the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy stay is lifted; and

(c) the plaintiff wishes to proceed with the order of execution,

the plaintiff must file with the district justice a written request for reissuance of the order of execution in accordance with subparagraph (1).

C. A written request for reissuance of the order of execution filed pursuant to subparagraph B(2) must be accompanied by a copy of the court order or other documentation striking, dismissing, or terminating the appeal, writ of certiorari, or supersedeas, or lifting the bankruptcy stay.

#### *Official Note.* \* \* \*

Subdivision B will permit the reissuance of an order of execution upon written request of the plaintiff timely filed. Compare Pa.R.C.P. No. 3106(b). The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order of execution form, "Reissuance of order of execution requested," subscribed by the plaintiff. The district justice shall mark all copies of the reissued order of execution, "Reissued. Request for reissuance filed \_\_\_\_\_ (time and date)." A new form [ or new form sets ] may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark /s/. There [ is ] are no filing [ fee ] costs for reissuing an order of execution, for the reissuance is, merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order of execution.

Amended Jan. 29, 1976, effective in 30 days; amended effective March 24, 1977; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [ **The March 27, 1992, Order provided in part: "in promulgating this order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line** ]; amended July 16, 2001, effective August 1, 2001; amended April 5, 2002, effective July 1, 2002.

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

#### Rule 515. Request for Order for Possession.

A. If the district justice has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the plaintiff, the plaintiff may, after the [ **fifteenth (15th)** ] 15th day following the date of the entry of the judgment, file with the district justice a request for an order for possession [ **on a form which shall be prescribed by the State Court Administrator** ]. The request [ **form shall be attached to the order, and** ] shall include a statement of the judgment amount, return, and all other matters required by these rules.

B. (1) [ **If** ] Except as otherwise provided in subparagraph (2), if the district justice has rendered a judgment arising out of a residential lease that the real property be delivered up to the plaintiff, the plaintiff may after the [ **tenth (10th)** ] 10th day but within 120 days following the date of the entry of the judgment, file with the district justice a request for an order for possession [ **on a form which shall be prescribed by the State Court Administrator** ]. The request [ **form shall be attached to the order, and** ] shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the plaintiff requests an order for possession,

(a) an appeal or writ of certiorari operates as a supersedeas; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding; and

(c) the supersedeas or bankruptcy stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the plaintiff to proceed to request an order for possession, the plaintiff may request an order for possession only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

*Official Note.* The fifteen days in subdivision A of this rule [ plus ], when added to the [ **sixteen** ] 16 day period provided for [ days ] in Rule [ **519.A.** ] 519A, will give the defendant time to obtain a supersedeas within the appeal period. [ **See Pa. R.C.P.D.J. Nos. ] See Rules 1002, 1008, 1009, and 1013.**

The 1995 amendment to [ § ] section 513 of [ the ] The Landlord [ / ] and Tenant Act of 1951, 68 P. S.

§ 250.513, [ (Act No. 1995-33) ] established a ten-day appeal period [ of time for an appeal ] from a judgment for possession of real estate arising out of a residential lease; therefore, the filing of the request for order for possession in [ subdivision B ] subparagraph B(1) is not permitted until after the appeal period [ of time for appeal ] has expired. In cases arising out of a residential lease, the request for order for possession generally must be filed within 120 days of the date of the entry of the judgment.

Subparagraph B(2) provides that in a case arising out of a residential lease, if a supersedeas (resulting from an appeal or writ of certiorari) or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the plaintiff to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

The time limits in which the plaintiff must request an order for possession imposed in subdivision B apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. See Rule 516, Note, and Rule 521A.

At the time the plaintiff files the request for an order for possession, the district justice court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. See Rules 516 through 520 and Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d).

Amended June 1, 1971; amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [ The March 27, 1992, Order provided in part: "In promulgating this order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line ]; March 28, 1996, effective March 29, 1996; amended April 5, 2002, effective July 1, 2002.

Rule 516. Issuance and Reissuance of Order for Possession

A. Upon the timely filing of the request form, the district justice shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the district justice is situated. If this service is not available to the district justice, service may be made by any certified constable of the Commonwealth. The order shall direct the officer executing it to deliver actual possession of the real property to the plaintiff. The district justice shall attach a copy of the request form to the order for possession.

B. (1) Except as otherwise provided in subdivision C, upon written request of the plaintiff the district justice shall reissue an order for possession for one additional 60 day period.

(2) If an order for possession is issued and subsequently superseded by an appeal, writ of certiorari,

supersedeas, or a stay pursuant to a bankruptcy proceeding, and

(a) the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy stay is lifted; and

(c) the plaintiff wishes to proceed with the order for possession,

the plaintiff must file with the district justice a written request for reissuance of the order for possession in accordance with subparagraph (1).

C. In a case arising out of a residential lease a request for reissuance of an order for Possession may be filed only within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of certiorari, supersedeas, or a stay pursuant to a bankruptcy Proceeding, only within 120 days of the date the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated or the bankruptcy stay is lifted.

D. A written request for reissuance of the order for possession filed after an appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated, or a bankruptcy stay is lifted, must be accompanied by a copy of the court order or other documentation striking, dismissing, or terminating the appeal, writ of certiorari, or supersedeas, or lifting the bankruptcy stay.

*Official Note:* The order for possession deals only with delivery of possession of real property and not with a levy for money damages. [ When the ] A plaintiff who seeks execution of the money judgment part of the judgment [ , he will have to ] must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

Subdivision B provides for reissuance of the order for possession for one additional 60 day period. However, pursuant to subdivision C, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of certiorari, supersedeas, or a stay pursuant to a bankruptcy proceeding, only within 120 days of the date the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated, or the bankruptcy stay is lifted. The additional 60 day period need not necessarily immediately follow the original 60 day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the plaintiff. The district justice shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed \_\_\_\_\_ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order

for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

The time limits in which the plaintiff must request reissuance of an order for possession imposed in subdivision C apply only in cases arising out of residential leases and in no way affect the Plaintiff's ability to execute on the money judgment. See Rule 521A.

Amended June 30, 1982, effective 30 days after July 17, 1982; amended July 16, 2001, effective August 1, 2001; amended April 5, 2002, effective July 1, 2002.

Rule 519. Forcible Entry and [ Ejectment ] Delivery of Possession.

\* \* \* \* \*

C. No order for possession [ shall ] may be executed [ on or ] after [ sixty (60) ] 60 days following its issuance or reissuance. [ An order for possession shall be reinstated for one (1) additional sixty (60) day period upon written request for order for possession to the district justice. (See Pa. R.C.P.D.J. No. 515). ]

**Official Note:** The differing lengths of notices set for nonresidential leases and residential leases are made necessary by reason of the 1995 amendment to [ Section ] section 513 of the Landlord[ / ] and Tenant Act of 1951, 68 P.S. § 250.513. [ See Note following Pa. R.C.P.D.J. No. 515. ] See Rule 515, Note.

[ Subdivision C of this Rule will permit the reinstatement, upon written request of the plaintiff of an order for possession which had not been executed on or after sixty (60) days following its issuance. The written request for reinstatement may be in any form and may consist of a notation on the permanent copy of the order for possession form "Reinstatement of Order requested," subscribed by the plaintiff. The district justice shall mark all copies of the reinstated order for possession "Order Reinstated. Request for reinstatement filed on \_\_\_\_\_, (Date)." If it is necessary to use a new form or new form sets for the reinstated order for possession, the reinstated order for possession, except for service portions thereof, shall be an exact copy of the original order for possession, although signatures may be typed with the mark "/s/" indicating an actual signature. Since a reinstated order for possession is merely a continuation of the original action, there is no filing fee for reinstating an order for possession. ]

Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [ The March 27, 1992, Order provided in part: "In promulgating this order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line ]; March 28, 1996, effective March 29, 1996; amended April 5, 2002, effective July 1, 2002.

## FINAL REPORT<sup>1</sup>

*Amendments to Pa. R.C.P.D.J. Nos. 403, 515, 516, and 519*

### ISSUANCE AND REISSUANCE OF ORDER OF EXECUTION OR ORDER FOR POSSESSION AFTER SUPERSEDEAS IS TERMINATED OR STAY IS LIFTED; TIME LIMITS FOR REQUESTING ISSUANCE OR REISSUANCE OF ORDER FOR POSSESSION IN CASES ARISING FROM RESIDENTIAL LEASES

On April 5, 2002, effective July 1, 2002, upon recommendation of the Minor Court Rules Committee<sup>2</sup>, the Supreme Court of Pennsylvania amended Rules 403, 515, 516, and 519 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices<sup>3</sup>.

#### I. Background

The Minor Court Rules Committee undertook a review of various issues related to the issuance and reissuance of orders of execution and orders for possession on its own initiative. The Committee wished to clarify the procedures for the reissuance of an order of execution or order for possession after a supersedeas is terminated or a stay is lifted. Further, the Committee wished to establish a time limit for a plaintiff to request the issuance or reissuance of an order for possession in cases arising from residential leases.

The Committee believed the amendments providing for the reissuance of an order of execution or order for possession after a supersedeas is terminated or a stay is lifted were necessary to make clear the Committee's position that a plaintiff must request a reissuance of the order of execution or order for possession and may not simply proceed with the previously issued order.

Further, the Committee believed it was necessary to amend the rules to impose a specific time limitation on the plaintiff to request the issuance or reissuance of an order for possession, in cases arising from residential leases, to prevent the plaintiff (landlord) from requesting and executing an order for possession at any time after judgment even though the plaintiff may have led the defendant (tenant) to believe that the defendant could remain in the leased premises under arrangements to pay the back rent. Rule 518 (Satisfaction of Order By Payment of Rent and Costs) provides that "the defendant may, in a case for the recovery of possession solely because of failure to pay rent, satisfy the order for possession by paying . . . the rent actually in arrears and the costs of the proceedings." Pa. R.C.P.D.J. No. 518. This "pay and stay" rule enables defendants to avoid eviction by paying back rent in full before the order for possession is executed. The Committee learned, however, that in many cases even if the defendant is unable to pay the full rent in arrears to avoid eviction, the plaintiff, having received a judgment from the district justice, allows the defendant to stay in the premises on the condition that the defendant pay the back rent in accordance with some payment plan. Because of the serious and sensitive issues surrounding one being evicted from one's home, the Committee recommended a time limit for the plaintiff to request the issuance or reissuance of an order for possession.

In conjunction with amendments to the rules regarding orders of execution and orders for possession, the Com-

<sup>1</sup>The Committee's Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

<sup>2</sup>Recommendation No. 4 Minor Court Rules 2001.

<sup>3</sup>Recommendation No. 4 Minor Court Rules 2001.



mittee also recognized the need for several technical or "housekeeping" amendments to these rules.

Before the Committee recommended these amendments to the Supreme Court, the Committee published the proposal for public comment at 31 Pa.B. 4392 (August 11, 2001).

## II. Discussion of Rule Changes

### A. Reissuance of Orders After Supersedeas Is Terminated or Stay Lifted

#### 1. Rule 403

The Committee recommended an amendment to Rule 403 (Issuance and Reissuance of Order of Execution) to add a subparagraph B(2) to provide for the reissuance of an order of execution upon the disposition of an appeal, writ of certiorari, or bankruptcy stay that had superseded or stayed the original order of execution.

The Committee recognized that in most cases an appeal or writ of certiorari will not operate as a supersedeas against an order of execution, because normally the appeal or writ will be filed before an order of execution may be issued because of the 30 day waiting period for requesting an order of execution prescribed by Rule 402A. However, the Committee believed it necessary to provide for this possibility because of the provision in Rule 1002 allowing for an appeal to be filed after the 30 day appeal period with leave of court; and the provision in Rule 1009 allowing for the filing at any time of a writ of certiorari claiming lack of personal or subject matter jurisdiction.

The new subparagraph requires a plaintiff who wishes to proceed with an order of execution after a supersedeas has been terminated or a stay lifted to request a reissuance of the order in accordance with the existing rule.

Also, the Committee recommended the addition of a new subdivision C to require a party requesting a reissuance of an order after a supersedeas is terminated or a stay is lifted to provide the court with an order or other documentation striking, dismissing, terminating, or lifting the supersedeas or stay.

The Committee also recommended a revision to the Note to Rule 403 to make clear that, although there are no filing costs for a reissued order of execution, there may be additional server costs.

#### 2. Rule 516

The Committee recommended a similar amendment to Rule 516 (Issuance of Order for Possession) to add a subparagraph B(2) to provide for the reissuance of an order for possession upon the disposition of an appeal, writ of certiorari, or bankruptcy stay that had superseded or stayed the original order for possession. However, the amendment to Rule 516 differs from the Rule 403 amendment in that the request for reissuance, in cases arising from residential leases, would be subject to a 120-day time limit from the date the appeal, writ, supersedeas, or stay is terminated or lifted. This time limitation will be discussed in greater detail below.

The Committee recognized that in most cases an appeal or writ of certiorari will not operate as a supersedeas against an order for possession, because normally the appeal or writ will be filed before an order for possession may be issued because of the waiting periods for requesting an order for possession prescribed by Rule 515. However, the Committee believed it necessary to provide for this possibility because of the provision in Rule 1002 allowing for an appeal to be filed after the normal appeal period with leave of court; and the provision in Rule 1009

allowing for the filing at any time of a writ of certiorari claiming lack of personal or subject matter jurisdiction.

Also, the Committee recommended the addition of a new subdivision D to require a party requesting a reissuance of an order after a supersedeas is terminated or a stay lifted to provide the court with an order or other documentation striking, dismissing, terminating, or lifting the supersedeas or stay.

The Committee also recommended a revision to the Note to Rule 516 to make clear that, although there are no filing costs for a reissued order for possession, there may be additional server costs.

### B. Time Limitation on Issuance and Reissuance of Order for Possession in Cases Arising From Residential Leases

#### 1. Rule 515

The Committee recommended that subdivision B of Rule 515 (Request for Order for Possession) be amended to impose a 120-day time limit for the plaintiff to request an order for possession in cases arising from residential leases. Under the new subparagraph B(1), dealing with residential leases, the plaintiff is permitted to request an order for possession after the 10th day but within 120 days. Also, the Committee recommended the addition of a subparagraph B(2) to provide for a 120-day time limit for the plaintiff to request an order for possession, in a case arising from a residential lease, after a supersedeas or bankruptcy stay is terminated or lifted, thus allowing the plaintiff to proceed with the initial request for an order for possession.

The Note to the rule makes clear that the time limitation applies only to the request for order for possession in a case arising from a residential lease, and in no way affects the plaintiffs ability to execute on the money judgment.

#### 2. Rule 516

The Committee also recommended a 120-day time limit on requests for the reissuance of orders for possession in cases arising from residential leases. The Committee recommended that Rule 516 (Issuance of Order For Possession) be amended to add a subparagraph B(1) as the general rule for reissuance of orders for possession. (See discussion of Rule 519 below.) As under the previous version of the rules, the amended Rule 516(B)(1) allows an order for possession to be reissued for one additional 60-day period. The new subdivision C, however, requires that the request for reissuance of the order for possession in a case arising from a residential lease be filed within 120 days of the date of the entry of the judgment or within 120 days of the date an appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated, or a bankruptcy stay is lifted. Also, the Committee recommended that the title of Rule 516 be changed to "ISSUANCE AND REISSUANCE OF ORDER FOR POSSESSION" to more accurately reflect its content and to be consistent with its counterpart in the civil action rules, Rule 403.

The Note to the rule makes clear that the time limitation applies only to the order for possession in cases arising from residential leases and in no way affects the plaintiffs ability to execute on the money judgment.

### C. Correlative Rule Change to Rule 519

Reissuance of orders for possession was formerly provided for in Rule 519 (Forcible Entry and Ejectment). The Committee recommended that reissuance of orders for possession be handled under Rule 516 as described above,

and that Rule 519 be amended accordingly. This change makes the rules relating to landlord and tenant actions more closely parallel the civil action rules (see Pa. R.C.P.D.J. No. 403), and more appropriately arranges the subject matter of the rules. Also, the Committee recommended that the title of Rule 519 be changed to "FORCIBLE ENTRY AND DELIVERY OF POSSESSION" to more accurately reflect its content.

*D. Technical and "Housekeeping" Amendments*

In a related matter, the Committee recommended a revision to the Note to Rule 515 to clarify that at the time the plaintiff files the request for an order for possession, the district justice court should collect server costs for all actions through delivery of possession. Thereafter, if the debt is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server fees may be refundable. The revised Note cross references Rules 516 through 520 and Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d).

Finally, the Committee recommended minor changes to Rules 403, 515, 516, and 519 to correct citation form, to address gender neutrality issues in the rules, and to make other minor clarifications.

[Pa.B. Doc. No. 02-786. Filed for public inspection May 3, 2002, 9:00 a.m.]

for the 2002-2003 registration year of the collection fee for checks in payment of the annual registration fee for attorneys that are dishonored and the late payment penalty for registrations not received on time.

Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) provides that, where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, a collection fee established annually by the Board must be paid before the annual registration fee shall be deemed to have been paid. The Board has established the collection fee for the 2002-2003 registration year as \$50.00 per returned item.

Pa.R.D.E. 219(h)(2) provides that a late payment penalty established annually by the Board must be paid by an attorney who fails to timely file an annual registration statement before the attorney shall be considered on active status for the new registration year. The Board has established the late payment penalty for the 2002-2003 registration year as \$75.00

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

[Pa.B. Doc. No. 02-788. Filed for public inspection May 3, 2002, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Deferment of Villanova Insurance Company Cases by Reason of Order of Rehabilitation; Adminis- trative Doc. 04 of 2002

##### Order

*And Now*, this 17th day of April, 2002, upon consideration of the Order of Rehabilitation entered by the Pennsylvania Commonwealth Court dated March 28, 2002 pursuant to the petition of the Insurance Commissioner of the Commonwealth of Pennsylvania, it is hereby *Ordered* and *Decreed* that all cases in which Villanova Insurance Company is a named party shall be placed in deferred status.

It is further *Ordered* and *Decreed* that all actions currently pending against an insured of Villanova Insurance Company shall be placed in deferred status for ninety (90) days from April 1, 2002.

WILLIAM J. MANFREDI,  
*Supervising Judge*

[Pa.B. Doc. No. 02-787. Filed for public inspection May 3, 2002, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

#### Collection Fee and Late Payment Penalty for 2002- 2003 Registration Year

Notice is hereby given of the establishment by The Disciplinary Board of the Supreme Court of Pennsylvania

#### Notice to Attorneys

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E. which provides for trust account overdraft notification.

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

#### LIST OF APPROVED PA FINANCIAL INSTITUTIONS

##### Bank Code A.

374	Abington Savings Bank
2	Adams County National Bank
477	Advest, Inc.
302	Allegheny Valley Bank of Pittsburgh
548	Allegiance Bank of North America
124	Allfirst Bank
375	Altoona First Savings Bank
376	Ambler Savings and Loan Association
532	American Bank of Lehigh Valley
502	American Eagle Savings Bank, PaSA
116	Ameriserv Financial
377	Apollo Trust Company
568	ARC Federal Credit Union
407	Armstrong County Trust Company

##### B.

558	Bancorp.com Bank (The)
155	Bank of Hanover & Trust Company
3	Bank of Lancaster County, N.A.
415	Bank of Landisburg (The)
546	Bank Philadelphia
453	Bank Pittsburgh

519	Beaver Valley Federal Credit Union		
396	Bell Federal Savings & Loan Association		
397	Beneficial Mutual Savings Bank	384	
399	Bernville Bank, N.A.	31	
391	Blue Ball National Bank	30	
520	Boston Safe Deposit & Trust Company	436	
392	Brentwood Savings Bank	205	
495	Brown Brothers Harriman & Co.	34	
161	Bryn Mawr Trust Company	343	
	<b>C.</b>	311	
		385	
540	C & G Savings Bank	389	
480	Cambria County Federal Savings & Loan Assoc.	174	
		191	
393	Carnegie Savings Bank	539	
11	Central Bank	551	
13	Cenwest Bank	523	
394	Charleroi Federal Savings Bank	390	
561	Citizens Bank of Pennsylvania	369	
238	Citizens and Northern Bank		
352	Citizens National Bank of Ashland	437	
15	Citizens National Bank - Evans City		
328	Citizens National Bank of Lansford	504	
420	Citizens National Bank - Myersdale		
177	Citizens National Bank of Southern PA	388	
206	Citizens Savings Association	432	
353	Citizens Trust Company	370	
16	Clearfield Bank & Trust Co.	318	
354	Coatesville Savings Bank	525	
17	Columbia County Farmers National Bank	228	
250	Commerce Bank, PA, NA	371	
18	Commerce Bank/Harrisburg, NA	263	
223	Commercial National Bank of Pennsylvania	51	
	Commonwealth Bank	416	
522	Community Bank & Trust Company	42	
310	Community Bank, National Association	216	
21	Community Banks National Association		
204	Community First Bank, N.A.	138	
533	Community National Bank of Northwestern PA	246	
430	Community State Bank of Orbisonia	421	
132	Corry Savings Bank	275	
379	County National Bank	322	
23	County Savings Association	417	
380	Crusader Bank	418	
381	C S B Bank	43	
382		44	
	<b>D.</b>	46	
		419	
25	Deposit Bank	198	
339	Dime Bank (The)	524	
27	Dollar Bank	47	
239	Downingtown National Bank	426	
423	Dwelling House Savings & Loan Association	48	
		427	
	<b>E.</b>	428	
		52	
357	Eagle National Bank		
424	East Penn Bank	175	
358	East Prospect State Bank	549	
340	East Stroudsburg Savings Association		
500	Elderton State Bank	170	
567	Embassy Bank	378	
541	Enterprise Bank	40	
28	Ephrata National Bank (The)	349	
383	ESB Bank, F.S.B.	158	
552	Eureka Bank	54	
	<b>F.</b>		
			Farmers & Merchants Bank - Honesdale
			Farmers & Merchants Trust Company
			Farmers First Bank
			Farmers National Bank of Kittanning
			Farmers National Bank of Emlenton
			Fidelity Deposit & Discount Bank
			Fidelity Savings and Loan of Bucks County
			Fidelity Bank
			First American National Bank of PA
			First Bank of Leechburg
			First Citizens National Bank
			First Columbia Bank & Trust Co.
			First Commonwealth Trust Company
			First Cornerstone Bank
			First County Bank
			First Federal Bank
			First Federal Savings & Loan Assoc. of Bucks County
			First Federal Savings & Loan Assoc. of Carnegie
			First Federal Savings & Loan Assoc. of Greene County
			First Federal Savings Bank
			First Federal Savings Bank of Kane
			First Financial Bank
			First Heritage Bank
			First Heritage Federal Credit Union
			First Keystone Federal Savings Bank
			First Liberty Bank & Trust
			First Merit, N.A.
			First National Bank & Trust Co. of Newtown (The)
			First National Bank in Fleetwood (The)
			First National Bank of Berwick (The)
			First National Bank of Bradford County (The)
			First National Bank of Canton
			First National Bank of Centre Hall (The)
			First National Bank of Fredericksburg
			First National Bank - Garrett
			First National Bank of Greencastle
			First National Bank of Lilly (The)
			First National Bank of Liverpool (The)
			First National Bank - Marysville
			First National Bank of McConnellsburg (The)
			First National Bank of Mercersburg (The)
			First National Bank of Mifflintown (The)
			First National Bank of Minersville (The)
			First National Bank of New England
			First National Bank of Newport (The)
			First National Bank of Palmerton (The)
			First National Bank of Pennsylvania
			First National Bank of Port Alleghany (The)
			First National Bank of Slippery Rock (The)
			First National Bank of West Chester (The)
			First National Community Bank
			First National Community Bank - Midland
			First Penn Bank
			First Pennsylvania Savings Association
			First Savings Bank of Perkasio
			First Star Savings Bank
			First Summit Bank
			First Susquehanna Bank & Trust



482	Peoples National Bank of Rural Valley (The)	150	Three Rivers Bank & Trust Company
447	Peoples National Bank of Susquehanna County	467	Turbotville National Bank (The)
444	Peoples Savings Bank		<b>U.</b>
491	Peoples State Bank (The)	113	Union Bank and Trust Company
443	Peoples Thrift Savings Bank	481	Union Building and Loan Savings Bank
131	PFC Bank	232	Union National Bank & Trust Co.
556	Philadelphia Federal Credit Union	483	Union National Bank of Mount Carmel (The)
448	Phoenixville Federal Savings		Union National Community Bank
79	PNC Bank, National Association	133	Unitas National Bank
534	Pocono Community Bank	243	United Bank of Philadelphia
528	Polonia Bank	472	United Savings Bank
449	Port Richmond Savings	475	
454	Portage National Bank		<b>V.</b>
559	Potters Bank		Vartan National Bank
450	Premier Bank		Vista Bank
455	Prestige Bank, FSB	136	
202	Progress Bank	313	<b>W.</b>
451	Progressive Home Federal		WNB
456	Prudential Savings Bank		Washington Federal Savings Bank
530	PSB	123	Wayne Bank
	<b>Q.</b>	119	Waypoint Bank
107	Quakertown National Bank (The)	121	West Milton State Bank
560	Quaint Oak Savings Bank	65	West View Savings Bank
	<b>R.</b>	122	Westmoreland Federal Savings and Loan Assoc. of Latrobe
487	Reliable Bank, PaSA	494	Wheeling National Bank
452	Reliance Savings Bank	473	William Penn Savings and Loan Association
220	Republic First Bank	553	Willow Grove Bank
463	Rittenhouse Trust Company (The)	476	Wilmington Trust of PA
496	Roxborough Manayunk Federal Savings Bank	474	Woodlands Bank
208	Royal Bank of Pennsylvania	160	
	<b>S.</b>	272	<b>X.</b>
513	S & T Bank		<b>Y.</b>
457	Savings and Loan Association of Milton		<b>Z.</b>
514	Schuylkill Savings & Loan Association		
464	Scottdale Bank & Trust Company (The)		
460	Second Federal Savings & Loan Assoc. of Philadelphia		
335	Second National Bank of Masontown		
147	Security National Bank		
516	Sentry Federal Credit Union		
458	Sharon Savings Bank		
312	Sky Bank		
462	Slovenian Savings & Loan Assoc. of Franklin - Conemaugh		
459	Smithfield State Bank		
486	Somerset Trust Company		
469	Spring Hill Savings Bank, FSB		
111	Southwest Bank		
316	Sovereign Bank, FSB		
465	St. Edmond's Savings and Loan Association		
518	Standard Bank PASA		
542	Stonebridge Bank		
529	Suburban Community Bank		
466	Suburban Federal Savings Bank		
110	Sun Bank		
517	Sun National Bank		
236	Swineford National Bank		
	<b>T.</b>		
558	TheBancorp.com Bank		
26	Third Federal Savings Bank		

[Pa.B. Doc. No. 02-789. Filed for public inspection May 3, 2002, 9:00 a.m.]

**Notice of Suspension**

Notice is hereby given that on April 19, 2002, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Marc M. Scola, who resides outside the Commonwealth of Pennsylvania, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 02-790. Filed for public inspection May 3, 2002, 9:00 a.m.]

**Notice of Transfer of Attorneys to Inactive Status**

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated March 20, 2002, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that

every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 19, 2002 for Compliance Group 2 due August 31, 2001.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Mark William Andersson  
Lawrenceville, GA

Steven Craig Baker  
Atlanta, GA

Peter Joseph Bonfiglio  
Laurel Spring, NJ

Ralph Adrian Cantafio  
Steamboat Springs, CO

James Thomas Carey  
Weirton, WV

Charles L. Chambers  
Kew Gardens, NY

Burke Arthur Christensen  
Naperville, IL

Adam S. Cohen  
Westampton, NJ

Terry Alexis Collins  
Atlanta, GA

Laura Jean Davies  
Wilmington, DE

Charles Anthony DiFazio  
Mt. Laurel, NJ

Latif Selassie Doman  
Washington, DC

Richard M. Flynn  
Gloucester, NJ

Stephen Watkins Forbes  
Littleton, CO

Rise A. Friedman  
Indianapolis, IN

Michelle Ann Harrell  
Springfield, VA

Thomas S. Harty  
Cherry Hill, NJ

Marcia Ruth Isaacson  
New York, NY

Cheryl-Renee Johnson  
Bronx, NY

Susan Carol Kowalenko  
Westfield, NJ

Duncan Rogers Lee  
Upper Nyack, NY

John Joseph Leshinski  
Phoenix, AZ

Adam Eli Levy  
Leonardo, NJ

Frederick A. Love  
Pembroke Pines, FL

Louis Neil Magazzu  
Vineland, NJ

George Andrew Massucco  
JAPAN

James D. Mills  
Brick, NJ

Kimberly Monaco  
Moorestown, NJ

Mary Colleen Murphy  
Glen Burnie, MD

Heidi Meredith Pender  
McLean, VA

Stephen F. Perazzo  
Staten Island, NY

Gregory J. Poland  
Binghamton, NY

Moira Jean Poper  
Mt. Laurel, NJ

Peter J. Proko  
Sewell, NJ

Ronald Julius Rakunas  
Dana Point, CA

Margaret Devine Rodriguez  
Morristown, NJ

Jeffrey Roth  
Springfield, NJ

Richard S. Scolaro  
Syracuse, NY

Robert Scott Shtofman  
Encino, CA

Colleen Mary Stiger  
Boca Raton, FL

Nicole Cyd Tenenbaum  
Greenville, DE

Jeffrey Alan Thiel  
Washington, DC

Richard R. Thomas II  
New Brunswick, NJ

Maureen Patricia Vahey  
Wilmington, DE

Robert James Weatherly  
Plainfield, NJ

Nanci Olivere Weber  
Greenlawn, NY

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

[Pa.B. Doc. No. 02-791. Filed for public inspection May 3, 2002, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 86]

### Coal Mining

The Environmental Quality Board (Board) proposes to amend Chapter 86 (relating to surface and underground mining: general) to read as set forth in Annex A. The proposed rulemaking addresses the extraction of coal incidental to government-financed highway construction or reclamation projects.

This proposal was adopted by the Board at its meeting of March 19, 2002.

#### A. *Effective Date*

The proposed rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. *Contact Persons*

For further information contact Evan Shuster, Chief, Division of Permits, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103; or Bo Reiley, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

The regulation is proposed under the authority of section 4.2 of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. § 1396.4b(a)) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

#### D. *Background and Purpose*

The rulemaking proposes to add section § 86.6 (relating to extraction of coal incidental to government-financed highway construction or reclamation projects) to exclude the extraction of coal incidental to government-financed highway construction or government-financed reclamation projects from the requirements of this chapter and Chapters 87 and 88 (relating to surface mining of coal; and anthracite coal). Section 3.1 of the SMCRA (52 P. S. § 1396.3a) provides, among other things, that "surface mining activities" do not include the extraction of coal or coal refuse removal under a government-financed reclamation contract, or the extraction of coal as an incidental part of Federal, State or local government-financed highway construction under regulations promulgated by the Board. Since the Department never saw the need for these regulations, none were ever proposed for promulgation by the Board.

Recently, the Department received a request from the Department of Transportation (DOT) to amend Chapter 86 to exclude coal extraction on government-financed highway construction projects from regulation under the

coal mining regulations. DOT's specific concern is the proposed realignment and reconstruction of US Route 322 in Centre County, which will involve the excavation of coal-bearing strata in two areas that have been designated unsuitable for mining—Cold Stream Run (UFM Petition 14829901) and Black Bear Run (UFM Petition 14829902) (25 Pa. Code § 86.130(b)(2) and (4) (relating to areas designated as unsuitable for mining)). Given this request, the General Assembly's mandate as set forth in the SMCRA and the Board's statutory authority, the Department proposes to exclude coal extraction, from government-financed highway construction and government-financed reclamation projects, from the requirements of Chapters 86—88.

While the extraction of coal as an incidental part of Federal, State or local government financed highway construction is proposed to no longer be subject to the requirements of Chapters 86—88, potential environmental impacts from highway construction are still regulated under both Federal and State law. Virtually all DOT highway construction projects are funded, at least in part, by Federal tax dollars. Because of this Federal funding, DOT's projects must comply with the National Environmental Policy Act of 1970 (NEPA) (42 U.S.C.A. §§ 4321—4370(e)). The NEPA procedural requirements are very thorough and can take as long as 2 to 3 years to complete for a highway project. In general, this process requires notice to all potentially affected parties, a preliminary interagency "scoping" meeting to identify areas of concern, an environmental analysis, a determination of whether the project will have significant environmental impacts, notice and opportunity to comment on that determination and the agency responses to those comments.

In addition, whether the project is partially funded by Federal tax dollars or is 100% State funded, DOT must comply with section 2002(e) of The Administrative Code 1929 (71 P. S. § 512(e)(15)) (Act 120) which requires it to "consult with appropriate officials as designated by the chief administrative officer of the . . . Department of Environmental [Protection] . . . regarding the environmental hazards . . . conservation . . . recreation and social considerations that may arise by reason of the location, design, construction or reconstruction of any transportation or air facility."

Act 120 also requires DOT to follow the Federally mandated hearing procedures under 23 U.S.C.A. and 49 U.S.C.A. (relating to highways; and transportation) in acquiring a new right-of-way even if no Federal funds are involved. At these hearings, DOT must consider the impact of the proposed project on air, erosion, wildlife, the general ecology, noise, air and water pollution and historic landmarks. DOT may not proceed with the project unless it makes a written finding in the *Pennsylvania Bulletin* that there is no significant impact on the listed environmental elements or that there is no prudent alternative.

Given the procedural requirements under the NEPA and Act 120, the Department believes that it will receive adequate notice and opportunity to comment on any highway project that may impact the environmental resources of a particular area. In turn, the Department will recommend ways to protect those resources. Moreover, all Federal, State and local government-financed highway projects are not exempt from other Department permitting requirements like those under Chapters 92,

102 and 105 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance; erosion and sediment control; and dam safety and waterway management).

Proposed § 86.6 also restates the SMCRA exemption for coal extraction incidental to government-financed reclamation. This provision is included in § 86.6 so that it more closely parallels the exemptions in the SMCRA. Moreover, these exclusions are consistent with the Federal Office of Surface Mining, Reclamation and Enforcement (OSM) regulations in 30 CFR Part 707 (relating to exemption for coal extraction incident to government-financed highway or other construction).

The proposed regulation was reviewed and discussed on October 25, 2001, Mining and Reclamation Advisory Board (MRAB), but was referred to the MRAB's Regulatory, Legislative and Technical Committee (Committee) for further consideration. Several MRAB members expressed concern that the unique resources, which led to areas being designated unsuitable for mining, won't be adequately protected. The Committee met on November 19, 2001, and unanimously voted to recommend approval of the proposal to the MRAB with the understanding that the Department will establish internal notification procedures to protect the unique resources in areas designated unsuitable for mining. On January 3, 2002, the MRAB supported this position.

#### E. Summary of Regulatory Requirements

Section 86.6 excludes the extraction of coal incidental to government-financed highway construction and government-financed reclamation projects from the regulatory requirements of Chapters 86—88. The statutory basis for exempting these activities is found in section 3 of the SMCRA (52 P. S. § 1396), under the definition of surface mining activities. The exemption for these activities is also consistent with OSM regulations in 30 CFR Part 707. The proposed regulation contains criteria and standards for qualifying for the exemptions that are taken from the corresponding Federal regulation, 30 CFR Part 707, and, therefore, is no more stringent than the Federal law.

#### F. Benefits, Costs and Compliance

Executive Order 1996-1, "Regulatory Review and Promulgation" requires a cost/benefit analysis of the proposed regulation.

##### *Benefits*

Government entities located in this Commonwealth's coal fields that are proposing highway construction or reclamation projects will benefit from the addition of § 86.6. These entities will be able to avoid the additional cost and time involved in complying with the coal mining regulations to remove coal as part of the project. Furthermore, when a government-financed highway construction project or reclamation project will affect an area designated unsuitable for mining, as in the example described in section D of this Preamble, the designation will not automatically prohibit excavation or removal of coal or coal refuse. The Department and the Commonwealth may also benefit through additional reclamation of abandoned mine lands if government-financed reclamation contracts involving the necessary and incidental removal of coal and coal refuse can occur in areas designated unsuitable for mining.

##### *Compliance Costs*

The proposed regulation will impose no additional compliance costs on the coal mining industry, government entities or the public.

##### *Compliance Assistance Plan*

The Department will provide written notification of the proposed regulation to DOT, the Turnpike Commission and local governments.

##### *Paperwork Requirements*

The proposed regulation will not result in the need for additional forms, reports or other paperwork.

#### G. Sunset Review

The proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), April 23, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

#### I. Public Comments

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulation to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections by June 18, 2002 (within 45 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by June 18, 2002. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by June 18, 2002. A subject heading of the proposal and a return name and address must be included in each transmission.

DAVID E. HESS,  
Chairperson



**Fiscal Note:** 7-376. No fiscal impact; (8) recommends adoption.

**Annex A**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL**

**Subchapter A. GENERAL PROVISIONS**

**§ 86.6. Extraction of coal incidental to government-financed highway construction or reclamation projects.**

(a) Extraction of coal incidental to government-financed highway construction or government-financed reclamation projects is exempt from the acts and this chapter as it relates to surface mining activities and operations, and Chapters 87 and 88 (relating to surface mining of coal; and anthracite coal) if:

(1) The extraction of coal is necessary to enable the construction or reclamation to be accomplished. Only that coal extracted from within the right-of-way, in the case of a road, or within the boundaries of the area directly affected by government-financed reclamation, may be considered incidental to that construction or reclamation.

(2) The construction or reclamation is funded by a Federal, Commonwealth, county, municipal or local unit of government, or a department, bureau, agency or office of the unit which, directly or through another unit of government, finances the construction or reclamation.

(3) The construction or reclamation is funded 50% or more by funds appropriated from the government unit's budget or obtained from general revenue bonds. Funding at less than 50% may qualify if the construction is undertaken as a Department-approved reclamation contract or project.

(b) Highway construction funded through government financing agency guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent or in-kind payments does not qualify as government-financed construction.

(c) A person extracting coal incidental to government-financed highway construction or reclamation who extracts more than 250 tons of coal or affects more than 2 acres shall maintain on the site of the extraction operation and make available for inspection the following:

(1) A description of the construction or reclamation project.

(2) The exact location of the construction or reclamation, right-of-way or the boundaries of the area which will be directly affected by the construction or reclamation.

(3) The government agency that is providing the financing and the kind and amount of public financing, including the percentage of the entire construction costs represented by the government financing.

[Pa.B. Doc. No. 02-792. Filed for public inspection May 3, 2002, 9:00 a.m.]

**[25 PA. CODE CH. 93]**

**Stream Redesignations; Oysterville Creek, et al.**

The Environmental Quality Board (Board) proposes to amend §§ 93.9(a), 93.9f, 93.9g, 93.9n and 93.9o to read as set forth in Annex A.

This proposal was adopted by the Board at its meeting of March 19, 2002.

*A. Effective Date*

These proposed amendments are effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

*B. Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

*C. Statutory and Regulatory Authority*

These proposed amendments are made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement provisions of The Clean Streams Law and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water-quality standards and the Federal regulation in 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of this Commonwealth's antidegradation program.

*D. Background of the Amendments*

The Commonwealth's water quality standards, which are set forth, in part, in Chapter 93 (relating to water quality standards) implement the provisions of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act. Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

In addition to the stream redesignations in this proposed rulemaking, the Department proposes to add UNT (Unnamed Tributary) to the list of abbreviations in § 93.9(a) (relating to designated water uses and water quality criteria) that are used in the "Zone" column in the Drainage Lists. The addition of this abbreviation will provide clarity to the water quality standards and save space in the Drainage Lists.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters designation in its ongoing review of water quality standards. In general, HQ and EV waters shall be maintained at their existing quality. The Department may identify candidates during

routine water body investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (Commission). Organizations, businesses or individuals may submit a rulemaking petition to the Board.

These streams were evaluated in response to five petitions, as well as a request from the Commission as follows:

*Petitions:* Oysterville Creek (Berks County); West Branch Perkiomen Creek (Berks County); Unnamed Tributary to Chester Creek (Delaware County); Cove Creek (Bedford County); Trout Run (York County)

*Commission:* Unnamed Tributary to Rambo Run (York County)

The Department's Bureau of Water Supply and Wastewater Management conducted aquatic surveys on five of these streams. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters).

No new field survey was conducted on Cove Creek. The recommended redesignation is the result of applying a modification of the implementation of the Percent Dominant Taxon biological metric to data previously collected. This change to implementation was published for public comment at 29 Pa.B. 3960 (July 24, 1999). All of the 18 comments received were in support of the change. Notice of the change in implementation was published at 29 Pa.B. 5149 (October 2, 1999). The impact of this change on Cove Creek is discussed as follows.

While preparing Annex A, the Department noticed that the Migratory Fishes (MF) use designation is applied to some portions of the Chester Creek basin and not to others. The Commission Area Fisheries Manager and the Department's Southeast Field Office were contacted and both indicated that there are no significant barriers to migration in the basin. The Board proposes to add the MF designated use so that it is applied to the entire Chester Creek basin.

Based upon the data collected in the field surveys and the other information noted previously, the Board recommends the designations described in this Preamble and set forth in Annex A.

Copies of the Department's stream evaluation reports for these waterbodies are available from Edward R. Brezina whose address and phone number are listed in Section B of this Preamble.

The following is a brief explanation of the recommendations for each water body:

*Oysterville Creek*—The petition from the Berks County Conservancy and the District Township Supervisors requested consideration of the stream for redesignation from Cold Water Fishes (CWF) to EV. The upper reaches of the basin (source to T-634) meet the biological test for EV designation in the antidegradation regulation and are recommended for designation as EV. The remainder of the basin (T-634 to mouth) meets the biological test for HQ-CWF designation, with the exception of Unnamed Tributary 01680, which is recommended to retain the CWF designation.

*West Branch Perkiomen Creek*—The petition submitted by the Berks County Conservancy and the District Town-

ship Supervisors requested consideration of a portion of the basin for redesignation from CWF to EV. The upper portion of the basin (source to SR 1022) is recommended to retain the CWF designation. The lower portion of the basin (SR 1022 to SR 2069) meets the biological test for EV designation in the antidegradation regulation and is recommended for redesignation.

*Unnamed Tributary to Chester Creek*—In response to a petition submitted by Frank Akutowicz, this watershed was evaluated for redesignation from Trout Stocking Fishes (TSF) designation to EV. The majority of this watershed is owned by Glen Mills School. Based on applicable regulatory criteria, the Department recommends that the Unnamed Tributary to Chester Creek basin retain the current TSF designation with the addition of Migratory Fishes (MF) based on the presence of American eel. In addition, it is recommended that the MF designation be added so that it applies to the entire Chester Creek basin.

*Cove Creek*—The recommendation for the Cove Creek basin from the T-433 bridge to the mouth is the result of a reevaluation of previously collected biological data. The original evaluation were done in response to a petition submitted by Friends of Cove Creek. Data from the lower part of the stream was reevaluated using a change to the implementation of the Percent Dominant Taxon biological metric. In the modification, if the dominant organism is pollution-sensitive the candidate receives the highest score for this metric even though the percentage would ordinarily result in a lower score. As a result of this change in implementation, lower Cove Creek scores 93% in comparison to the reference and is recommended for redesignation as EV.

*Trout Run*—The Trout Run basin is currently designated as Warm Water Fishes (WWF). The stream was evaluated for possible redesignation to EV in response to a petition from Greg McCarren and Jackie Greenfield. The upper portion of the basin (source to an unnamed tributary at RM 0.3) met the biological test for redesignation as HQ. In addition, cold-water fish species were found in the basin, so it should be designated CWF. It is recommended that the upper portion of the Trout Run basin be redesignated HQ-CWF and the remainder (unnamed tributary at RM 0.3 to mouth) be designated CWF.

*Rambo Run*—The Commission requested evaluation of an unnamed tributary to Rambo Run for possible redesignation from CWF to HQ-CWF. After consulting with the Department's Southcentral Field office, the entire Rambo Run basin was evaluated for HQ or EV designation. All stations sampled in the basin met the biological test for EV designation. The Board proposes that the entire basin be designated EV.

#### E. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use of the stream.

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on existing wastewater discharges. No costs will

be imposed directly upon local governments by this recommendation. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in costs.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams shall comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are upgraded.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected water bodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. Surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The proposed amendments will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program since the stream use designation is a major basis for determining allowable stream discharge effluent limitations. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded discharges with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding discharges to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated additional paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification, and the nonfeasibility of nondischarge alternatives, may be required for new or expanded discharges to certain HQ waters.

#### F. *Pollution Prevention*

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program

does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### G. *Sunset Review*

These proposed amendments will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goal for which they were intended.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 23, 2002, the Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. In addition to the proposed amendments, IRRC and the Committees have been provided a detailed regulatory analysis form prepared by the Department, in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

#### I. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. The Board must receive comments by June 18, 2002 (within 45 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by June 18, 2002. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed amendments will be considered. If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. The Board must also receive comments submitted electronically by June 18, 2002.

DAVID E. HESS,  
Chairperson

**Fiscal Note:** 7-377. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS  
ANTIDegradation Requirements**

**§ 93.9. Designated water uses and water quality  
criteria.**

(a) The tables in §§ 93.9a—93.9z display designated water uses and water quality criteria in addition to the water uses and criteria specified in Tables 2 and 3. Designated uses shall be protected in accordance with Chapters 95 and 96 (relating to wastewater treatment requirements; and water quality standards implementation) and any other applicable State and Federal laws and regulations. The tables also indicate specific excep-

tions to Tables 2 and 3 on a stream-by-stream or segment-by-segment basis by the words “add” or “delete” followed by the appropriate symbols described elsewhere in this chapter. The county column in §§ 93.9a—93.9z indicates the county in which the mouth of the stream is located. Abbreviations used in the “Zone” column are as follows:

T—Township Road

LR—Pennsylvania Legislative Route

SR—Pennsylvania State Route

FAS—Federal Aid Secondary Highway

US—United States Federal Route

I— **[ Interstate ] Interstate** Highway

RM—River Mile; river miles are used to indicate the distance from a point on the waterbody to its mouth and are based on the Department’s River Mile Index

**UNT—Unnamed Tributary**

\* \* \* \* \*

**§ 93.9f. Drainage List F.**

**Delaware River Basin in Pennsylvania**

***Schuylkill River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
4—Oysterville Creek	Basin, <b>Source to T 634 Bridge (RM 2.6)</b>	Berks	<b>[ CWF ] EV</b>	None
4—Oysterville Creek	Basin, <b>T 634 Bridge to Confluence of UNT 01680</b>	Berks	<b>HQ-CWF</b>	None
5—UNT 01680 to Oysterville Creek	Basin	Berks	<b>CWF</b>	None
4—Oysterville Creek	Basin, <b>UNT 01680 to Mouth</b>	Berks	<b>HQ-CWF</b>	None
	* * * * *			
4— <b>[ Northwest ] West Branch Perkiomen Creek</b>	Basin, <b>Source to SR 1022 Bridge (RM 12.9)</b>	<b>[ Montgomery ] Berks</b>	<b>CWF</b>	None
4— <b>West Branch Perkiomen Creek</b>	Basin, <b>SR 1022 Bridge to SR 2069 Bridge (RM 8.0)</b>	Berks	<b>EV</b>	None
4— <b>West Branch Perkiomen Creek</b>	Basin, <b>SR 2069 Bridge to Mouth</b>	Montgomery	<b>CWF</b>	None

**§ 93.9g. Drainage List G.**

**Delaware River Basin in Pennsylvania**

***Delaware River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—Chester Creek	Basin, <b>Source to East Branch Chester Creek</b>	Chester	<b>TSF, MF</b>	None
3—East Branch Chester Creek	Basin, <b>Source to [ Unnamed Tributary ] UNT at RM 0.4 (“Goose Creek”)</b>	Chester	<b>TSF, MF</b>	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—[ <b>Unnamed Tributary</b> ] UNT to East Branch Chester Creek at RM 0.4 (“Goose Creek”)	Basin	Chester	WWF, <b>MF</b>	None
3—East Branch Chester Creek	Basin, [ <b>Unnamed Tributary</b> ] UNT at RM 0.4 to Mouth	Chester	TSF, <b>MF</b>	None
2—Chester Creek	Basin, East Branch Chester Creek to Rocky Run	Delaware	TSF, <b>MF</b>	None
3—Rocky Run	Basin	Delaware	HQ-CWF, MF	None
[ <b>3</b> ] 2—Chester Creek	Basin, Rocky Run to Confluence with West Branch	Delaware	TSF, MF	None
3—West Branch Chester Creek	Basin, Source to Green Creek	Delaware	TSF, <b>MF</b>	None

\* \* \* \* \*

§ 93.9n. Drainage List N.

**Susquehanna River Basin in Pennsylvania**  
***Juniata River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Cove Creek	Basin[ , <b>Source to T 433</b> <b>Bridge</b> ]	Bedford	EV	None
[ <b>4—Cove Creek</b>	<b>Basin, T 433 Bridge to Mouth</b>	<b>Bedford</b>	<b>CWF</b>	<b>None ]</b>

\* \* \* \* \*

§ 93.9o. Drainage List O.

**Susquehanna River Basin in Pennsylvania**  
***Susquehanna River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Codorus Creek	Main Stem, Oil Creek to Mouth	York	WWF	None
3—Trout Run	Basin, <b>Source to UNT at RM</b> <b>0.3</b>	York	[ <b>WWF</b> ] <b>HQ-CWF</b>	<b>None</b>
<b>4—UNT to Trout Run at</b> <b>RM 0.3</b>	<b>Basin</b>	<b>York</b>	<b>CWF</b>	<b>None</b>
<b>3—Trout Run</b>	<b>Basin, UNT at RM 0.3 to</b> <b>Mouth</b>	<b>York</b>	<b>CWF</b>	<b>None</b>
3—North Branch Muddy Creek	Basin, Source to [ <b>Confluence</b> <b>with South Branch</b> ] <b>Rambo</b> <b>Run</b>	York	CWF	None
<b>4—Rambo Run</b>	<b>Basin</b>	<b>York</b>	<b>EV</b>	<b>None</b>
<b>3—North Branch Muddy</b> <b>Creek</b>	<b>Basin, Rambo Run to</b> <b>Confluence with South</b> <b>Branch</b>	<b>York</b>	<b>CWF</b>	<b>None</b>

\* \* \* \* \*

[Pa.B. Doc. No. 02-793. Filed for public inspection May 3, 2002, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Labor and Industry

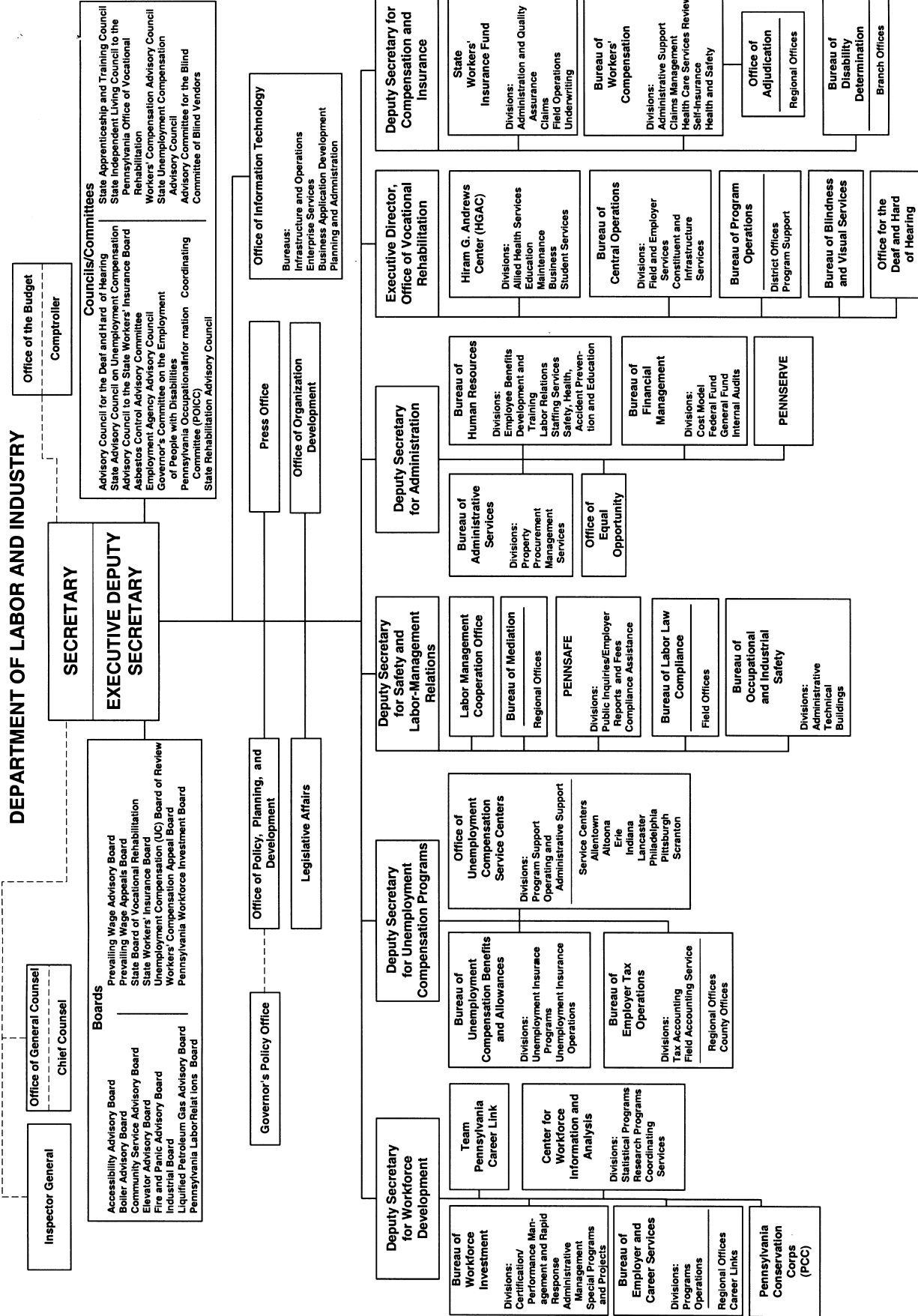
The Executive Board approved a reorganization of the Department of Labor and Industry effective February 1, 2002.

The organization chart at 32 Pa.B. 2225 (May 4, 2002) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 02-794. Filed for public inspection May 3, 2002, 9:00 a.m.]

---



# Title 22—EDUCATION

## PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

[22 PA. CODE CH. 233]

### Bylaws

#### *Purpose and Effect*

On July 12, 1991, the Professional Standards and Practices Commission (Commission) first adopted its statement of policy (bylaws) to provide guidance to the members and staff of the Commission, the Department of Education (Department), professional educators and the public with respect to implementation of the Teacher Certification Law (24 P. S. §§ 12-1251—12-1268) providing for discipline of professional educators. Specifically, the bylaws delineated internal governance procedures, including the duties and responsibilities of Commission members and staff, as well as procedures for effecting a disciplinary system that comported with due process.

The bylaws were published at 21 Pa.B. 3827 (August 24, 1991) and were codified in Chapter 233. The Commission made subsequent amendments to the bylaws, which were designed to impose a committee structure for the Commission and to correct an error in the original bylaws.

The Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a) significantly amended the previously entitled Teacher Certification Law, thereby necessitating these amendments to the Commission's bylaws. These amendments are intended to ensure that the Commission's bylaws comport with the changes to the act and allow for a restructuring and simplification of the bylaws to facilitate their use. As a result of the restructuring, a complete replacement of the bylaws was necessary. The most significant changes, however, are summarized as follows.

#### *Summary*

The original bylaws restated substantial portions of the Teacher Certification Law. In these amendments, when the restatement did not serve to enhance or clarify the provision, the Commission deleted the duplication and instead referenced the appropriate sections of the act. In addition, bylaws are amended to clarify that the entire chapter now applies to charter school staff members as well as professional educators.

In §§ 233.109, 233.112 and 233.113 (relating to methods of operation for Commission and committee meetings; public hearings; and disciplinary proceedings), the Commission adopted language to emphasize the distinction between Commission or committee meetings, public hearings and formal disciplinary proceedings.

In § 233.120 (relating to expedited hearing procedures), the Commission established modified hearing procedures for those cases that warrant an expedited result, including those cases contemplated by amendments to the act in which a professional educator has been indicted for one of several specified crimes and the Department believes that the professional educator poses a threat to the health, safety or welfare of students in a school.

The act also established limited reciprocity for professional discipline imposed by another state, territory or nation and § 237.121 (relating to reciprocity) establishes a procedure for the Department to provide a process for initiating the reciprocal process.

Revisions to § 233.123 (relating to reinstatement) concerning reinstatements of certificates suspended, surrendered or revoked, address the new class of disciplinary actions, surrenders in lieu of discipline, and insert the limitations on reinstatement established in the recent amendments to section 16(c) of the act (24 P. S. § 2070.16(c)). In addition, the Commission's procedure for automatic reinstatement is clarified for those cases in which the imposition of discipline was based solely on a criminal indictment or conviction, which was subsequently dismissed or overturned.

#### *Affected Parties*

This chapter primarily affects all professional educators and charter school staff members over whom the Commission has jurisdiction to discipline for misconduct. The amendments clarify the interpretation and administration of the act for these educators.

#### *Cost and Paperwork Estimates*

The amendments to the bylaws impose no additional reporting or paperwork requirements beyond those specified by the act or 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

#### *Effective Date*

These amendments are effective immediately upon publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

Although this chapter is not subject to sunset, the Commission will review the bylaws on an ongoing basis.

#### *Regulatory Review*

As a statement of policy, these amendments to the Commission's bylaws are not subject to the Regulatory Review Act (71 P. S. §§ 745.1—745.15). However, the Commission adopted the amendments after extensive consultation with interested representatives of affected parties at public committee meetings.

#### *Contact Person*

Interested persons are invited to submit written comments or suggestions to Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333.

CAROLYN ANGELO,  
*Executive Director*

(*Editor's Note:* The regulations of the Commission, 22 Pa. Code Chapter 233, are amended by deleting §§ 233.1—233.18 and by adding §§ 233.101—233.126 to read as set forth in Annex A.)

**Fiscal Note:** 6-277. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 22. EDUCATION

#### PART XIV. PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

#### CHAPTER 233. BYLAWS—STATEMENT OF POLICY

Sec.	
233.1—233.18.	(Reserved).
233.101.	Definitions.
233.102.	Purpose.
233.103.	Powers and duties.
233.104.	Membership and qualifications.
233.105.	Officers.
233.106.	Commission staff.
233.107.	Meetings of the Commission.
233.108.	Committees.



233.109.	Methods of operation for Commission and committee meetings.
233.110.	Expenses.
233.111.	Code of conduct and Commissioners' rights.
233.112.	Public hearings.
233.113.	Disciplinary proceedings.
233.114.	Confidentiality and unauthorized release of information.
233.115.	Notice and hearings.
233.116.	Petitions requiring action prior to appointment of hearing officer.
233.117.	Hearing procedures.
233.118.	Hearing officer's decision and exceptions.
233.119.	Appeal.
233.120.	Expedited hearing procedures.
233.121.	Reciprocity.
233.122.	Expungement.
233.123.	Reinstatements.
233.124.	Power of subpoena.
233.125.	Amendments.
233.126.	Reporting requirements.

### §§ 233.1—233.18. (Reserved).

#### § 233.101. Definitions.

The definitions in section 1.1 of the act (24 P. S. § 2070.1b) are incorporated by reference. The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Professional Educator Discipline Act (24 P. S. §§ 2070.1—2070.18a).

*Educator*—When used in this chapter, a professional educator as well as a charter school staff member.

#### § 233.102. Purpose.

The Commission is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession.

#### § 233.103. Powers and duties.

The powers and duties of the Commission are set forth in section 5 of the act (24 P. S. § 2070.5). In assessing the effectiveness of educator preparation programs to provide recommended changes to the State Board, the Commission may conduct site reviews of individual teacher preparation programs unilaterally or participate in site reviews conducted by the Department or other agencies and organizations.

(1) The Commission may recommend to the State Board changes in teacher education standards based on Commission conducted analyses of the Department program approval process.

(2) In recommending these changes, the Commission may organize and operate an annual review of and address the strengths and weaknesses of the program review process.

(3) Recommendations made by the Commission under section 5 of the act will be presented publicly at scheduled meetings of the State Board prior to State Board action on regulations, standards or guidelines affecting teacher certification, professional practices, accreditation of teacher education programs and long range plans.

(4) Recommendations will be made in a timely fashion to facilitate the work of the State Board.

#### § 233.104. Membership and qualifications.

The membership and qualifications of the Commission are set forth in sections 3 and 4 of the act (24 P. S. §§ 2070.3 and 2070.4). When a vacancy on the Commission occurs, it is the duty of the Chairperson to notify the Governor of interim vacancies. The Chairperson will also

notify the Governor of the expirations of terms of commissioners at least 180 days before those expirations.

#### § 233.105. Officers.

(a) *Governor's selection.* Under the act, the Governor will annually select a Chairperson from among the membership of the Commission.

(b) *Selection of Vice Chairperson.* At the first regular meeting held after the Governor's selection of a Chairperson, the Chairperson will select a Vice Chairperson for the calendar year, subject to the consent of the Commission.

(c) *Vacancies.* Permanent and temporary vacancies will be governed by the following:

(1) If there is a vacancy in the position of Chairperson, the Vice Chairperson will serve as Chairperson pro tempore until a new Chairperson is appointed by the Governor.

(2) If there is a vacancy in the position of Vice Chairperson, the Chairperson will select a new Vice Chairperson to fill the remainder of the original term subject to the consent of the Commission.

(3) If vacancies occur in the positions of the Chairperson and Vice Chairperson concurrently, the Executive Director of the Commission will conduct an election for replacements before further Commission business is conducted. The person elected as Chairperson will hold the office of Chairperson pro tempore until a Chairperson is named by the Governor, and the person will thereafter serve as the Vice Chairperson pro tempore until a Vice Chairperson is chosen by the Chairperson and confirmed by the Commission.

(4) In the absence of the Chairperson or Vice Chairperson or a person designated by the Chairperson or Vice Chairperson to serve temporarily as the Chairperson, the Commissioners will select a Chairperson pro tempore.

#### (d) *Duties of the Chairperson.*

(1) The Chairperson will preside at all meetings of the Commission in accordance with this chapter and, in the absence of appropriate bylaw provisions, in accordance with the latest edition of *Robert's Rules of Order*.

(2) Under the act, the Chairperson, or a Commission member designated by the Chairperson, is an ex officio member of the State Board without voting privileges or assignment to either council.

(3) The Chairperson will guide the Commission in the execution of its duties.

(4) The Chairperson will refer studies and investigations to the appropriate committee and will receive from it, for placement on the Commission's agenda, the findings and recommendations of the committees.

(5) The Chairperson will establish, when advisable or necessary, temporary committees to assist the Commission in carrying out its functions as prescribed by law.

(6) The Chairperson will prepare, in cooperation with the Executive Director, the agenda for meetings of the Commission.

(7) The Chairperson will advise the Executive Director between meetings of the Commission.

(8) The Chairperson, in cooperation with the Executive Director, will monitor the reimbursement of expenses incurred by the Commissioners.

(9) The Chairperson will represent the Commission before the public.

(10) The Chairperson will perform all duties ordinarily identified with the position of Chairperson.

(11) The Chairperson will serve as an ex officio member of all Commission committees.

(e) *Duties of the Vice Chairperson.*

(1) In the absence of the Chairperson, the Vice Chairperson or the designee of the Chairperson will assume the duties of the Chairperson.

(2) With the consent of the Commission, the Chairperson may remove the Vice Chairperson or appoint a new Vice Chairperson.

**§ 233.106. Commission staff.**

(a) *Executive Director of the Commission.* Under the act, there is an Executive Director of the Commission who serves as the executive officer and secretary of the Commission. The Commission and the Secretary jointly employ and fix the compensation of the Executive Director. The Executive Director, with approval of the Commission and the Secretary, may employ additional professional and clerical personnel as may be necessary to carry out the duties and responsibilities of the Commission. The Department will provide adequate space and equipment to facilitate the activities of the Commission. The duties of the Executive Director are as follows:

(1) The Executive Director will serve as the executive officer of the Commission without the right to vote.

(2) The Executive Director will serve as the administrative liaison of the Commission with the legislature, agencies and bureaus of the Department and the State and Federal government, local education agencies and organizations with which the Commission has common interests.

(3) The Executive Director will manage the administrative details of meetings of the Commission and committees established by the Commission, including the preparation of agendas, minutes and records of action, and the proper circulation of notices of meetings of the Commission.

(4) The Executive Director will obtain, organize and provide information and materials pertinent to and prepare reports for the work of the Commission.

(5) The Executive Director will assist committees of the Commission involved in studies and hearings, research projects and literature reviews.

(6) The Executive Director will monitor and inform the Commission of actions of the State Board, the Department, and other agencies and organizations whose actions and interests are congruent with those of the Commission.

(7) The Executive Director will monitor and inform the Commission of legislation affecting the responsibilities of the Commission.

(8) The Executive Director will supervise Commission staff persons.

(9) The Executive Director will, with the advice and consent of the Commission's ad hoc budget committee, prepare and present budgets on behalf of the Commission to the State Board and the Department.

(10) The Executive Director will act as the public relations officer of the Commission, as directed by the Chairperson and the Commission.

(11) The Executive Director will perform related work as required by the Commission.

(b) *Commission counsel.* Under the act, the Governor, through the Office of General Counsel, will provide legal advice and assistance as the Commission may require.

**§ 233.107. Meetings of the Commission.**

(a) Under the act, meetings will be held at least five times per year at the call of the Chairperson or upon request in writing of a majority of the seated members of the Commission. Unless the Commission votes otherwise, regular meetings will be established so that they fall the day of and the day after the established meetings of the State Board. A majority of the Commission members then seated constitutes a quorum, and a majority of a quorum has authority to act upon any matter properly before the Commission unless otherwise specified in the act. Meetings of the Commission will be open to the public in accordance with 65 Pa.C.S. Chapter 7 (relating to the Sunshine Act), when applicable.

(b) The Commission will conduct its meetings in accordance with the act and 2 Pa.C.S. (relating to administrative law and procedure), when applicable. If an inconsistency arises, the provisions of the act are controlling. Any person is entitled to be heard at a Commission meeting in person, in writing or through a designated representative, in accordance with the act. The Commission will enter as a matter of record the minutes of each meeting, every vote taken by the Commission and every official act of the Commission.

(c) The annual reorganization meeting will take place during the first meeting after the Governor appoints the Chairperson. At that meeting, a Vice Chairperson will be appointed by the Chairperson with the consent of the Commission.

(d) Notification of Commission meetings will be mailed to the commissioners at least 2 weeks in advance. An agenda and supportive data will be included with written notification.

(e) Upon the written request of a majority of the Commissioners, the Chairperson will call a special meeting within 5 days of the receipt of the request. Commissioners will be notified by phone and provided with the date, time, place and agenda. Written notification will follow.

(f) Meetings of the Commission are ordinarily held at the Department's Harrisburg offices. Meetings may be called at other locations to accommodate larger public groups or for other specific purposes.

(g) A roll call vote of the Commissioners present at a meeting is required for actions taken on recommendations to the State Board, for statements of policy and for actions taken in fulfillment of the duties of the Commission as prescribed by law. A voice vote is sufficient for all other matters unless a roll call vote is requested by two or more Commissioners. Unless otherwise required by law, a majority of those present and voting is sufficient for a motion to pass.

(h) Proxy voting will be permitted only if the following conditions are met:

(1) The Chairperson announces an intention to permit proxy voting and a majority of those Commissioners present do not object.

(2) The proxy vote applies only to questions that appear clearly on the meeting agenda or to motions that have been presented for consideration during the meeting.

(3) The Commissioner is present at the meeting but is required to leave prior to a vote.

(4) The Commissioner requests permission to vote by proxy.

(5) The Commissioner presents a proxy in writing to the Chairperson indicating how the vote is to be cast.

(6) Proxy voting will not be permitted in matters of discipline and reinstatement.

(i) The Commission may declare an executive session as allowed under 65 Pa.C.S. § 708 (relating to executive sessions) to the extent applicable. Executive sessions of the Commission will be held only in accordance with 65 Pa.C.S. Chapter 7.

(j) Rules and procedures not specifically adopted by the Commission will be in accordance with the latest edition of *Robert's Rules of Order*.

### § 233.108. Committees.

(a) Committees established by the Commission will make recommendations to the Commission. Committees do not establish policy for the Commission unilaterally. Recommendations requiring Commission action will be submitted in writing to all Commissioners prior to a Commission meeting.

(b) A majority of the appointed committee members shall be present to conduct the business of the committee. The Chairperson of the committee will, with the consent of the committee, set the meeting time and place. Minutes of each committee meeting will be recorded.

(c) Standing committees will report at each regularly scheduled Commission meeting. Minority reports of the committees may also be reported.

(d) Agendas for committee meetings will be established by the committee Chairperson and may be modified prior to or during the meeting by the Chairperson or the committee.

(e) Requirements for standing committees are as follows:

(1) Each Commissioner will serve on at least one standing committee.

(2) Each standing committee member will be appointed by the Chairperson subject to approval of the Commission. Each standing committee will consist of at least three Commissioners. Standing committee assignments will be made with the prior consent of the individual Commissioner. A Commissioner may request placement on a committee of choice. The Chairperson will appoint committee chairs.

(3) The standing committees are as follows:

(i) *Standards committee*. The committee will study and make recommendations concerning the duties stated in section 5(a)(1)—(8) of the act (24 P. S. § 2070.5(a)(1)—(8)), plus other duties as designated by the Commission Chairperson.

(ii) *Practices committee*. The committee will study and make recommendations concerning the duties stated in sections 5(a)(9)—(12) and (14) of the act, plus other duties as designated by the Commission Chairperson.

(4) The Chairperson or the Commission may establish, and the Chairperson may appoint members to special committees necessary to the work of the Commission.

### § 233.109. Methods of operation for Commission and committee meetings.

(a) The order of business for Commission and committee meetings is:

- (1) The call to order.
- (2) The review and acceptance of the agenda.
- (3) The welcoming of guests.
- (4) The approval of minutes of previous meeting.
- (5) The next Commission meeting.
- (6) The report of the Chairperson.
- (7) The report of the State Board ex officio member.
- (8) The report of the Executive Director.
- (9) The report of the Office of General Counsel.
- (10) The review of Commission-related correspondence.
- (11) The report of standing committees.
- (12) The report of special committees.
- (13) The public comment related to action items.
- (14) The action items.
- (15) The unfinished business.
- (16) The new business.
- (17) The conference reports.
- (18) The public comment.
- (19) The adjournment.

(b) Only matters assigned to the Commission by law will be considered as agenda items.

(c) Business will be conducted in accordance with this chapter and the latest edition of *Robert's Rules of Order*.

(d) Except as provided in paragraph (3), a person or organization, other than the Commissioners and the staff of the Commission, will not be permitted to participate in a Commission or committee meeting unless that person or organization has been placed on the agenda. The Commission or committee may establish limits to the content and length of speeches by persons who wish to address the Commission or committee.

(1) A person disturbing, interrupting or preventing the conduct of a public meeting may be requested to leave the meeting or may be removed upon failure to comply with the meeting rules of the Commission.

(2) Visitors to meetings are allowed to record the proceedings using audio or video recording equipment, but must first inform the Commission of their intent to record.

(3) For a brief period at each meeting, prior to consideration of the action items, time will be allotted on the agenda for hearing public comment. Public comments may be entertained at other times during a meeting at the discretion of the Chairperson. A Commissioner may request a member of the public who has spoken to an issue to clarify a position.

(e) The Commission and committees will receive and record into the minutes written proposals submitted by associations, individuals representing the teaching profession and other interested persons.

(f) The Commission or a committee may request the services of resource persons to facilitate the work of the Commission or committee.

(g) Action items may be submitted to the Commission or committee by agencies of the Commonwealth, a Commissioner or an interested party. The Commission or committee may take the item under advisement or may table, refer, dismiss or act upon the item.

(h) Any commissioner may submit agenda items for discussion or new business for the next Commission or committee meeting. This will not prohibit a commissioner from initiating items under new business in a current meeting.

(i) Public notice will be issued at least 36 hours prior to a meeting of the Commission or a committee and at least 24 hours before a reconvened or rescheduled Commission or committee meeting. Public notice is not required for emergency meetings. Emergency meetings are those called to deal with "a real or potential emergency involving a clear and present danger to life or property."

(j) Except when specifically prohibited by law, votes on action items taken at a Commission or committee meeting are publicly cast and, in the case of roll call votes, recorded in the minutes of the Commission or committee.

(k) Formal hearings will be conducted in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and other rules or procedures which might be promulgated by the Commission.

(l) A copy of the minutes of Commission and committee meetings will be made available to any individual or organization so requesting.

(m) Materials and statements released in the name of the Commission will be approved by the Commission.

(n) Executive sessions will be held as follows:

(1) The Commission or committees may admit to an executive session persons necessary to carry out the purpose of the meeting. The persons may include staff persons, legal and technical advisors and individuals and their representatives who may be affected by matters to be discussed.

(2) An executive session may be held during an open meeting or at the conclusion of an open meeting, or may be announced for a future time at an open meeting.

(3) At the open meeting occurring immediately prior to or subsequent to an executive session, the Commission or committee will announce and include within its minutes, the date, time, location and purpose of an executive session. The purpose of an executive session may be explained by a general reference to the types or categories of subjects discussed at the session and need not identify with specificity persons or matters considered during the meeting.

(4) Unless otherwise provided by law, a meeting at which a quorum of the members of the Commission or committees takes official action with regard to matters discussed at an executive session will be open to the public.

(5) The Commission or committee will keep minutes of each executive session in the manner required for open meetings, but the minutes of executive sessions will not constitute records available for public inspection or copying.

#### § 233.110. Expenses.

(a) Under the act, members of the Commission may not receive compensation for their services, but will be reim-

bursed for their actual and necessary expenses incurred in the performance of official Commission business.

(b) A member of the Commission, who is an employee of an agency of the Commonwealth, or its political subdivisions, including school districts, is permitted to attend Commission meetings and perform other Commission duties without loss of income or other benefits. A State agency or a political subdivision of the Commonwealth, including a school entity, required to employ a substitute for a member of the Commission who is absent from employment while performing Commission business, will be reimbursed by the Department, under the act, from funds appropriated for the general government operations of the Department for the actual amount of costs incurred upon presentation of a request for reimbursement and documentation of the cost.

(c) Under the act, a member of the Commission who is employed by a private employer will be reimbursed by the Department, from funds appropriated for the general government operations of the Department, for income lost as a result of attendance at Commission meetings or performance of other official Commission duties. Reimbursement is governed by guidelines established by the Commission and will be made upon presentation of a request for reimbursement and documentation of lost income.

(d) The Executive Director will verify the appointment of each member of the Commission with the member's respective employer and will advise the employer of the provisions of section 7 of the act (24 P. S. § 2070.7).

#### § 233.111. Code of conduct and Commissioners' rights.

(a) *Code of conduct.* Members of the Commission will:

(1) Respect the rights and opinions of the Commission's constituencies.

(2) Enhance the public image and mission of the Commission.

(3) Assess the performance of the Commission.

(4) Prepare for, regularly attend and actively participate in Commission and committee meetings.

(5) Vote according to one's convictions, challenge the judgment of others when necessary, support the majority decisions of the Commission and work with other Commissioners to implement the majority decisions.

(6) Base judgments on what is best for the advancement of education as a whole and, in all of their deliberations, consider the public interest.

(7) Refrain from actions and involvements that might prove embarrassing to the Commission.

(8) Speak on behalf of the Commission and represent the Commission only when authorized to do so by the Chairperson, Executive Director or the Commission.

(9) Serve freely and without honoraria when representing the Commission.

(10) Abide by the legal and fiscal responsibilities of the Commission as specified by law, the bylaws, the Governor and the Governor's executive offices and the Department.

(11) Disclose fully the nature of a conflict of interest and abstain from voting when these conflicts arise.

(12) Conform to 65 Pa.C.S. Chapter 11 (relating to Public Official and Employee Ethics Act) and 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for

appointed officials and State employees), including the timely filing of required reports.

(b) *Rights of Commissioners.*

(1) A Commissioner may address groups or organizations concerning the work of the Commission but will not represent himself as an official spokesperson for the Commission unless so authorized by the Commission or the Chairperson or the Executive Director.

(2) A Commissioner may solicit or receive information from any group, organization or person.

(3) Commissioners may not accept gifts, remuneration or honoraria except as permitted by 65 Pa.C.S. Chapter 11 and 4 Pa. Code Chapter 7, Subchapter K. The Commission will adopt a policy pertinent to this subsection advising the circumstances when gifts, remuneration and honoraria are and are not permissible.

**§ 233.112. Public hearings.**

(a) The purpose of a public hearing, in contrast to a meeting or a disciplinary proceeding of the Commission, is to receive testimony from witnesses on proposed actions and recommendations of the Commission. Public hearings and deliberations of the Commission will take place in a public forum.

(b) Public hearings called will specify a date, time, place and purpose, and, if possible, be announced at least 30 days in advance. The call for a hearing will be advertised in accordance with law.

(c) The Commission may call a public hearing for a specific purpose or to receive testimony on a specific issue outside of the charges of the standing committees. Public hearings will be chaired by the Commission Chairperson or a designee.

(d) At least one Commissioner will preside and hear testimony at each public hearing.

(e) Within the limits of the budget, the Commission and its committees will strive to hold several public hearings on a particular issue at sites located throughout this Commonwealth. If only one public hearing for a specific issue is called, it will ordinarily be held in Harrisburg.

(f) Hearings will be arranged and supervised by the Executive Director.

(g) Testimony shall be submitted in writing at the time testimony is presented. Ample copies of testimony should be provided by witnesses for the Commissioners presiding and staff members present at the hearing.

(h) The Commission, committee or Chairperson of the public hearing may request the presence of legal counsel, Department or Commission staff persons.

(i) Unless otherwise modified by the Chairperson of the public hearing or the commissioner presiding, the following apply to public hearings:

(1) A person may be heard by the Commission or committee in person, in writing, or through a designated representative.

(2) Witnesses will be allotted 10 minutes each to present testimony.

(3) Only one witness will be heard from any one designated organization. When several hearings are held Statewide, the committee chairperson may limit testimony from an organization to one of the several hearing sites.

(4) Witnesses will be scheduled in advance but should appear at the public hearing site in time to allow for schedule changes.

(5) Persons, groups or organizations will be heard orally or through written testimony, or both. Commissioners, legal counsel or Department/Commission staff persons may question witnesses.

(6) Twenty-five copies of written testimony submitted in lieu of oral testimony should be provided to the Executive Director of the Commission in Harrisburg.

**§ 233.113. Disciplinary proceedings.**

(a) Disciplinary proceedings will be initiated and conducted in accordance with sections 9, 9.1 and 9.2 of the act (24 P. S. §§ 2070.9, 2070.9a and 2070.9b) and §§ 233.114—233.122.

(b) At any disciplinary proceeding conducted by or on behalf of the Commission, the affected educator is entitled to represent himself or be represented by legal counsel. No other designated representative other than legal counsel will be permitted to appear on behalf of the affected educator.

**§ 233.114. Confidentiality and unauthorized release of information.**

(a) Under section 10 of the act (24 P. S. § 2070.10), information relating to complaints, or proceedings relating to or resulting from complaints, will remain confidential unless discipline, other than a private reprimand, is ordered. If proceedings, after the exhaustion of all appeals, result in discipline, other than private reprimand, all records pertaining thereto will become public.

(b) Disclosure of information previously made public as a result of action by a school entity to dismiss an educator for cause or as a result of an educator having been formally charged with or convicted of a crime of moral turpitude or another offense requiring mandatory revocation of a certificate is permitted. The confidentiality provisions of the act are not intended to prohibit a school entity from using information previously known, or received through its own investigation, in fulfillment of its duties under the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702), including those duties associated with local dismissal proceedings.

(c) Members, staff and employees of the Commission, the Department, local school entities and participants in disciplinary proceedings shall comply with the confidentiality requirements of the act. Correspondence between and among the Commissioners and staff persons containing confidential material will be marked as personal and confidential, and precaution will be taken to avoid unauthorized disclosure.

(d) Under section 17(a) of the act (24 P. S. § 2070.17(a)), a member, staff member or employee of the Commission, the Department or a local school entity who releases or gives out confidential information received at a Commission meeting or hearing or through a disciplinary proceeding conducted under the act, without authorization of the Commission, is guilty of a misdemeanor of the third degree.

(e) Under section 17(b) of the act, a material witness or a representative who releases or gives out confidential information received at a Commission meeting or hearing involving any Commission disciplinary proceeding under the act, or who releases or gives out information obtained as a result of direct involvement in the Department's confidential investigation of an educator, without authori-

zation of the Commission, is guilty of a misdemeanor of the third degree unless the information was known to the material witness or a representative prior to the aforementioned meeting, hearing or investigation.

(f) Petitions for authorization to release information under section 17 of the act shall be filed with the Commission in accordance with 1 Pa. Code § 35.17 (relating to petitions generally). Petitions shall be served on all interested parties, including the Department and the affected educator. Interested parties shall have 20 days or the number of days set by the Commission from the date of service to respond to the petition. In determining whether to grant the petition, the Commission will consider the public interest and the interests of all affected parties, including the petitioner, the educator and the Department.

(g) This section does not apply to reinstatement proceedings.

(h) Nothing in this section is intended to deny an educator access to information necessary to prepare a defense in a disciplinary proceeding or protect an individual from civil liability if the individual participated in the disciplinary process under the act maliciously or provided false information that the individual knew, or had reason to know, was false.

(i) The Commission, in releasing information to the public, will take all steps reasonably possible to protect the identity of any child or student involved in the disciplinary proceeding.

#### § 233.115. Notice and hearings.

(a) *Written notice.* Upon determination to initiate hearing procedures, section 13(a) of the act (24 P. S. § 2070.13(a)) requires the Department, within 30 days, to send a written notice to the affected educator and to the governing board of the school entity in which the educator is or was last employed. The notice will be treated by the Commission as an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). The notice should contain a statement of the particulars of the charges against the educator, the right of the educator to respond and to request a hearing within 30 days after receipt of the notice of charges, and the right of the governing body of the school entity in which the educator is or was last employed to intervene under section 13(c)(4) of the act and 1 Pa. Code § 35.28 (relating to eligibility to intervene).

(b) *Docket number and notice.* After the Department files a copy of the notice of charges with the Commission, the Commission will immediately establish a docket number. The Commission will provide notice thereof to the Department, the educator and the governing board of the school entity by which the affected educator is or was last employed as soon as proof of service upon the educator is filed. The Commission will also provide to the governing board a copy of the notice of charges and will inform the governing board of its opportunity to file a petition to intervene under section 13(c)(4) of the act and 1 Pa. Code § 35.28.

(c) *Failure to respond.*

(1) If the educator fails to timely respond to the notice of charges, the educator is deemed in default under 1 Pa. Code § 35.37 (relating to answers to orders to show cause), and the Commission may, upon motion of any party, deem admitted the relevant facts stated in the notice of charges and proceed to consideration of discipline based upon the admitted facts and exhibits, if any, to the notice of charges.

(2) The Commission will not in these cases appoint a hearing officer or hold a hearing unless the Commission determines that the appointment of a hearing officer is necessary for the Commission to decide the matter. In these cases, the Commission will determine the scope of the hearing officer's authority.

(3) The Executive Director will provide notice to the parties of the meeting at which the Commission intends to consider the matter.

(d) *Right to an evidentiary hearing.*

(1) If the educator timely responds in writing to the notice of charges by specifically admitting or denying the allegations of the notice of charges, setting forth the facts upon which the educator relies, and stating concisely the matters of law relied upon in compliance with 1 Pa. Code § 35.37, the Commission will appoint a hearing officer to conduct proceedings in accordance with the act, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and other rules which the Commission might prescribe.

(2) If the educator timely responds in writing to the notice of charges but expressly waives the right to an evidentiary hearing under section 13(c)(3) of the act or fails to comply with 1 Pa. Code § 35.37, the Commission may appoint a hearing officer to conduct the proceedings as the Commission or its legal counsel might direct or, upon motion of a participant, the Commission may proceed directly to consider the matter of discipline based upon the notice of charges, the response to the notice of charges and other documents as might be part of the formal record.

(e) *Review of notice.* Whenever the Commission has determined, after review of the notice of charges and a certified copy of the verdict, judgment or sentence that an educator has been convicted of a crime involving moral turpitude, the Commission will direct the Department to revoke the educator's certificates or eligibility in accordance with section 9.2(2) of the act (24 P. S. § 2070.9b(2)). In determining whether a crime involves moral turpitude, the Commission may elect to consider the matter directly or may appoint a hearing officer to assist with disposition of the case.

#### § 233.116. Petitions requiring action prior to appointment of hearing officer.

(a) The legal counsel to the Commission has the authority to decide upon an application, petition or motion requiring action prior to the appointment of a hearing officer, except that legal counsel may not enter an order which would constitute a final determination of the proceedings. The legal counsel may refer an application, petition or motion to the Commission for ultimate determination.

(b) An order issued by legal counsel may be reviewed by the Commission upon the filing of a petition of appeal under 1 Pa. Code § 35.20 (relating to appeals from actions of the staff), but neither orders issued by legal counsel nor the proceedings will be stayed pending review unless expressly ordered by the Chairperson or the legal counsel for the Commission.

#### § 233.117. Hearing procedures.

Hearings will be held in accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), as follows:

(1) *Hearing officer appointed.* Within 45 days of the filing of a notice of charges and response thereto requir-

ing the services of a hearing officer, the Commission will appoint a hearing officer from a list of impartial third parties qualified to conduct hearings as provided by section 13(c)(1) of the act (24 P. S. § 2070.13(c)(1)).

(2) *Burden of proof.* Under section 13(c)(2) of the act, the burden of proof is on the Department, which acts as prosecutor, to establish that grounds for discipline exist.

(3) *Right to counsel.* Under section 13(c)(3) of the act, an educator against whom a charge is made has the right to be represented by legal counsel and to present evidence and argument under 1 Pa. Code Part II and other rules of procedure promulgated by the Commission.

(4) *Closed hearings.* Under section 13(c)(5) of the act, hearings will be closed, unless an affected educator requests that a hearing be open. If the hearing is open, the hearing officer may close any portion of the hearing for good cause shown. If the hearing is closed, only the Department, interveners, Commission members and staff, the affected educator and the educator's legal counsel, and material witnesses are permitted to attend. Students attending school in the district which employs the educator are not permitted to attend any hearing except as witnesses subpoenaed to testify with respect to the charges made.

(5) *Department recommendation.* Under section 13(c)(6) of the act, the Department may recommend to the hearing officer and Commission appropriate discipline.

#### § 233.118. Hearing officer's decision and exceptions.

(a) The hearing officer will issue a decision concerning whether discipline should be imposed under section 13(c)(7) of the act (24 P. S. § 2070.13(c)(7)) within 60 days after the conclusion of the hearing, including the submissions of briefs and oral argument. A decision will include proposed findings of fact and conclusions of law, and will specify the discipline recommended.

(b) Under section 14(a) of the act (24 P. S. § 2070.14(a)), the decision of the hearing officer will become final unless excepted to by the Department or the educator within 30 days after the date of the recommended decision. If no exceptions are timely filed, the Commission will consider the decision and recommendation of the hearing officer and issue an order implementing the hearing officer's decision. The Commission cannot alter the hearing officer's decision without the filing of timely exceptions.

(c) After receiving the decision of the hearing officer, the written exceptions thereto and the written response to exceptions, the Commission will set the matter for oral argument before the Commission. The Executive Director will provide notice to the parties of the meeting at which the Commission intends to consider the matter.

(d) The Commission will promptly consider exceptions to the hearing officer's decision. The Commission, by a majority vote of its full membership, will accept, modify or reject the hearing officer's decision, except that, in the case of discipline of an administrator, exceptions will be reviewed by a special panel of nine members of the Commission selected by the Chairperson, which will include no more than three teachers.

(e) The Commission will issue a written opinion and order affirming, reversing or modifying the hearing officer's decision and imposing discipline, if any, within 45 days after receiving the decision from the hearing officer and the exceptions thereto, including oral argument on the exceptions.

#### § 233.119. Appeal.

(a) *Educator or Department appeal.* Under section 15(a) of the act (24 P. S. § 2070.15(a)), an order of the Commission regarding discipline of an educator may be appealed only by the Department or the educator as an adjudication by a State agency in the manner provided by law.

(b) *Appeal stays discipline.* Under section 15(b) of the act, an appeal filed under section 15(a) of the act operates as a stay of the discipline until the determination of the appeal, except when the Commission's decision to discipline is accompanied by a finding that immediate discipline is necessary to protect the health, safety or welfare of students or other persons in the schools of this Commonwealth.

#### § 233.120. Expedited hearing procedures.

(a) Notwithstanding another provision of the act, if the Department determines that immediate discipline is necessary to protect the health, safety or welfare of students or other persons in the schools of this Commonwealth, section 13(b) of the act (24 P. S. § 2070.13(b)) permits the Department to request that the Commission modify the hearing procedures set forth in section 13(c) of the act and schedule an expedited hearing.

(b) A written request by the Department that the Commission modify the procedures in section 13(c) of the act will be treated by the Commission as a petition under 1 Pa. Code §§ 35.17 and 35.18 (relating to petitions generally; and petitions for issuance, amendment, waiver or deletion of regulations). An answer to the petition shall be filed with the Commission within 15 days after service of the petition, or at another time as directed by the Commission.

(c) If an educator is indicted for a crime set forth in section 111(e)(1)—(3) of the Public School Code of 1949 (24 P. S. § 1-111(e)(1)—(3)) and the Department believes that the educator poses a threat to the health, safety or welfare of a student or other individuals in a school, the Commission will expedite consideration of the suspension of the educator's certificate or eligibility under section 9.2(1) of the act (24 P. S. § 2070.9b(1)) as follows:

(1) The educator's response to the notice of charges is due within 15 days of service of the notice of charges. If the educator requests a hearing in his response, the Commission or a committee thereof shall hold a hearing within 15 days of filing the responsive pleading.

(2) Within 20 days after the conclusion of the hearing, including receipt of the transcript or the filing of briefs, the Commission or the committee will issue a decision.

(3) The educator may appeal the decision of the Commission as an adjudication of a State agency in accordance with section 15 of the act. An appeal of a suspension imposed under section 9.2(1) of the act does not operate as a stay of the discipline.

#### § 233.121. Reciprocity.

(a) Upon receipt of certified copies of an adjudication from the licensing authority in another state, territory or nation imposing discipline for grounds, other than a conviction for crimes involving moral turpitude or crimes set forth in section 111(e)(1)—(3) of the Public School Code of 1949 (24 P. S. § 1-111(e)(1)—(3)), that are comparable to grounds for discipline under the act, the Commission will issue an order to show cause why the imposition of identical or comparable discipline would be unwarranted in this Commonwealth. The order to show cause will:

(1) Contain a statement of the particulars of the charges against the educator.

(2) Advise the educator of the right to respond within 30 days after receipt of the notice.

(b) The final adjudication by the licensing authority in another state, territory or nation shall be conclusive as to the misconduct of the educator.

(c) Within 30 days after filing of the educator's response or the time allotted for the educator to respond, the Commission may impose identical or comparable discipline unless the educator can demonstrate in his response to the order to show cause that one or more of the following applies:

(1) The discipline would result in a grave injustice.

(2) The discipline is substantially different from what would have been imposed for similar conduct in this Commonwealth.

(3) The procedure used in the other jurisdiction did not provide due process.

### § 233.122. Expungement.

If the final decision of the Commission or appellate court of proper jurisdiction in a disciplinary proceeding conducted under the act is in favor of the educator, section 15(c) of the act (24 P.S. § 2070.15(c)) requires that the charges pertaining to the Commission's disciplinary proceeding be expunged from any personal or professional file of the educator maintained by the Department or the local school entity, or both.

### § 233.123. Reinstatements.

(a) *Application for reinstatement.*

(1) Under section 16 of the act (24 P.S. § 2070.16), an educator whose certificate or eligibility to serve in a charter school has been suspended, surrendered or revoked may apply to the Commission for an order lifting the suspension or reinstating the certificate or eligibility. The application should be filed with the Commission, served upon the Department in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), and be in the form prescribed by the Commission. The educator shall indicate expressly whether the educator wishes to invoke or waive the right to a hearing.

(2) The Commission will immediately assign a docket number and inform the educator, the Department and the governing board of the school entity by which the applicant was last employed.

(3) In accordance with section 16(b) of the act, the Commission will not consider any application for reinstatement of any educator whose certificate or eligibility was revoked or suspended as a result of a finding of guilt for sexual abuse or exploitation or who surrendered a certificate or eligibility in lieu of discipline for conduct related to sexual abuse or exploitation.

(4) In accordance with section 16(c) of the act, the Commission will not consider any application for reinstatement of a certificate or eligibility of an educator convicted of a crime under 18 Pa.C.S. (relating to the Crimes Code) set forth in section 111(e)(1)–(3) of the Public School Code of 1949 (24 P.S. § 1-111(e)(1)–(3)) for the time period established in that section.

(b) *Recommendation of the Department.*

(1) Under section 16 of the act, the Department may review the application and, based upon the investigation

and information it might deem appropriate, make a recommendation regarding the application within 90 days, or the time designated by the Commission, after its receipt of the application.

(2) The recommendation of the Department should be served upon the educator in accordance with 1 Pa. Code Part II.

(3) The Executive Director will verify that the Department has received the application for purposes of making a recommendation. If the Commission has not received the Department's recommendation or a request for additional time in which to respond within the time prescribed, the Commission will presume that the Department has no position on the application.

(4) The decision making of the Commission will be best served if the Department conducts an investigation of the justification and propriety of the relief requested by the educator and provides complete information to support its recommendation.

(c) *Notices.*

(1) The confidentiality provisions of section 10 of the act (24 P.S. § 2070.10) do not apply to applications for reinstatement. It is the policy of the Commission to conduct proceedings involving applications for reinstatement in public and to provide the public with a full opportunity to comment upon these applications.

(2) If the Department recommends approval of the application or fails to make a recommendation, the Executive Director of the Commission will publish in the *Pennsylvania Bulletin* a notice of opportunity for hearing consistent with the format prescribed by 1 Pa. Code § 11.31 (relating to sample notice of opportunity for hearing). The notice will describe the application and the Department's recommendation and will state that the Commission may act upon the application, without hearing, unless within 30 days an interested party or entity files a petition to intervene or files a protest to the application with the Commission under 1 Pa. Code §§ 35.23 and 35.24 (relating to protests).

(3) If the Department opposes the application, but the applicant has waived the opportunity for hearing and the Department has not requested a hearing, the Executive Director of the Commission will publish in the *Pennsylvania Bulletin* a notice of opportunity for hearing consistent with the format prescribed by 1 Pa. Code § 11.31. The notice will describe the application and the Department's recommendation and will further state that the Commission may act upon the application, without hearing, unless within 30 days an interested person or entity files a petition to intervene or files a protest to the application with the Commission under 1 Pa. Code §§ 35.23 and 35.24.

(4) If the Department opposes the application and the applicant or the Department has requested a hearing, or if the Commission determines to hold a hearing without request, the Executive Director will publish in the *Pennsylvania Bulletin* a notice of hearing consistent with the format prescribed by 1 Pa. Code § 11.32 (relating to sample notice of hearing). The notice will describe the application and the Department's recommendation and will state that a hearing officer has been appointed to conduct hearing proceedings in accordance with the act, 1 Pa. Code Part II and other rules and procedures the Commission might promulgate. The notice will further provide interested persons and entities 30 days within which to petition to intervene or file protests with the Commission.



(5) The Executive Director will provide copies of all notices prescribed by this subsection to the applicant educator, the Department and the governing board of the school entity by which the applicant was last employed, if known.

(d) *Waiver of hearing.* Notwithstanding the educator's waiver of a hearing, the Department may request a hearing or the Commission may appoint a hearing officer to prepare a proposed report or proceed directly to consider the application

(e) *Hearing procedures.*

(1) *Hearing officer appointed.* If it has been determined that a hearing will be held, the Commission will appoint a hearing officer from a list of impartial third parties qualified to conduct hearings from the list agreed upon jointly by the Governor's General Counsel and at least two-thirds of the Commission under section 13(c)(1) of the act.

(2) *Burden of proof.*

(i) *Burden of proof on applicant.* The burden of proof is on the applicant to establish that the relief the applicant seeks is just and proper.

(ii) *Just and proper standard.* For purposes of determining whether it is just and proper to lift a suspension or reinstate a certificate, at a minimum, the Commission may consider the following:

(A) The conduct which resulted in discipline or which led to the surrender.

(B) Other past conduct of the applicant.

(C) The applicant's current attitude towards past conduct.

(D) Rehabilitation efforts and activities.

(E) References and letters of support or opposition.

(3) *Right to counsel.* An applicant has the right to be represented by counsel and to present evidence and argument in accordance with 1 Pa. Code Part II and other rules of procedure promulgated by the Commission.

(4) *Hearing officer's decision.* Within 60 days after the conclusion of the hearing, including briefing and oral argument, the hearing officer will issue a decision concerning whether relief should be granted. A decision will include proposed findings of fact and conclusions of law, and will specify the relief, if any, proposed.

(5) *Exceptions to hearing officer's decision.*

(i) The decision of the hearing officer will become final unless excepted to by a party within 30 days after the filing and service of the recommended decision. If no timely exceptions are filed, the Commission will at its next regularly scheduled meeting consider the report of the hearing officer and issue an order implementing the hearing officer's decision.

(ii) If timely exceptions are filed, the Commission, within a reasonable time, will consider the exceptions and by a majority vote of its full membership, will accept, modify or reject the hearing officer's decision. The Commission will issue a written opinion and order announcing its decision within 45 days of receiving the exceptions or brief on exceptions and hearing oral argument.

(6) *Automatic reinstatement.*

(i) Any professional certificate or eligibility suspended or revoked pursuant to a criminal indictment or conviction under section 9.2 of the act (24 P.S. § 2070.9b) will be reinstated upon notice to the Commission that the criminal indictment has been dismissed or that the conviction was overturned and the underlying charges dismissed.

(ii) Notice to the Commission means the filing of court records reflecting the dismissal. The court records shall be certified or bear comparable written indicia of validity.

(iii) Upon receipt of the notice, the Commission will provide the Department and the governing board of the school entity by which the educator was last employed with a copy of the notice. Within 10 days from the receipt of the notice, the Department may challenge the validity of the court records. In the absence of challenge, the Commission will direct the Department to immediately reinstate the certificate or eligibility.

(iv) The Commission authorizes its legal counsel to enter reinstatement orders. Legal counsel shall report all reinstatement orders to the Commission at its regularly scheduled meetings.

#### § 233.124. Power of subpoena.

In all investigations and disciplinary proceedings, the Commission is authorized by section 18(b) of the act (24 P.S. § 2070.18(b)) to issue subpoenas as provided for by law to compel the attendance and testimony of witnesses and the production of books, records, documents and other evidentiary material. Petitions for the issuance of subpoenas shall be filed with the hearing officer, if one has been appointed, or with the Commission under 1 Pa. Code § 35.142 (relating to subpoenas). Objections to a petition for the issuance of subpoenas, which shall be filed within 5 days from service, will be ruled upon by the hearing officer or, if none has been appointed, by the legal counsel to the Commission. A decision of the legal counsel may be appealed to the Commission under 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

#### § 233.125. Amendments.

Amendments to this chapter may be adopted by a two-thirds vote of the Commission at a meeting for which a notice of amendments has been given to the Commission members at least 14 days before the meeting. Amendments may not be inconsistent with the act or another statute, regulation, executive order or other order or directive binding upon the Commission.

#### § 233.126. Reporting requirements.

Under section 5(a)(9.1) of the act (24 P.S. § 2070.5(a)(9.1)), the Commission will direct the Department to report annually, or more frequently if so needed, on the educator misconduct complaint system, including the number of and the processing of complaints. The report will be in a form that will allow the Commission to assess the efficacy of the system.

[Pa.B. Doc. No. 02-795. Filed for public inspection May 3, 2002, 9:00 a.m.]

# NOTICES

## COMMISSION ON CRIME AND DELINQUENCY

### Drug Control and System Improvement Strategy

The Commission on Crime and Delinquency (Commission) submitted an FFY-2002 State application for \$19,257,474 provided through the Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. This program totally supports the Commonwealth's Drug Control and System Improvement (DCSI) Program.

The application, entitled "Pennsylvania's Multi-Year Statewide Drug Control and System Improvement Strat-

egy Update, April 2002" identifies the priority program areas that the Commission has designated and the allocation of FFY-2002 DCSI funds anticipated to be available to support these initiatives.

Persons desiring to review and comment on the strategy may submit their requests to Commission on Crime and Delinquency, Attention: Drug Control and System Improvement Program, P. O. Box 1167, Harrisburg, PA 17108-1167.

JAMES THOMAS,  
*Executive Director*

[Pa.B. Doc. No. 02-796. Filed for public inspection May 3, 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 April 23, 2002.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-15-02	Minersville Safe Deposit Bank and Trust Company Minersville Schuylkill County	Minersville	Effective
	Purchase of assets/assumption of liabilities of two branches of Community Banks, Millersburg, located at: 300 Hobart Street Gordon Schuylkill County	339 Main Street Lavelle Schuylkill County	

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-02	HomeTowne Heritage Bank Lancaster Lancaster County	100 Historic Drive Strasburg Lancaster County	Opened
4-16-02	Woodlands Bank Williamsport Lycoming County	973 Lycoming Mall Dr. Pennsdale Muncy Township Lycoming County	Approved
4-18-02	Firsttrust Savings Bank Conshohocken Montgomery County	133 Lancaster Avenue Devon Chester County	Filed
4-19-02	Community Bank and Trust Company Clarks Summit Lackawanna County	92 Brooklyn Street Carbondale Lackawanna County	

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-22-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County 2650 Constitution Boulevard Beaver Falls Beaver County 1521 North Main Street Butler Butler County	Four branch offices in Giant Eagle stores at the following locations:  700 Moraine Point Plaza Butler Butler County  Eastgate Shopping Center 1120A E. Pittsburgh Street (Route 30) Greensburg Westmoreland County	Filed

**Branch Relocations/Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-02	Lebanon Valley Farmers Bank Lebanon Lebanon County	<i>Into:</i> 555 Willow Street Lebanon Lebanon County (Main Office)  <i>From:</i> 250 North 8th Street Lebanon Lebanon County and 9th and Cumberland Streets Lebanon Lebanon County	Approved
4-17-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 132-134 South 34th Street Philadelphia Philadelphia County  <i>From:</i> 36th and Walnut Streets Philadelphia Philadelphia County	Approved
4-19-02	SunBank Selinsgrove Snyder County	<i>Into:</i> 90 Maynard Street Williamsport Lycoming County  <i>From:</i> 2 East Mountain Ave. South Williamsport Lycoming County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-22-02	Jonestown Bank and Trust Company of Jonestown, Pennsylvania Jonestown Lebanon County	Amendment to Article V provides for an increase in the total number of shares of common stock the bank is authorized to issue from 1 million shares at a par value of \$2 each to 3 million shares at a par value of \$2 each.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-797. Filed for public inspection May 3, 2002, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Land Use Planning and Technical Assistance Program

The Department of Community and Economic Development (Department) gives notice of the revision of the Land Use Planning and Technical Assistance Program (program) guidelines. The program provides financial assistance to municipalities and counties of this Commonwealth for the purpose of developing and strengthening community planning and management capabilities.

Program guidelines, which set forth the eligibility criteria and the application process, have been revised. The revised guidelines can be found on the Department's website at [www.inventpa.com](http://www.inventpa.com) or can be obtained by contacting the Governor's Center for Local Government Services.

Program inquiries and applications should be directed to Governor's Center for Local Government Services, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (888)-223-6837, fax: (717) 783-1402.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 02-798. Filed for public inspection May 3, 2002, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Retention of an Engineering/Construction Management Firm

#### Project Reference No. FDC-500-280

The Department of Conservation and Natural Resources (Department) will retain an engineering firm or construction management firm for a contract to perform construction inspection services on various projects located in State forests and State parks throughout this Commonwealth. The contract will include inspection of construction activities primarily for rehabilitation and replacement of bridges. There also may be inspection of swimming pools, sewage and water treatment systems, marinas and buildings including associated heating, plumbing and electrical work. The contract will be for a period of 1 year with a renewal option of up to 4 additional years. It is anticipated that eight construction inspectors may be required to perform the required work and services. The work will be assigned by the Department on an as needed basis.

#### *General Requirements and Information*

Firms interested in performing the required services for this project are invited to submit proposals to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Department of Conservation and Natural

Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Proposals can be delivered to the 8th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Questions concerning the services described in this notice may be directed to J. Michael Bielo, Chief, Division of Field Engineering at (717) 787-3217.

The proposal must include the firm's Federal identification number and the project reference number. The proposal shall also include a description of the firm's recent construction inspection experience. The description shall include the client's contact persons, phone numbers and the actual construction cost of the work which the firm inspected. Excessive information will not be evaluated and may be cause for rejection.

A standard Department of General Services (DGS) Form 150-ASP must accompany the proposal and shall indicate the individual in charge of the firm's construction management operations. Form 150-ASP is available by downloading it from the DGS website at <http://www.dgs.state.pa.us/cnprs.htm>. Form 150-ASP may also be obtained in hard copy or on disk (in Word 97 format only). Written request for hard copy or disk should be addressed to Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125. In addition, Form 150-ASP can be obtained via e-mail by addressing a request to [pbianchi@exec.gsinc.state.pa.us](mailto:pbianchi@exec.gsinc.state.pa.us).

Travel and subsistence payment will be in accordance with the Commonwealth's Travel and Subsistence Reimbursement Rules and Regulations. Miscellaneous expenses such as printing and mailing shall be reimbursed at cost, upon approval by the Department. Travel time to and from project sites will not be a reimbursable item.

This contract will be for a 1 year period, with an option to renew up to 4 additional years. The extent of work for the 2nd—5th years will be dependent on the availability of additional funds and additional projects.

#### *Information Concerning Socially and Economically Restricted Businesses (SERBs)*

The Commonwealth strongly encourages the submission of proposals by SERBs.

To achieve the objective of enhancing SERB participation, the Commonwealth has established SERB utilization as a selection criterion in the evaluation process.

The Bureau of Contract Administration and Business Development (BCABD) will evaluate the aforementioned criterion and will assign a point value to be considered within the overall request for proposal total point tabulation.

Proposals submitted by individuals claiming SERB status or proposals submitted by individuals reflecting joint venture and subcontracting opportunities with SERBs must submit documentation verifying their claim.

SERBs are small businesses whose economic growth and development have been restricted based on social and economic bias. These small businesses are BCABD certified minority and women-owned businesses, and businesses whose development has been impeded because their primary or headquarters facilities are physically located in areas designated by the Commonwealth as being Designated Enterprise Zones. A small business will not be considered socially/economically restricted if it has gross annual revenues exceeding \$4 million, is dominant in its field of operation or employs more than 50 persons.

A company and its affiliates have achieved success and are graduated from this Commonwealth-sponsored pro-

gram when their gross revenue exceeds \$4 million annually. Other small business in which an owner of a graduated firm has a financial interest or over which an owner of a graduated firm has control, either directly or through family members, will not qualify for SERB status. Control is defined as the power, whether or not exercised, to direct or cause the direction of the management and policies of a firm, whether through the ownership of voting shares, by contract or otherwise, or through the making of day-do-day as well as major decisions in matters of policy, management and operations. A determination of control shall include, but shall not be limited to, the following factors: capital investment and all other financial, property acquisition, contract negotiation and legal matters; officer-director-employee selection and comprehensive hiring; operating responsibility; cost-control matters; income and dividend matters; financial transactions; and rights of other shareholders or joint partners.

Proposers seeking to identify SERBs for joint venture and subcontracting opportunities are encouraged to contact Department of General Services, Bureau of Contract Administration and Business Development, Room 613 North Office Building, Harrisburg, PA 17125, (717) 787-6708, fax: 717-772-0021 or the DGS website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

#### *Additional Information and Requirements*

The firm selected will be required to attend a preconstruction conference with the Department and the construction contractor for each project. Under the direction of the Department, the selected firm will be required to keep records; document the construction work and provide site inspection to assure conformity with contract specifications; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract; and perform other duties as required. For all bridge construction projects, the selected firm will be required to assemble all pertinent construction data into a manual and submit two copies to the Department after the completion of construction.

The inspection staff must comply at least with one of the following requirements.

1. Be certified by the National Institute for Certification in Engineering Technologies in the field of transportation engineering technology, subfield of highway construction, at Level 2 or higher.
2. Be registered as a Professional Engineer by the Commonwealth with 1 year of bridge construction experience acceptable to the Department.
3. Be certified as an Engineer-in-Training by the Commonwealth with 2 years of bridge construction experience acceptable to the Department.
4. Hold a Bachelor of Science in civil engineering with 2 years of bridge construction experience acceptable to the Department or a Bachelor of Science in civil engineering technology with 2 years of bridge construction experience acceptable to the Department.
5. Hold an Associate Degree in civil engineering technology with 3 years of bridge construction experience acceptable to the Department.

The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. Inspector's work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction and, when acceptable, approved by the same staff.

Maximum weights for each factor have been established by the Department. The factors shown are for the guidance of the readers only and are not to be assigned quantitative weight. The following factors will be considered during the evaluation of the firm's proposal:

1. Qualifications and experience of the firm's personnel.
2. Particular capability to perform the required inspection.
3. Understanding the Department's requirements, policies and specifications.
4. Necessary staff to perform the required work.
5. SERB participation.
6. Equitable distribution of contracts.

Each proposer shall relate the proposal to the previous criteria.

Six copies of both the proposal and the required forms and a single sealed copy of the SERB information must be received no later than 4:30 p.m. on May 24, 2002. The assignment of services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all proposals submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposals submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 02-799. Filed for public inspection May 3, 2002, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Lancaster General College of Nursing and Health Sciences for Approval of Articles of Incorporation

#### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Lancaster General College of Nursing and Health Sciences for a Certificate of Authority approving the institution's articles of incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Paula J. Fleck, Chief, Division of Program Services, (717) 772-3623 or Carol Gisselquist, Higher Education Associate, (717) 787-4448, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333 on or

before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Paula J. Fleck at (717) 772-3623 or Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 02-800. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Consolidated Application under the Elementary and Secondary Education Act

The Department of Education (Department) proposes to submit a Consolidated Application to the United States Department of Education under the provisions of the Elementary and Secondary Education Act (ESEA) (20 U.S.C.A. § 9302). ESEA was amended on January 8, 2002, by Pub. L. No. 107-110 and is known as the No Child Left Behind Act (act).

The act embodies the four key principles of the President's education reform plan: 1) accountability for results; 2) expanded state and local flexibility and reduced "red tape"; 3) expanded choices for parents; and 4) focusing resources on proven educational methods, particularly in reading instruction. These principles are designed to produce fundamental reforms in classrooms throughout America.

As part of the application process, the Department solicits input on its proposed application through May 29, 2002. The proposed application is available on the Department's website at [www.pde.state.pa.us](http://www.pde.state.pa.us) (accessible at public libraries) or can be obtained by contacting Fran James Warkomski, Ed.D., Director, Bureau of Special Education, 333 Market Street, Harrisburg, PA, 17126-0333, (717) 783-6913 or TDD (717) 787-7367. Alternative formats including Braille, large print or cassette tape are available upon request.

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 02-801. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Professional Standards and Practices Commission; Application of Stephen J. Wesley for Reinstatement of Teaching Certificates; Doc. No. RE-01-03

#### Notice of Opportunity for Hearing and Invitation to Protest

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) will consider the application of Stephen J. Wesley for reinstatement of his teaching certificates.

Stephen J. Wesley filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications generally; and contents of applications) and 22 Pa. Code § 233.14 (relating to reinstatements). Under section 16 of the act, the Department of Education on April 9, 2002, opposed Stephen J. Wesley's reinstatement.

In accordance with the act, 1 Pa. Code §§ 35.1 and 35.2 and 22 Pa. Code § 233.14(d), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,  
*Executive Director*

[Pa.B. Doc. No. 02-802. Filed for public inspection May 3, 2002, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

---

#### APPLICATIONS

---

### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0050920	William Henry Apartments 1086 Kinks Road Malvern, PA 19355	Chester County East Whiteland Township	UNT to Ridley Creek	Y
PA0052469	Dean and Maree Eyler P. O. Box 53 2944 Ash Mill Road Holicong, PA 18928	Bucks County Buckingham Township	UNT to Lahaska Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060879	Four Seasons Village R. R. 1, Box 153B New Ringgold, PA 17960	Carbon County Mahoning Township	Unnamed tributary to Mahoning Creek (2B)	Yes
PA0060429 Sewage	Camp Speers—Eljabar R. R. 1, Box 89 Dingmans Ferry, PA 18328	Pike County Delaware Township	Unnamed tributary to Dingmans Creek (Water- shed #1D)	Yes
PA0062910	Borough of Bowmanstown P. O. Box 127 Bowmanstown, PA 18030	Carbon County Bowmanstown Borough	Lehigh River 2B	Yes
PA0020206	Bath Borough Authority Race and Mill Streets P. O. Box 87 Bath, PA 18014	Northampton County Bath Borough	Monocacy Creek 2C	Yes
PA0062341 Sewage	Fawn Lake Forest Water Company P. O. Box D Waymart, PA 18472	Pike County Lackawaxen Township	Teedyuskung Creek (#1B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087351	New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664-0077	Blair County Frankstown Township	UNT to New Creek 11-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0114693	Clymer Township Municipal Authority Box 62 Sabinsville, PA 16943	Tioga County Clymer Township	Mill Creek (SWP 4A)	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.*

**PA0053899**, Industrial Waste, **Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, P. O. Box 1413, Morrisville, PA 19067-0327. This application is for renewal of a NPDES permit to discharge untreated stormwater and cooling tower blowdown from a municipal waste incinerator in Falls Township, **Bucks County**. This is an existing discharge to Wetlands of Delaware Estuary—Zone 2 from Outfalls 001 and 002 and to Biles Creek from Outfall 003.

The receiving stream is classified for: WWF, aquatic life, water supply and recreation.

Outfalls 001 and 002 consist of stormwater only.

The following monitoring requirements apply:

<i>Parameter</i>	<i>Average Semiannual (mg/l)</i>
COD	Monitor/Report
Oil and Grease	Monitor/Report
pH	Monitor/Report
TDS	Monitor/Report
TOC	Monitor/Report
Barium (total)	Monitor/Report
Cadmium (total)	Monitor/Report
Chromium (total)	Monitor/Report
Lead (total)	Monitor/Report
Mercury (total)	Monitor/Report
Magnesium (dissolved)	Monitor/Report
Selenium (total)	Monitor/Report
Silver (total)	Monitor/Report
Ammonia	Monitor/Report
Arsenic (total)	Monitor/Report
Cyanide (total)	Monitor/Report
Nitrate plus Nitrite Nitrogen	Monitor/Report
Iron (Dissolved)	Monitor/Report

The proposed effluent limits for Outfall 003, based on an average flow of 36,720 gpd (during emergency) are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		
Total Dissolved Solids	2500	5000	6250
Chromium, hexavalent	0.014	0.028	6.035
Copper, Total	0.016	0.032	0.040
Zinc (Net)	0.00	0.00	0.00
Osmotic Pressure		68 Milliomoles/kg	

Other Conditions:

Thermal Requirements—Monthly allowable waste discharge temperatures.



**PA0030228**, Sewage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19355; Copermittee: **Delaware County Community College**, 901 South Media Line Road, Media, PA 19063. This application is for renewal of an NPDES permit to discharge treated sewage from Delaware County Community College STP in East Brandywine Township, **Chester County**. This is an existing discharge to an unnamed tributary to Beaver Creeks.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.0181 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	7	10	14
(11-1 to 4-30)	14	20	28
Total Suspended Solids	20	30	40
Ammonia (as N) (5-1 to 10-31)	1.0		2.0
(11-1 to 4-30)	3.0		6.0
Phosphorus (as P) (4-1 to 10-31)	3.0		6.0
Total Residual Chlorine	0.4		0.9
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		

Other Conditions:

Conditions for future permit modification.

Effective disinfection.

The EPA Waiver is in effect.

---

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

**PA0246662**, CAFO, **Leon G. Burkholder**, 1440 Division Highway, Ephrata, PA 17522-8832. This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Activity: The Reinholds Farm is an existing 8,000 head swine finishing operation with a total AEUs of 985.2. An estimated quantity of total annual manure production is 13,117.5 tons. All the manure produced on this operation is stored in an existing HDPE lined manure storage facility. Of the 3,148,200 gallons of manure generated from this operation, 80,700 gallons is land applied on the farm with 3,067,500 gallons being exported to neighboring farms.

The receiving stream, UNT to Cocalico Creek, is in the State Water Plan watershed 7-J and is classified for: HQ-WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PAG123555**, CAFO, **C. Richard Mossman, Jr.**, 843 Spring Road, Warfordsburg, PA 17267. This proposed facility is located in Bethel Township, **Fulton County**.

Description of Proposed Activity: The Misty Mountain Farms is an existing 593 head dairy operation with a total AEUs of 641.375. An estimated quantity of total annual manure production is 15,514 tons. There are two manure storage facilities on this operation with a combined storage volume of approximate 2.8 million gallons. Of the 2,849,713 gallons of liquid cow manure generated on the farm, 1,888,850 gallons is used on the farm and 960,863 is exported from the farm. All of the 518,133 gallons of liquid manure from the dry cows and heifers is exported from the farm to neighboring farms. The remaining 1,481 tons of manure is used on the farm.

The receiving stream, Barnett's Run, is in the State Water Plan watershed 13-B and is classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

**Application No. PA 0081108**, Sewage, **Dennis Morgan**, 127 Indian Springs Road, Hopewell, PA 16650. This facility is located in Hopewell Township, **Bedford County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, an unnamed tributary to Maple Run, is in Watershed 11-D and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on Raystown Branch Juniata River, approximately 17 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	Monitor and Report Minimum of 5.0 at all times From 6.0 to 9.0 inclusive	
Dissolved Oxygen		
pH		
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

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 0082368**, Sewage, **Abbottstown-Paradise Joint Sewer Authority**, P. O. Box 505, Abbottstown, PA 17301. This facility is located in Hamilton Township, **Adams County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Beaver Creek, is in Watershed 7-F and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Company is located on the Susquehanna River, approximately 54 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.35 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	22	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		

In addition to the effluent limits, the permit contains monitoring requirements for total copper, total lead and total hardness.

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 0246590**, Sewage, **Dennis McClure**, R. R. 1, Box 358, Petersburg, PA 16669. This facility is located in Jackson Township, **Huntingdon County**.

Description of activity: The application is for renewal of an NPDES permit for a existing discharge of treated sewage.

The receiving stream, an unnamed tributary to Laurel Run, is in Watershed 11-B and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 108 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	Monitor and Report Minimum of 5.0 at all times From 6.0 to 9.0 inclusive	
Dissolved Oxygen		
pH		
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

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 0246689**, Sewage, **Rande W. Brown**, 153 Hidden Valley Lane, Bedford, PA 15522. This facility is located in Cumberland Valley Township, **Bedford County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, an unnamed tributary to Oster Run, is in Watershed 13-A and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Evitts Creek Water Company is located on Evitts Creek (Lake Gordon), approximately 2 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	Monitor and Report	
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

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.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0022365**, Sewage, **Perryopolis Area Joint Authority**, P. O. Box 298, Perryopolis, PA 15437. This application is for renewal of an NPDES permit to discharge treated sewage from the Perryopolis Sewage Treatment Plant in Perryopolis Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghioghenny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

*Outfall 001: existing discharge, design flow of 0.75 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0043435**, Sewage, **Cecil Wastewater Treatment Company, Inc.**, 10 Bayberry Lane, Cecil, PA 15321-1206. This application is for renewal of an NPDES permit to discharge treated sewage from Monaco Manor Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale Tributary to an unnamed tributary of Coal Run, which are classified as a WWF 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 West View Municipal Authority located on the Ohio River.

*Outfall 001: existing discharge, design flow of 0.03 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0095974**, Sewage, **Mabel Yemc**, P. O. Box 423, New Stanton, PA 15672. This application is for renewal of an NPDES permit to discharge treated sewage from the Jane Ann Restaurant STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Sewickley Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.01 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	18.0			36.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 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.

**PA0217603**, Sewage, **RAG Cumberland Resources, LP**, P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from Cumberland Mine Bathhouse Portal No. 6 STP in Whiteley Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Patterson Run, which are classified as a TSF 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 Marianna Municipal Water Works.

*Outfall 022*: existing discharge, design flow of 0.03 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.2			4.4
(11-1 to 4-30)	6.6			13.2
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	.04			.10
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0238724**, Sewage, **Gary and Cindy Freligh**, 2158 Rice Avenue, Lake City, PA 16417. This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Activity: discharge of treated sewage from a mobile home park.

The receiving stream, unnamed tributary of Elk Creek, is in watershed Elk Creek and classified for: CWF, MF. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is Erie City Water Authority located in Erie approximately 16 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.010 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		30
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Dissolved Oxygen		minimum of 6.0 mg/l at all times	
Phosphorus	1.0		
Total Residual Chlorine	0.27		0.63
Fecal Coliform			
(5-1 to 9-30)		200/100ml as a geometric average	
(10-1 to 4-30)		2,500/100ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

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).**

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

**WQM Permit No. 6402401, Camp Starlight, Inc.**, P. O. Box 288, Old Westbury, NY 11568. This proposed facility is located in Preston Township, **Wayne County**.

Description of Proposed Action/Activity: This project consists of replacement of an existing biological treatment at the wastewater treatment plant that services Camp Starlight. The project includes in-kind replacement of the existing treatment and disinfection.

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

**WQM Permit No. 3602409, Sewerage, Borough of Ephrata**, 114 East Main Street, Ephrata, PA 17522. This proposed facility is located in Ephrata Borough, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction of the Gross Run Pumping Station and Force Main.

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

**WQM Permit No. 1496411-T2, Sewerage SIC 4952, Randy Harpster**, 770 Steele Hollow Road, Julian, PA 16844. This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: Transfer of water quality management permit for single residence.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No 2002406, Sewerage, Angelo A. Cilenti**, 121 Squaw Run Road, Pittsburgh, PA 15238.

This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

**NPDES Stormwater Individual Permit**

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices 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 PAS10D126**, Stormwater, **Heritage Building Group**, 3326 Old York Road, Suite A-100, Furlong, PA, has applied to discharge stormwater associated with a construction activity located in Milford Township, **Bucks County** to Unami Creek (HQ-TSF).

**NPDES Permit PAS10G521**, Stormwater, **Pulte Homes**, 1100 Northbrook Drive, Treose, PA 19053, has applied to discharge stormwater associated with a construction activity located in Willistown Township, **Chester County** to unnamed tributary to Hunter's Run (HQ-TSF).

**NPDES Permit PAS10G522**, Stormwater, **Rorke and Wadsworth**, 403 West Lincoln Highway, Exton, PA 19341 has applied to discharge stormwater associated with a construction activity located in Wallace Township, **Chester County** to Indian Run (HQ-CWF).

**NPDES Permit PAS10J058**, Stormwater, **Westrum Construction, LLC**, 370 Commerce Drive, Suite 100, Fort Washington, PA 19034-2601 has applied to discharge stormwater associated with a construction activity located in Bethel Township, **Delaware County** to Naamans Creek/Delaware Estuary (WWF).

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10S112	Arsha Vidya Pitham Old Hwy. 115 P. O. Box 1059 Saylorsburg, PA 18353-1059	Monroe County Ross Township	Aquashicola Creek McMichaels Creek HQ-CWF/MF

*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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10F107	The Woods at Sand Ridge & Hickory Knob 476 River Ave. Williamsport, PA 17701	Centre County Marion and Walker Townships	Little Fishing Creek HQ-CWF

**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 Environmental Protection (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).

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

##### Permit No. 3902501, Public Water Supply.

Applicant **Great Spring Waters of America, Inc.**  
405 Nestle Way  
Breinigsville, PA 18031P

Township or Borough Upper Macungie Township  
**Lehigh County**

Responsible Official David Thorpe, Operations Manager

Type of Facility Bottling facility

Consulting Engineer Gary Toplak, P.E.  
ENSR International  
401 Gilford Avenue  
Gilford, NH

Application Received Date April 9, 2002

Description of Action The addition of an out-of-State source, Boiling Spring DP-1, of Deer Park, MD, for use at the Breinigsville Bottling Plant.

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

##### Permit No. 4902502, Public Water Supply.

Applicant **Start Properties II, LLC**

Township Delaware Township  
**Northumberland County**

Responsible Official David S. Jarjisian, Managing Member  
P. O. Box 116  
Gradyville, PA 19039

Type of Facility PWS

Consulting Engineer James R. Holley & Assoc., Inc.  
18 South George Street  
York, PA 17401

Application Received Date April 10, 2002

Description of Action Application for new manganese greensand filters, alternate aeration system and a change from gas chlorine to sodium hypochlorite

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

##### Permit No. 0301503, Public Water Supply.

Applicant **Parker Area Authority**  
P. O. Box 342  
Parker City, PA 16049

Township or Borough Parker City

Responsible Official Donald Lowe, Authority Chairperson  
Parker Area Authority  
P. O. Box 342  
Parker City, PA 16049

Type of Facility WTP

Consulting Engineer Gray-Warnick Engineering  
662 West New Castle Road  
Butler, PA 16001

Application Received Date March 8, 2002

Description of Action New package filtration plant to replace existing filters, mixing/flocculation tank and process piping. Expansion of the existing building to house the new facilities is also proposed.

##### Permit No. 6301502, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
410 Cooke Lane  
Pittsburgh, PA 15234

Township or Borough Union Township

Responsible Official Randy Pankiewicz, Operations Superintendent  
60 Elrama Street  
Elrama, PA 15038

Type of Facility Shire Oaks Tank

Application Received Date August 20, 2001

Description of Action Surge control tank and building

### MINOR AMENDMENT

#### Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

##### Application No. Minor Amendment.

Applicant **Skytop Lodges, Inc.**

Township or Borough Barrett Township

Responsible Official Edward Mayotte, President  
Skytop Lodges, Inc.  
1 Skytop  
Skytop, PA 18357

Type of Facility PWS

Consulting Engineer Brick T. Linder, P.E.  
Linder Engineering, Inc.  
R. R. 1, Box 408 D  
Skytop Road  
Canadensis, PA 18325

Application Received Date April 11, 2002

Description of Action Construction of a new 500,000  
gallon finished water storage  
tank.

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

**Application No. Minor Amendment.**

Applicant **United Water Pennsylvania**

Town Town of Bloomsburg  
**Columbia County**

Responsible Official Michael R. Gephart, P.E.  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111-0151

Type of Facility PWS

Consulting Engineer Michael R. Gephart, P.E.  
Senior Project Engineer  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111-0151

Application Received Date March 27, 2002

Description of Action Application for replacement of existing hypalon cover on the 1.7 million gallon finished water reservoir

**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.*

**George H. and Jane P. Freischmidt Family Trust**, Marple Township, **Delaware County**. Thomas J. Martinelli, JMT Environmental Technologies, 267 Daniel Rd., Nazareth, PA 18064, on behalf of Freischmidt Family Trust, 19 Worthington Dr., West Grove, PA 19390, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Press* on February 6, 2002.

*Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.*

**Zimmer Development Company/CVS Pharmacy Site**, City of Sunbury, **Northumberland County**. Chambers Environmental Group, Inc., on behalf of Zimmer Development Company, 111 Princess Street, P. O. Box 2628, Wilmington, NC 28401, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate will be published in *The Daily Item* in April 2002.



**Costy's Used Truck & Auto Parts, Inc.**, Richmond Township, **Tioga County**. Mountain Research, Inc., on behalf of David and Daniel Kurzejewski, R. R. 3, Box 87, Mansfield, PA 16933, has submitted an Amended Notice of Intent to Remediate groundwater contaminated with BTEX, Naphthalene and MTBE. The applicant proposes to remediate the site to a combination of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was published in *The Mansfield Gazette* on April 5, 2002.

**International Paper—Lock Haven Mill**, Castanea Township, **Clinton County**. International Paper Company, 599 South Highland Street, Lock Haven, PA 17745 has submitted a Notice of Intent to Remediate soil contaminated with lead. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in the *Lock Haven Express* on April 18, 2002.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6026.101—6026.908) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Renewal Applications Received*

**Med-Flex, Inc.**, 105 High Street, Mt Holly, NJ 08060. License No. **PA-HC 0207**. Received on April 16, 2002.

#### **HAZARDOUS WASTE TRANSPORTER LICENSE**

**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Voluntarily Terminated*

**Onyx Industries, Inc.**, 7887 Grenache, Bureau 1000, Anjou (QC), Canada H1J 1C4. License No. **PA-AH 0335**. Effective January 1, 2002.

### **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.*

**48-309-120: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for installation of an air cleaning device to control emissions from Conveyors 209 and 314 at the Nazareth Plant I in Lower Nazareth Township, **Northampton County**.

**54-318-015: Schuylkill Products, Inc.** (121 River Street, Cressona, PA 17929) for construction of a concrete forms release agent coating booth in Cressona Borough, **Schuylkill County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**01-05017B: Quebecor World Fairfield, Inc.** (100 North Miller Street, Fairfield, PA 17320) for construction of a two-unit double web offset lithographic printing press with two natural gas-fired heatset dryers (Web No. 7) at its Fairfield Plant in Fairfield Borough, **Adams County**.

**06-05079A: United Corrstack, Inc.** (720 Laurel Street, Reading, PA 19602) for modification of an existing boiler by increasing the maximum firing rate to 105 million Btu/hr in the City Reading, **Berks County**. The

boiler is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

**06-05100C: Calpine Construction Finance Co., Inc.** (5115 Pottsville Pike, Reading, PA 19605) for modification of the cooling towers controlled by mist eliminators in Ontelaunee Township, **Berks County**. The facility is subject to 40 CFR Part 52—Prevention of Significant Deterioration.

**22-05046A: Haines and Kibblehouse, Inc.** (P. O. Box 196 Skippack, PA 19474) for construction of a fabric filter at its Handwerk Materials, Asphalt plant in Lower Swatara Township, **Dauphin County**. The facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.*

**10-337A: Verizon Wireless** (700 Cranberry Woods Drive, Cranberry Township, PA 16066) for installation of one 2,000 kW emergency diesel generator in Cranberry Township, **Butler 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.**

---

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**41-302-042B: The Federal Bureau of Prisons** (USP Allenwood, P. O. Box 3500, White Deer, PA 17887-3500) for modification of two existing 12.55 million Btu per hour boilers at the Allenwood Federal Prison Camp in Brady Township, **Lycoming County**. The modification will utilize landfill gas from the Lycoming County Landfill as fuel in the boilers in addition to the natural gas and #2 fuel oil which the boilers are currently approved to use.

The boilers are expected to destroy at least 98% of the nonmethane organic compounds present in the landfill gas, or, alternately, achieve a nonmethane organic compound concentration in the boilers' exhaust gas of 20 parts per million, or less (on a dry volume basis, expressed as hexane, corrected to 3% oxygen). This level of nonmethane organic compound control complies with the landfill gas destruction efficiency requirements of Subpart WWW of the Federal Standards of Performance for New Stationary Sources (40 CFR 60.750—60.759, Standards of Performance for Municipal Solid Waste Landfills), even though the respective boilers are not subject to said requirements and is also the same level of control proposed by the EPA on November 7, 2000, as maximum achievable control technology for the control of hazardous air pollutants in landfill gas from municipal waste landfills.

The use of landfill gas as fuel in the respective boilers is also expected to result in the emission of up to .44 pound of nitrogen oxides, .45 pound of carbon monoxide and .38 pound of sulfur oxides per hour from each boiler. These nitrogen oxides and carbon monoxide emission rates are approximately equivalent to the emission rates which result from the use of natural gas in the boilers but lower than the rates which result from the use of #2 fuel

oil. The sulfur oxides emission rate resulting from the use of landfill gas will be higher than that resulting from the use of natural gas but significantly lower than that resulting from the use of #2 fuel oil.

A preliminary review of the information contained in the application indicates that the respective boilers, as modified, will meet all applicable 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 the information currently in its possession, the Department intends to issue plan approval for the modification of the respective boilers.

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. At any time that either of the respective two boilers is firing landfill gas, that boiler shall achieve a nonmethane organic compound destruction efficiency of at least 98% or, alternately, achieve a nonmethane organic compound concentration in the boiler flue gas of 20 parts per million, or less (on a dry volume basis, expressed as hexane, corrected to 3% oxygen).

2. Each boiler shall be equipped with a flue gas recirculation system.

3. The nitrogen oxides, carbon monoxide and sulfur oxides emission rates from each boiler shall not exceed .44, .45 and .38 pound per hour, respectively, when firing landfill gas.

4. Within 90 days of the initial firing of landfill gas in a boiler, stack testing shall be performed on that boiler to determine the nonmethane organic compound destruction efficiency in the boiler as well as the nonmethane organic compound concentration in the boiler's exhaust.

5. Records shall be maintained of the amount of landfill gas burned in each boiler each month.

6. The boilers shall burn only landfill gas from the Lycoming County Landfill, natural gas or virgin #2 fuel oil. Additionally, only one of these fuels may be burned in a boiler at any given time.

#### 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.*

**43-00011: Greenville Metals, Inc.—Transfer Plant** (99 Crestview Drive Extension, Transfer, PA 16154) for a Title V Operating Permit for the facility in Pymatuning Township, **Mercer County**. The facility's major sources of emissions include a large Electric Arc Furnace, an Argon Oxygen Decarburization Unit and a number of small Electric Arc and Induction furnaces. The source is major due to emissions of carbon monoxide.

**24-00127: National Fuel Gas Supply Corp.—Lamont Compressor Station** (R. R. 2, Box 83, Kane, PA 16735) for a Title V Operating Permit Renewal to operate a Natural Gas Compressor Station in Jones Township, **Elk County**.

**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**23-00046: Container Research Corp.** (Hollow Hill Road, Glen Riddle, PA 19037) for a Synthetic Minor Operating Permit to manufacture metal containers for military applications in Aston Township, **Delaware County**. The sources of emissions include a boiler, paint spray booths and grit blasting operations. The facility has a potential to emit 1.732 tons of nitrogen oxides per year and 19 tons of VOCs per year. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00067: Herr Foods, Inc.** (P. O. Box 300, West Nottingham, PA 19362) for a State-Only Operating Permit for their facility in West Nottingham, **Chester County**. The facility has taken an emission limitation for nitrogen oxides that enables the facility to operate under a State-only air quality operating permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00059: Lyondell Chemical Co.** (3801 West Chester Pike, Newtown Square, PA 19073) for operation of a research and development center that manufactures industrial organic chemicals in Newtown Square, **Delaware County**. The permit is for a non-Title V (State only) facility. The facility has elected to cap their nitrogen oxides and VOCs at minor source threshold levels (more than 25 tons per year each). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702*

**05-05023: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for operation of an asphalt batch plant controlled by a cyclone in series with a fabric collector at the Ashcom Blacktop Plant in Snake Spring Township, **Bedford County**. Actual emissions for criteria pollutants will be below Title V thresholds. This will be accomplished by limiting the annual production of hot mix asphalt. The operating permit will contain appropriate conditions designed to keep the facility operating within all other applicable air quality requirements. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for hot mix asphalt facilities.

**07-03039: Carn-Weaver Funeral Home** (2036 Broad Avenue, Altoona, PA 16601) for operation of its human crematory in the City of Altoona, **Blair County**. The facility has the potential to emit 1.9 tons per year of NOx and 0.5 ton per year of PM. The Natural Minor operation permit shall contain additional monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements

**21-05035: Hempt Bros., Inc.** (205 Creek Road, Camp Hill, PA 17011) for operation of its Locust Point Asphalt Plant in Silver Spring Township, **Cumberland County**. The asphalt plant is subject to 40 CFR Part 60, Subpart

I—Standards of Performance for Hot Mix Asphalt Facilities. Both of the liquid asphalt cement storage tanks are subject to 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. The site has the following potential annual emissions: 100 tons per year of CO; 44 tons per year of NOx; 30 tons per year of VOC; 28 tons per year of PM-10; 9 tons per year of SOx. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**36-05108: International Paper Co.** (801 Fountain Avenue, Lancaster, PA 17601-4352) for operation of its fiber container manufacturing plant in Manheim Township, **Lancaster County**. The plant has the following potential annual emissions: 50 tons per year of VOCs, 10 tons per year of glycol ethers (a hazardous air pollutant) and 4 tons per year of NOx. The synthetic minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**38-03007: Con-O-Lite Burial Vault Co.** (611 Main Street, Schaefferstown, PA 17088) for operation of a human crematory in Heidelberg Township, **Lebanon County**. The facility has the potential to emit approximately 1 ton of nitrogen oxides per year. The natural minor operating permit will contain emission limits as well as monitoring, recordkeeping and reporting provisions to ensure the facility operates in accordance with the applicable requirements.

**38-03036: Cargill Inc.** (320 North 16th Street, Lebanon, PA 17046) for the operation of an animal feed mill in the City of Lebanon, **Lebanon County**. Emissions from the feed mill are estimated at 13 tons per year of PM-10. The natural minor operating permit shall contain additional record keeping and operating restrictions 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.*

**11-00418: International Mill Service** (1155 Business Center Drive, Horsham, PA 19044-3454) renewal for operation of a slag processing plant in East Taylor and Conemaugh Townships, **Cambria County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**43-00011: Greenville Metals, Inc.—Transfer Plant** (99 Crestview Drive Extension, Transfer, PA 16154) for a Title V Operating Permit for the facility in Pymatuning Township, **Mercer County**. The facility's major sources of emissions include a large electric arc furnace, an argon oxygen decarburization unit and a number of small electric arc and induction furnaces. The source is major due to emissions of carbon monoxide.

**25-00558: Products Finishing, Inc.** (2002 Greengarden Road, Erie, PA 16509) for a Natural Minor Permit to operate a hard chromium electroplating facility in the City of Erie, **Erie County**. This facility is subject to National Emission Standards for Hazardous Air Pollu-

tants for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

**24-00127: National Fuel Gas Supply Corp.—Lamont Compressor Station** (R. R. 2, Box 83, Kane, PA 16735) for a Title V operating permit renewal to operate a natural gas compressor station in Jones Township, **Elk County**.

### **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 which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the 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.*

**49850701T. Hecla Machinery & Equipment Co.** (P. O. Box 559, Schuylkill Haven, PA 17972), transfer of an existing coal refuse disposal operation from Reading Anthracite Company in Coal Township, **Northumberland County** affecting 29.8 acres, receiving stream: none. Application received April 12, 2002.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**03990105 and NPDES PA 0202592. Seven Sisters Mining Co., Inc.** (P. O. Box 300, U. S. Route 22, Delmont, PA 15626-0300). Revision for E & S conditions to a bituminous surface mine located in South Bend and Burrell Township, **Armstrong County**, affecting 206.2 acres. Receiving streams: unnamed tributary to Fagley Run and to Fagley Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received April 19, 2002.

**02020201 and NPDES PA0250121. Coal Valley Sales Corp.** (623 West Walheim Road, Pittsburgh, PA 15215). Application for commencement, operation and reclamation of a coal refuse reprocessing surface mine located in Plum Borough, **Allegheny County**, affecting 158 acres. Receiving stream: Little Plum Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received April 16, 2002.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32970202 and NPDES Permit No. PA0234575. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, permit renewal for reclamation only and for continued restoration of a bituminous surface (coal refuse reprocessing) mine in Center and White Townships, **Indiana County**, affecting 47.8 acres. Receiving stream: Yellow Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received April 15, 2002.

#### *Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**7574046C5 and NPDES No. PA0613029. Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809), Renewal of NPDES Permit in Southampton Township, **Cumberland County**, affecting 102.7 acres. Receiving stream: unnamed intermittent stream to Bulls Head Branch, classified for the following use: none. Application received April 15, 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.*

**E09-752. County of Bucks**, 901 E. Bridgetown Pike, Langhorne, PA 19047, Bristol Township, **Bucks County**, ACOE Philadelphia District.

To reissue and amend Permit No. E09-752, authorizing the operation and maintenance of a boardwalk trail system throughout a 250 acre parcel of land known as the Silver Lake Nature Center, to include the removal of an existing pile-supported wildlife observation platform and to construct and maintain a two-tiered, handicapped accessible, pile-supported, wildlife observation platform. The platform will be approximately 3,500 square feet.

The site is located approximately 2,000 feet southeast of the intersection of Magnolia Road and Bath Road (Bristol, PA-NJ-USGS Quadrangle, N: 20.90 inches; W: 16.0 inches).

**E23-420. Redwood Holding, LLC**, 1930 E. Marlton Pike, Suite R-3, Cherry Hill, NJ 08003, Collingdale Borough, **Delaware County**, ACOE Philadelphia District.

To relocate and maintain 540 linear feet of the Hermesprota Creek (WWF) for the purpose of the construction of a shopping center consisting of four buildings, parking areas, storm sewer system and underground stormwater detention basins. The relocation will consist of 330 linear feet of open channel with 3:1 graded banks, 195 linear feet of open channel with concrete walls on either side ranging from 7 feet to 12 feet in height and a 59 linear feet of 20-foot by 8-foot concrete arch stream enclosure which will tie into the existing 8-foot by 6-foot MacDade Boulevard arch stream enclosure with a junction box. The proposed channel relocation is located 200 feet northeast of the intersection of Oak Lane and MacDade Boulevard (Lansdowne, PA Quadrangle N: 6.0 inches; W: 5.0 inches).

**E46-910. L. A. D. Developers**, P. O. Box 915, Blue Bell, PA 19422, Lower Providence Township, **Montgomery County**, ACOE Philadelphia District.

To place and maintain fill within 0.04 acre of isolated wetland within the Perkiomen Creek (WWF, MF) watershed to facilitate the construction of a yard and dwelling on Lot 11 of the Warlyga Tract. The site is located 10 feet north of the intersection of Eagleville Road and Highley Road (Collegeville, PA Quadrangle N: 4 inches; W: 7.4 inches).

**E46-911. Horsham Township**, 1025 Horsham Road, Horsham Township, **Montgomery County**, ACOE Philadelphia District.

To relocate a 55-foot reach of an intermittent unnamed tributary of Pennypack Creek (TSF, MF) and to construct and maintain a 35-foot long extension to the upstream end of the existing stream enclosure which conveys flow under Meetinghouse Road. The proposed structure will utilize a curved concrete box culvert consisting of an 8'-5" span by 4'-8". This project is associated with the widening of Meetinghouse Road and is located approximately 250 feet northeast of the intersection of Easton Road (SR 0611) and Meetinghouse Road (Ambler, PA USGS Quadrangle N: 10.4 inches; W: 1.0 inch).

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

**E40-598. Carlin J. Oberst**, 369 Crane Road, Shavertown, PA 18708, in Dallas Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To place fill in 0.067 acre of wetlands and to place fill in the floodway along approximately 200 linear feet of the right bank of a tributary to Huntsville Creek (CWF), for the purpose of constructing a dance studio, associated parking and stormwater management facilities. The applicant proposed to contribute to the Pennsylvania Wetland Replacement Project instead of replacing wetlands onsite. The project is located on the north side of the intersection of SR 0415 and Township Road T-793 (Briar Crest Road) (Harveys Lake, PA Quadrangle N: 17.0 inches; W: 0.1 inch).

**E40-599. Thomas Smith**, 972 Alberdeen Road, Mountain Top, PA 18707, in Dorrance Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To maintain two road crossings of tributaries to Big Wapwallopen Creek (CWF) and adjacent wetlands, for the purpose of providing access to a 10.2-acre property for private, recreational use. One road crossing consists of a bridge, having a span of approximately 30 feet and an underclearance of approximately 5 feet; the other road

crossing consists of a 24-inch PVC culvert. The project includes placement of fill in a de minimis area of wetlands equal to 0.04 acre. The project is located along the east side of SR 0081, extending south of SR 3010 (Alberdeen Road) (Freeland, PA Quadrangle N: 19.7 inches; W: 11.7 inches).

**E13-131. Carbon County Commissioners**, P. O. Box 129, Jim Thorpe, PA 18229, in Packer Township, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and construct and maintain a single span concrete box-beam bridge across Quakake Creek (HQ-CWF). The project is located on Grist Mill Drive approximately 4,300 feet southeast of its intersection with SR 4010 (Quakake Road) (Hazleton, PA Quadrangle N: 4.2 inches; W: 2.1 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E06-565. Chris Eves, North Heidelberg Township**, 928 Charming Forge Road, Robesonia, PA 19551 in North Heidelberg Township, **Berks County**, ACOE Philadelphia District

To demolish and remove the existing steel girder bridge (12-foot span) and abutments and to construct and maintain a 5-foot by 17-foot precast concrete box culvert within the confines of an unnamed tributary to Spring Creek (TSF) at a point connecting Township Roads 501 and 522 (Bernville, PA Quadrangle N: 2.3 inches; W: 16.6 inches) in North Heidelberg Township, Berks County.

**E36-731. James Witman, Suburban Lancaster Sewer Authority**, P. O. Box 458, Lancaster, PA 17608 in West Lampeter Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain a concrete cutoff wall to protect an existing 10-inch diameter sewer line located within the confines of Mill Creek (WWF) at a point approximately 350 feet east of Willow Street Pike (SR 222) (Lancaster, PA Quadrangle N: 0.7 inch; W: 6.1 inches) in West Lampeter Township, Lancaster County.

**E36-733. Thomas Aaron, Drumore Township**, 1675 Furniss Road, Peach Bottom, PA 17563 in Drumore Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a precast concrete arch bridge at across Fishing Creek (HQ-CWF, WTF) at a point along Deaver Road (T-385) (Wakefield, PA Quadrangle N: 20.5 inches; W: 16.75 inches) in Drumore Township, Lancaster County. As part of this permit, the permittee is required to restore 0.17 acre of wetlands.

**E38-133. Jamie Wolgemuth, Lebanon County Commissioners**, 400 S. 8th Street, Lebanon, PA 17042 in Jackson Township, **Lebanon County**, ACOE Baltimore District

To repair and maintain an existing two span earth filled concrete and cut stone arch bridge at a point along T-409 spanning Tulpehocken Creek (TSF) (Bethel, PA Quadrangle N: 1.25 inches; W: 1.5 inches) in Jackson Township, Lebanon County.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E20-513, Lauderdale Estates Improvement Association**, P. O. Box 5241, Conneaut Lake, PA 16316, Lauderdale Estates Boat Port Improvement Project, in Summitt Township, **Crawford County**, ACOE Pittsburgh District (Harmansburg, PA Quadrangle N: 3.2 inches; W: 7.75 inches).

To improve and maintain existing boat docks associated with three boat ports in the Lauderdale section of Conneaut Lake (HQ-WWF). The docks have existed at the site for approximately 40 years and the project will bring the docks into compliance with current 25 Pa. Code Chapter 105 regulations.

**E24-221, Department of Conservation and Natural Resources, Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17105-8451. Bridge 09-0006 Replacement, in Jay Township, **Elk County**, ACOE Baltimore District (Huntley, PA Quadrangle N: 21.8 inches; W: 13.15 inches).

Replace and maintain the existing Bridge 09-0006 across Laurel Run (HQ-CWF). The bridge will have a 58-foot span with steel beams and decking. The existing rock abutments will be replaced with cast concrete. The bridge will be located where Blackwell Road crosses Laurel Run in Jay Township north of the Elk County/Clearfield County border. The total disturbed area is 0.01 acre.

**E24-222, Department of Conservation and Natural Resources, Bureau of Forestry**, Moshannon State Forest District #9, R. R. 1 Box 184, Penfield, PA 15849-0184. Quehanna Trail Bridge, in Benzette Township, **Elk County**, ACOE Baltimore District (Weedville, PA Quadrangle N: 2.9 inches; W: 3.5 inches).

Construct and maintain a hiking trail bridge on the Quehanna Trail across Sullivan Run (HQ-CWF). The bridge will have with a 40-foot span with three 8 inch I beams as stringers and the decking and handrails will be constructed from pressure treated lumber. The bridge will be located adjacent to the Quehanna Highway approximately 2.02 miles south of the intersection of SR 555 and the Quehanna Highway.

**E24-223, Pennsylvania Department of Transportation, District 2.0**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. SR 0948, Segment 0070, Across unnamed tributary to Daguscahonda Run, in Fox Township, Elk County, ACOE Pittsburgh District (Kersey, PA Quadrangle N: 20.3 inches; W: 15.1 inches).

To remove the existing structure and to construct and maintain a 66-foot long concrete box culvert having a span length of 10 feet and underclearance of 3 foot 6 inches wide by 35 sq.-foot high waterway opening in unnamed tributary to Daguscahonda Run on SR 0948, Segment 0070, Offset 0000 approximately 16 miles north of DuBois.

## ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D54-102. Schuylkill County Commissioners**. Pine Grove Township, **Schuylkill County**. ACOE Baltimore District.

Project proposes to modify the Sweet Arrow Lake Dam across Upper Little Schuylkill Creek (CWF). Modifications include replacement of the existing valve structure, removal of the existing outlet tower and placement of roller-compacted of soil placed over the RCC. Construction activities will temporarily impact approximately 0.13 acre of wetlands (PEM) located at the downstream toe of the dam. The work will not change the historic normal pool elevation. The dam is located approximately 1,700 feet north of the intersection of SR 0443 and T409 (Swatara Hill, PA Quadrangle, N: 12.65 inches; W: 16.25 inches).

---

**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. PA0056561**, Industrial Waste, **Armstrong Engineering Associates, Inc.**, P. O. Box 566, West Chester, PA 19381-0566. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into Outfall 001—Broad Run, Outfall 002—UNT to West Branch Brandywine Creek—3H.

**NPDES Permit No. PA0057061**, Sewage, **Upper Frederick Township**, P. O. Box 597, Frederick, PA 19435; **Ivy Ridge By Trim Dev., L.P.**, 184 Niautic Road, Barto, PA 19504. This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Scioto Creek—Perkiomen—3E.

**NPDES Permit No. PA0056448**, Sewage, **Anthony Abler**, 606 Upper Church Road, Hilltown, PA 18927. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into Morris Run.

**NPDES Permit No. PA0020303**, Sewage, **Schwenksville Borough Authority**, P. O. Box 458, 298 Main at Church Street, Schwenksville, PA 19473. This proposed facility is located in Schwenksville Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into the Perkiomen Creek—3E Watershed.

**NPDES Permit No. PA0058416**, Sewage, **Charles Cobler**, 531 Conshohocken State Road, Gladwyne, PA 19035. This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Issuance of a NPDES permit to discharge into an unnamed tributary to the Schuylkill River.

**WQM Permit No. 2301410**, Sewerage, **Dr. Said Ali**, 25 Longview Drive, Thornton, PA 19373. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a single residential sewage treatment plant.

**WQM Permit No. 4602401**, Sewerage, **New Hanover Township**, 2943 North Charlotte Street, Gilbertsville, PA 19525. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sewage pump station to serve Country Fields Development.

**WQM Permit No. 0902402**, Sewerage, **Warrington Township**, 852 Easton Road, Warrington, PA 18976. This proposed facility is located in Warrington Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of sewage pump station to serve Warrington Lea Development.

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

**NPDES Permit No. PA-0061336**, Industrial Waste, **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397. This proposed facility is located in Pittston Township, **Luzerne County**.

Description of Proposed Action/Activity: renewal of an NPDES Permit to discharge to Trout Creek.

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

**NPDES Permit No. PA0080861**, Sewage, **LaDeira, Inc.**, Walmar Manor Mobile Home Park, 125 Walmar Manor, Dillsburg, PA 17109. This proposed facility is located in Franklin Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to the North Branch Bermudian Creek in Watershed 7-F.

**WQM Permit No. 0102402**, Sewerage, **Carroll Valley Sewer and Water Authority**, P. O. Box 718, Fairfield,

PA 17320. This proposed facility is located in Carroll Valley Borough, **Adams County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of pump stations.

**NPDES Permit No. PA0087891**, Industrial Waste, **Agway, Inc., Andgrow Fertilizer Facility**, P. O. Box 4741, Syracuse, NY 13221. This proposed facility is located in Latimore Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge from a facility to a drainage swale tributary to Mud Run in Watershed 7-F.

**WQM Permit No. 0602201**, Industrial Waste, **Calpine Construction Finance Company, LP**, Ontelaunee Energy Center, The Pilot House, Second Floor, Lewis Wharf, Boston, MA 02110. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Industrial Waste Treatment Facilities.

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

**WQM Permit No. 5902401**, Sewerage, **Westfield Township Municipal Authority**, P. O. Box 77, Cowanesque, PA 16918. This proposed facility is located in Westfield Township, **Tioga County**.

Description of Proposed Action/Activity: Construction of approximately 6,800 LF of 8- and 6-inch PVC gravity sewer south of Westfield Borough along ST 0349. To the east of the Borough along SR 0049, there will be 4,925 LF of 2- and 3-inch PVC force main and 18 individual grinder pump stations. To the west of the Borough along SR 0049, 2,145 LF of 4- and 2-inch PVC force main and one 130 gpm packaged pump station.

**NPDES Permit No. PA0228532**, CAFO, **Newswanger/Martin Farm**, R. R. 2, Box 324, Lewisburg, PA 17837. This existing facility is located in Buffalo Township, **Union County**.

Description of Size and Scope of Proposed Operation/Activity: The Newswanger/Martin Farm operates a CAFO consisting of 2,200 finishing hogs, 55 dairy cows and 40 dairy heifers. Total AEU's at the facility is 387.3.

**WQM Permit No. 1802401**, Sewerage, **City of Lock Haven**, 20 East Church Street, Lock Haven, PA 17745. This proposed facility is located in the City of Lock Haven, **Clinton County**.

Description of Proposed Action/Activity: Construction of pump station and wastewater storage tank. Pump Station will be constructed at the influent headworks of the existing treatment plant.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2502403**, Sewerage, **Julie Schwindt**, 3102 Elmwood Avenue, Erie, PA 16508. This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 2502406**, Sewerage, **Peter J. and Donna J. Vuksta**, 40 Blue Mountain Manor, Saugertis, NY 12477. This proposed facility is located in LeBoeuf Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 2502402**, Sewerage, **Josh Paris**, 2124 East Road, Erie, PA 16509. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA0000591**, Industrial, **CSX Transportation, Inc.**, 500 Water Street, J-275, Jacksonville, FL 32202 is authorized to discharge from a facility located at Connellsville Plant, Connellsville Borough, **Fayette County** to receiving waters named Youghiogheny River.

**NPDES Permit No. PA0035254**, Industrial Waste, **Borough of Somerset**, 340 West Union Street, Somerset, PA 15501 is authorized to discharge from a facility located at Laurel Hill Creek Water Treatment Plant, Jefferson Township, **Somerset County** to receiving waters named Laurel Hill Creek.

**NPDES Permit No. PA0217590**, Sewage, **Pechin Leasing Company, Inc.**, P. O. Box 340, Pechin Road, Dunbar, PA 15431 is authorized to discharge from a facility located at Denbo Marina STP, Centerville Borough, **Washington County** to receiving waters named Monongahela River.

#### 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.



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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G438	Green Point Farms, Inc. 202 Bayard Road Kennett Square, PA 19348	Chester	East Nottingham Township	Little Elk Creek (HQ, TSF, MF)
PAS10G491	Pulte Homes of Pennsylvania, LP 1100 Northbrook Drive, Suite 200 Trevose, PA 19053	Chester	Willistown Township	UNT to Hunters Run (HQ, TSF)
PAS10G492	Stonewall Links, LLP P. O. Box 866 Kimberton, PA 19442	Chester	Warwick Township	French Creek (EV)
PAS10J054	Fieldstone Partners, LP 347 East Conestoga Road Wayne, PA 19087	Delaware	Edgemont and Thornbury Townships	Chester Creek (TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N034	Roger Altemier R. R. 1, Box 30 Greentown, PA 18426	Lackawanna	Madison Township	Wallenpaupack Creek HQ-CWF

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101504	Pennsylvania-American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033	Clarion County	Clarion Township Elk Township Paint Township	Deer Creek (CWF) Paint Creek (CWF) UNT to Deer Creek (CWF) Clarion River (CWF)
PAS103713	Jay Russell Lawrence Conservation District Lawrence County Government Center 430 Court Street New Castle, PA 16101	Lawrence County	New Beaver Borough	North Fork Little Beaver Creek (HQ-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 this Commonwealth; (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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Warrington Township Bucks County	PAR10D564	Katz Builders/ Developers 1800 Street Rd. Warrington, PA 18976	Little Neshaminy Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hilltown Township Bucks County	PAR10D582	Heritage Building Group 3326 Old York Rd. Suite A100 Furlong, PA	Pleasant Spring (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Richland Township Bucks County	PAR10D590	Daniel Soliday P. O. Box 197 Perkasie, PA 18944	UNT to Beaver Run (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Makefield Township Bucks County	PAR10D597	Octagone Center CN4000 Forsgate Drive Cranbury, NJ 08512	Brock Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Northampton Township Bucks County	PAR10D611	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA	Neshaminy Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Rockhill Township Bucks County	PAR10D642	Heritage Building Group 3326 Old York Rd. Suite A100 Furlong, PA	East Branch Perkiomen Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warrington Township Bucks County	PAR10D646	Katz Builders/ Developers 1800 Street Road Warrington, PA 18976	West Branch Neshaminy Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Pottsgrove Township Montgomery County	PAR10T832	Lower Pottsgrove Township 2199 Buchert Road Pottstown, PA 19464	Sanatoga Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

## NOTICES

2261

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Upper Gwynedd Township Montgomery County	PAR10T793	Danella Realty 407 Norristown Road Blue Bell, PA 19422	Wissahickon Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10T840	CY Heritage Inn of Montgomeryville 1201 Page Drive Fargo, ND 58103	Little Neshaminy Creek (WF, M)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Worcester Township Montgomery County	PAR10T838	Robert Shemonski 350 Grove Street Bridge, PA 19405	Skipack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lackawanna County Old Forge Borough	PAR10N136	Anthony Pero Old Forge Borough 314 S. Main St. Old Forge, PA 18518	Lackawanna River WWF	Lackawanna County Conservation District (570) 281-9495
Maidencreek Township Berks County	PAR10C416	Roy Timpe, Chairperson Maidencreek Township Board of Supervisors 1 Quarry Rd. Blandon, PA 19510	Willow Creek (CWF)	Berks County Conservation District 1238 Co. Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657
Cumru and Spring Townships Berks County	PAR10C413	Brian Gilkey, Agent Dick Corp P. O. Box 10896 Pittsburgh, PA 15236	Wyomissing Creek (CWF)	Berks County Conservation District 1238 Co. Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657
East Pennsboro Township Cumberland County	PAR10H283	Hoffer Properties Norman Hoffer 110 Sunset Avenue Harrisburg, PA 17112	UNT to Susquehanna River WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Centre County Huston and Worth Townships	PAR10F126	Freestone Golf Course R. R. 2 Port Matilda, PA 16870	UNT Bald Eagle Creek TSF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clinton County Wayne Township	PAR101925	Brodart Co. Clinton County Industrial Park P. O. Box 360 McElhattan, PA 17748	W. Br. Susquehanna River WWF	Clinton County Conservation District 216 Spring Run Rd. Rm. 104 Mill Hall, PA 17751-9543 (570) 726-3798
Lycoming County Muncy Borough	PAR103950	Muncy School District 46 South Main St. Muncy, PA 17756	Glade Run WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Tioga County Morris Township	PAR106642	Babb Creek Watershed Assoc. James Barr 2538 Highway Rt. 405 Muncy, PA 17756	UNT to Wilson Creek and Basswood Run Basswood Run CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lackawanna County Taylor Borough	PAR502206	Environmental & Recycling Services, Inc. 1100 Union Street Taylor, PA 18517	Saint Johns Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Cumberland County Camp Hill Borough	PAR123546	ADM Alliance Nutrition, Inc. 1000 North 30th Street Quincy, IL 62301	Cedar Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR113542	Thomson Industries 2 Channel Drive Port Washington, NY 11050	Conestoga River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Middlecreek Township Snyder County	PAR224828	Bingaman & Son Lumber Inc. P. O. Box 247 Kreamer, PA 17833	Middle Creek (TSF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Canton Borough Bradford County	PAR124805	H. Rockwell & Son, Inc. P. O. Box 197 Canton, PA 17724	Mill Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Lawrence Township Clearfield County	PAG214804	Swisher Concrete Products, Inc. P. O. Box 55 Clearfield, PA 16803	West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Adams Township Butler County	PAR118316	Lectromat, Inc. P. O. Box 608 Mars, PA 16046-0608	Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAR208336	CCL Container Inc. Hermitage 1 Llodio Drive Hermitage, PA 16148-9015	Unnamed tributary to Shenango River Basin and City of Hermitage Pond/Industrial Park Flood Control	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Berks County Richmond Township	PAG043567	Richard Youse P. O. Box 85 Virgenville, PA 19564-0085	UNT Maiden creek/WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4800
Perry County Southwest Madison Township	PAG043578	Edna J. Bishop R. R. 2, Box 67 Loysville, PA 17047	UNT Shermans Creek/WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4800

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Clinton County Crawford Township	PAG044993	Andrew G. Sember 83 Rowe Road Jersey Shore, PA 17740	UNT to Antes Creek (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
LeBoeuf Township Erie County	PAG048797	Julie Schwindt 3102 Elmwood Avenue Erie, PA 16508	Unnamed tributary to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
LeBoeuf Township Erie County	PAG048803	Peter J. and Donna J. Vuksta 40 Blue Mountain Manor Saugertis, NY 12477	Unnamed tributary to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048793	Josh Paris 2124 East Road Erie, PA 16509	Unnamed tributary of Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Blair County Hollidaysburg Borough	PAG053563	ExxonMobil Refining & Supply Company P. O. Box 288 Fort Washington, PA 19034	UNT to Brush Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Rapho Township Lancaster County	PAG083546	Mount Joy Borough Authority P. O. Box 25 Mount Joy, PA 17552-0025	JMG & Sons—Milton Grove Farm Rapho Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Mifflin County Derry and Decatur Townships	PAG123548	John E. Lindsey Lindsey Swine Farm 395 Lindsey Lane Lewistown, PA 17044	UNT to Meadow Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4700

**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.*

##### Permit No. 1501505, Public Water Supply.

Applicant	<b>Superior Water Company</b> 2960 Skippack Pike Worcester, PA 19490
Township	North Coventry
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Superior Environmental Management Corporation P. O. Box 127 Worcester, PA 19490
Permit to Construct Issued	April 18, 2002

**Operations Permit** issued to **Ambler Borough Water Department**, 122 E. Butler Avenue, Ambler, PA 19002 (PWSID #1460020) Whitmarsh Township, **Montgomery County** on April 18, 2002, for the operation of facilities approved under Construction Permit #4600509.

**Operations Permit** issued to **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19059 (PWSID #1090026) Middletown Township, **Bucks County** on April 22, 2002, for the operation of facilities approved under Construction Permit #0900507

**Permit No. 0902502, Minor Amendment.** Public Water Supply.

Applicant	<b>Philadelphia Suburban Water Company</b> 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Borough	Chalfont
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Philadelphia Suburban Water Company 762 Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	April 16, 2002

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

**Operations Permit** issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888, PWS I. D. #2580026, Thompson Borough, **Susquehanna County**, on April 9, 2002, for the operation of facilities approved under Construction Permit # Minor Amendment.

**Operations Permit** issued to **Lake Walter Land Owner's Association**, P. O. Box 111, Springville, PA 18844, PWS I. D. #2580032, Springville Township, **Susquehanna County** on April 5, 2002, for the operation of facilities approved under Construction Permit #5897502.

*Northcentral Region: Water Supply Management Program Manager; 208 West Third Street, Williamsport, PA 17701.*

##### Permit No. 1401503. Public Water Supply.

Applicant	<b>The Pennsylvania State University</b> Office of Physical Plant University Park, PA 16802-1118
Township	College Township
County	<b>Centre</b>
PWSID	4140095
Type of Facility	PWS—permit for blending of Wells 33, 34 and/or 35 by blending with water from Wells 14, 16, 17, 24, 33, 34 and/or 35 due to potentially elevated tetrachloroethylene (PCE) in Wells 33—35
Consulting Engineer	John W. Gaudlip University Systems Engineer The Pennsylvania State University Office of Physical Plant University Park, PA 16802-1118
Permit to Operate Issued	April 15, 2002

##### Permit No. 1701502. Public Water Supply.

Applicant	<b>Covington-Karthauss-Girard Area Authority</b> P. O. Box 104 Frenchville, PA 16836
Township	Covington Township
County	<b>Clearfield</b>
Type of Facility	PWS—approval to construct iron and manganese sequestering treatment for Wells #1 and #2
Consulting Engineer	Hess & Fisher Engineers, Inc. 36 North Second Street Clearfield, PA 16830
Permit to Construct Issued	April 15, 2002

##### Permit No. Minor Amendment. Public Water Supply.

Applicant	<b>Catawissa Borough Municipal Authority</b> P. O. Box 54 Catawissa, PA 17820-0054
Borough	Catawissa Borough

County	<b>Columbia</b>
Type of Facility	PWS—approval to replace air scour system on filters, add a second soda ash injection point and change coagulant chemicals from alum to DeIPAC
Consulting Engineer	Alfred Benesch & Company 400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17901
Permit to Construct Issued	April 15, 2002

### WATER ALLOCATIONS

#### Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

**WA-15-67G**, Water Allocations, **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, Wallace Township, **Chester County**. Philadelphia Suburban Water Company has been granted the right to withdraw up to 27% of stream flow, so as not to exceed a withdrawal of 4.0 million gallons per day from the East Branch Brandywine Creek.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Williams Township	655 Cider Press Road Easton, PA 18042	Northampton

**Plan Description:** This project proposes 350 residential units and 5 golf courses related structures on a 327 acre tract. A new collection system for the subdivision will connect into a manhole in Cedarville Road installed as part of the Lehigh Valley Stadium. The Easton Area Joint Sewer Authority will provide conveyance and treatment facilities for the proposed 101,000 gpd of sewage flows. Easton Suburban Water Authority will provide public water to the project. The proposed development is located at Morgan Hill Road and US Route 78 in Williams Township, Northampton County. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

### Proposed Remedial Response

#### RSR-Jones Chemical Site

#### City of Erie, Erie County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites

Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response action for the RSR-Jones Chemical Site (site).

The site is located in the City of Erie, Erie County, PA and is approximately 6.5 acres in size. The site can be found at 42°06'28.2" north latitude and 80°06'29.0" west longitude on the Erie South topographic quadrangle. The site is bordered on the east by industrial facilities and on the north by an unnamed tributary (drainage ditch) to Cascade Creek which flows southwest to northeast in a shallow open channel parallel to and between, the site and tracks of the Bessemer & Lake Erie Railroad (B&LE RR). The drainage ditch passes through a culvert beneath the tracks into a connection of the Cascade Creek underground conduit approximately 100 feet northeast of the site. To the west of the site is a portion of the Cascade Creek conduit, which enters a surface stream channel approximately 0.8 mile north of the site. Cascade Creek is a tributary to Presque Isle Bay in Lake Erie, approximately 1.4 miles downstream (north) of the site.

The site consists of six operable units (OU): OU1, a sludge disposal area comprised of a 1-foot thick layer of brown or tan sand covering a gray sludge which is 9 to 19 feet thick, extending approximately 12 feet above the surrounding grade and covering an area of approximately 1.6 acres; OU2, a former tank farm area, located on the southeast side of the site and previously used by a chemical repackaging and distribution business for the storage of chemicals such as sulfuric acid, toluene and hydrochloric acid; OU3, a former drum storage area, located in the northwest corner of the site; OU4, historical fill, ranging from 4 to 12 feet thick and comprised of predominately sandy soil, with some sludge, silty or clayey soil, gravel, clinkers, brick and glass; OU5, groundwater beneath the site and surface water in the drainage ditch flowing along the northern edge of the site through a shallow, open channel into a culvert near the northern corner of the site and into Cascade Creek at a manhole northeast of the site; OU6, sediment in the drainage ditch.

This proposed response addresses OU1, OU5 and OU6 as they pertain to OU1; OU2—OU6, as they pertain to OU2—OU4, will be addressed in a separate proposed response.

The sludge disposal area was the result of Erie Chemical Works, also known as Erie Chemical Company, Kalbfleisch Corporation, Stovant Corporation and American Cyanamid & Chemical Corporation manufacturing "alum" and "satin white" chemical products. Alum was manufactured by reacting bauxite ore with water and sulfuric acid in a digester. The mixture was pumped to a settling tank to separate the alum solution from residual "muds." The alum solution was decanted from the tank and the muds were rinsed with water to recover and recycle alum and sulfuric acid. The mud was pumped to an impoundment or pit on the western portion of the present-day site, which Cyanamid constructed for the disposal of the waste sludge material from their chemical manufacturing operations. The pit was approximately 10 feet deep and about 1.5 acres in surface area. As the pit became filled with sludge, drums containing an unidentified, dark amber, resin-like material were used around the perimeter as berms to increase the capacity of the pit. These berms allowed the sludge to be piled approximately 7 to 8 feet above the adjacent ground level for a total depth of approximately 17 feet. Currently, Erie Warehouse owns all the land occupied by the site, except for

the B&LE RR property. The majority of the sludge disposal area is located on Erie Warehouse property; however, part of the sludge pile is on property owned by B&LE RR.

Past investigations have found, among other metals and VOCs: aluminum, lead, copper, mercury and zinc in the sludge disposal area; chloroform, 1,1,1-trichloroethane, 1,2-dichloroethylene, trichloroethylene and tetrachloroethylene in groundwater; lead, mercury, aluminum, 1,1-dichloroethane, trans-1,2-dichloroethylene, trichloroethylene, trichloroethene, vinyl chloride and toluene in surface water; copper, lead, zinc, aluminum, methylene chloride, chloroform, trichloroethene and tetrachloroethylene in sediments. These substances are "hazardous substances" as defined under section 103 of HSCA (35 P. S. § 6020.103).

The concentrations of these hazardous substances at the site pose an unacceptable risk to human health and the environment. To reduce or eliminate the threat to human health and the environment from the waste sludge, contaminated soils, surface water, sediments and groundwater, the Department proposes that an interim response action be conducted at the site.

The Department's two main objectives of the proposed interim response action at the site are: 1) to protect the public and environmental receptors from direct contact with site-related hazardous substances; and 2) to eliminate the ongoing release and threat of release of hazardous substances into the environment from waste and associated contaminated soil.

The Department considered four alternatives for the proposed interim response action for OU1 at the site:

1. No Action—the existing vegetation and soil covering the sludge disposal area would remain and no additional work would be performed.

2. Cap in Place—the sludge disposal area would be covered with an impermeable cap, to minimize the infiltration of water to prevent any leaching of contaminants into the upper aquifer. It would also reduce access to direct contact with the contaminated sludge.

3. Consolidate and Pave—the sludge disposal area would be consolidated under a surcharge (that is, adding extra weight to the top of the sludge disposal area to consolidate the waste material) and paved.

4. Removal for Offsite Disposal—the sludge disposal area would be excavated and removed from the site for disposal offsite and the area regarded and leveled with clean fill.

The Department considered four alternatives for the interim response action for OU5, as it relates to OU1, at the site:

1. Monitored Natural Attenuation—under this alternative, monitored natural attenuation would be used as a remedy for the groundwater after source-control measures for OU1 have been implemented. Actual public exposure to groundwater contaminants is limited and natural attenuation is expected to further reduce groundwater contaminant concentrations in a reasonable time.

2. Eliminate Groundwater Discharge—under this alternative, eliminating the groundwater discharge to the drainage ditch via excavation of contaminated sediments from and installation of a French drain, the drainage

ditch would eliminate the primary source of contaminants.

3. Redirect Groundwater Flow—under this alternative, groundwater flow would be redirected around the entire site to limit the further contamination of groundwater and surface water by installing an impermeable vertical barrier at the upgradient (that is, southern) boundary of the site.

4. Pump and Treat—under this alternative, groundwater would be pumped from a series of wells or trenches, treated to remove contaminants and discharged.

The Department considered two alternatives for the interim response action for OU6, as it relates to OU1, at the site:

1. Line Drainage Ditch—under this alternative the top 1 to 2 feet of sediments would be removed and replaced with clean fill.

2. Remove Sediments—under this alternative, the drainage ditch would be lined with material such as cement or surface water channeled through a culvert.

In light of the objectives for the site, the Department evaluated each alternative to determine: the extent to which each alternative protects the public health and the environment; the extent to which each alternative complies with or otherwise addresses the Land Recycling and Environmental Remediation Standards Act, the Pennsylvania Solid Waste Management Act, The Clean Streams Law and other applicable or relevant and appropriate requirements (ARARs); the extent to which each alternative is feasible, effective, implementable and permanent; and the relative cost of each alternative.

Based on the previous comparative analysis and under section 505(a) of HSCA (35 P. S. § 6020.505(a)), the Department proposes to implement the following alternatives for OU1, the sludge disposal areas, and OU5 and OU6, the groundwater/surface water and sediment in the railroad ditch, respectively, as they pertain to OU1 at the site:

OU1—sludge disposal area—combination of Alternatives 2 and 3—capping with either clay soil cover or pavement and groundwater and surface water monitoring.

OU5—groundwater and surface water—combination of Alternatives 1 and 2—monitored natural attenuation and elimination of groundwater discharge.

OU6—sediment in drainage ditch—combination of Alternatives 1 and 2—removal of sediments, followed by lining of ditch.

The Department's proposed response will: protect public health and the environment; comply with or otherwise address ARARs; be feasible, implementable, permanent and effective; and be cost effective.

This notice is being provided under section 506(b) of HSCA (35 P. S. § 6020.506(b)). The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 and is available for review Monday through Friday from 8 a.m. to 4 p.m. Telephone the office for an appointment at (814) 332-6648.

The administrative record will be open for comment for 90 days from the publication date of this notice in the



*Pennsylvania Bulletin*. Persons may submit written comments into the record during this time only, by delivering them or sending them to Christine Dougherty, Project Manager, Knox District Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.

The Department will hold a public meeting on June 25, 2002, at 6:30 p.m., if requested by one or more members of the public. The meeting's purpose will be for the Department to answer the public's questions concerning the proposed response at the site. The meeting will be held at the Blasco Public Library, 160 E. Front Street, Erie, PA. Also, the public will have an opportunity to present oral comments, for inclusion into the administrative record, regarding the chosen response, at a public hearing following the public meeting. Persons wishing to present oral comments must register with Christine Dougherty before June 4, 2002, by calling (814) 797-1191 or by writing. If no one requests a meeting or hearing, the meeting or hearing will not be held. Persons interested in finding out if anyone has requested a public meeting or registered to present oral comments at the public hearing should contact Christine Dougherty at the previous number.

Persons with a disability who wish to attend the meeting or hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Christine Dougherty or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### **Proposed Consent Order and Agreement**

##### **Chem-Fab Site Doylestown, Bucks County**

Under section 1113 of HSCA (35 P.S. § 6020.1113), notice is hereby provided that the Department has entered into a Consent Order and Agreement (CO&A) with Extra Space of Doylestown, LLC (Extra Space), for reimbursement of certain response costs incurred to remediate hazardous substances released and threatened to be released on its property located at 390 North Broad Street, Doylestown, Bucks County, PA. Extra Space's property is located adjacent to the Chem-Fab HSCA Site, 300 North Broad Street, Doylestown, Bucks County, PA. Between 1965 and 1994, Chem-Fab, Inc. conducted electroplating and etching operations on its property and had a history of pollution incidents involving spills of chromic acid wastes.

In 1995, the EPA conducted a response action at the Site and removed several drums and containers of hazardous wastes, previously abandoned on the site. The EPA pumped and disposed of approximately 8,400 gallons of liquid wastes from an underground storage tank on the site. This liquid waste was corrosive and contained hazardous levels of chromium.

The Extra Space property is northeast and topographically down gradient of the Chem-Fab HSCA Site. The Department's investigative response actions on the Chem-Fab HSCA Site and the Extra Space property have verified that soil and groundwater on these properties have been impacted by the release and threat of release of hazardous substances originating from Chem-Fab, Inc.'s activities. Based on this information, the Department has determined that further response actions are necessary to abate the release and threat of release of hazardous substances on the Extra Space property.

The Department has determined that it is in the public interest to resolve its claim against Extra Space. There-

fore, Extra Space has agreed to reimburse the Department for certain response costs in the amount of \$11,000 and shall receive contribution protection from claims related to its ownership of this property.

This notice is provided under section 1113 of HSCA, which states that, "settlement shall become final upon the filing of the Department's response to the significant written comments." The CO&A, which contains the specific terms of the agreement, is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting April Flipse at (610) 832-5937 or by e-mail at [aflipse@state.pa.us](mailto:aflipse@state.pa.us) or Gina M. Thomas at (610) 832-6300 or by e-mail at [githomas@state.pa.us](mailto:githomas@state.pa.us). A public comment period on the CO&A will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from the publication date of this notice in the *Pennsylvania Bulletin*, by submitting them to April Flipse at the previous address.

#### **Proposed Consent Order and Agreement**

##### **RSR-Jones Chemical Site City of Erie, Erie County**

Under section 1113 of HSCA, notice is hereby provided that the Department has agreed to a Consent Order and Agreement (CO&A) by and between Cytec Industries, Inc. (Cytec), Erie Warehouse Properties (EWP) and Hardinger Transfer Co., Inc. (Hardinger) (collectively Settlers) and the Department concerning the cleanup of the RSR-Jones Chemical Site (Site). The Site is located on a 7,556-acre parcel at 1399 West 18th Street in City of Erie, Erie County. A portion of the Site is located within a special industrial area.

In the past, wastes and other materials containing hazardous substances were spilled and disposed at the Site and these hazardous substances contaminated the environment at the Site. The Department has identified six operable units (OU) at the Site: 1) sludge disposal area; 2) former tank farm area; 3) former drum storage area; 4) historic fill area; 5) groundwater and surface water; and 6) sediment. This CO&A addresses OU-1, the sludge disposal area, OU-5, groundwater and surface water and OU-6, sediment, to the extent they are affected by the sludge disposal area. American Cyanamid disposed of the wastes and other materials in the sludge disposal area. Settlor Cytec, by agreement with American Cyanamid, has agreed to address American Cyanamid's environmental liability at the Site. Settlers EWP and Hardinger intend to reuse the sludge disposal area as a parking area and as an outdoor goods storage area following capping. The hazardous substances present at the Site include: aluminum, lead, copper, mercury and zinc in the sludge disposal area; chloroform, 1,1,1-trichloroethane, 1,2-dichloroethylene, trichloroethylene and tetrachloroethylene in groundwater; lead, mercury, aluminum, 1,1-dichloroethane, trans-1,2-dichloroethylene, trichloroethylene, trichloroethene, vinyl chloride and toluene in surface water; copper, lead, zinc, aluminum, methylene chloride, chloroform, trichloroethene and tetrachloroethylene in sediments. Each of these substances is defined in section 103 of HSCA as a "hazardous substance." The Settlers propose to design and construct a cap over the sludge disposal area and conduct long-term operation, monitoring and maintenance of that cap and groundwater and surface water at the Site. The Department anticipates these actions will mitigate the threat to

human health and the environment posed by the hazardous substances at the Site.

The specific terms of this settlement are set forth in the Agreement with the Settlers. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations which indicate that the Agreement is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with the Settlers shall be effective upon the date that the Department notifies the Settlers, in writing, that this Agreement is final and effective in its present form and that the Department has filed a response to significant written comments to the Agreement or that no comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing to Christine Dougherty, Project Manager, Knox District Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

## 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.*

**George H. and Jane P. Freischmidt Family Trust**, Marple Township, **Delaware County**. Thomas J.

Martinelli, JMT Environmental Technologies, 267 Daniel Rd., Nazareth, PA 18064, on behalf of Freischmidt Family Trust, 19 Worthington Dr., West Grove, PA 19390, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lyman Property**, Parkside Borough, **Delaware County**. Martin Liebhardt, Mulry & Cresswell Environmental, Inc., 169 Horseshoe Pike, Suite 1, Glenmoore, PA 19343, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report was submitted within 90 days of the release of the contaminant and is intended to document remediation of the site to meet the Statewide Health Standard.

**M.R. Properties Associates, L.P.**, Ridley Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting, Inc., 1232 Forty Foot Road, P. O. Box 1345, Kulpsville, PA 19443-1345, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Dickman Sargeant Energy Corp. (Former) Site**, Pennel Borough, **Bucks County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, has submitted a Final Report concerning remediation of site soil contaminated with naphthalene and benzene; and site groundwater contaminated with naphthalene, benzene, ethylbenzene and MTBE. The report is intended to document remediation of the site to meet Statewide Health, Background and Site-Specific Standards.

**Jefferson Smurfit Corporation (US)**, Upper Providence Township, **Montgomery County**. John F. VanWagenen, P.G., Center Point Tank Services, Inc., 536 E. Benjamin Franklin Highway, Douglassville, PA 19518, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report was submitted within 90 days of the release of the contaminant and is intended to document remediation of the site to meet the Statewide Health Standard.

*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 Final Report (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 report was submitted to demonstrate attainment of the Statewide health standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Dillon Floral Corporation**, Scott Township, **Columbia County**. EarthRes Group, Inc. on behalf of Dillon Floral Corporation, P. O. Box 180, Bloomsburg, PA 17815 has submitted a Cleanup Plan concerning remediation of site soil contaminated with (pesticides) dieldrin. The Cleanup Plan was submitted in partial fulfillment of the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the 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.*

**Franconia Mennonite Board of Missions & Charities**, Hilltown Township, **Bucks County**. Seth Frankhauser, Storb Environmental, Inc., 410 Easton Rd., Willow Grove, PA 19090, on behalf of Franconia Mennonite Board of Missions and Charities, 771 Route 113, Souderton, PA 18964, has submitted a Final Report concerning the remediation of site groundwater contaminated with BTEX and petroleum hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 5, 2002.

**J. C. Ehrlich Company**, Lower Pottsgrove Township, **Montgomery County**. Jeffrey K. Walsh, P.G., Gilmore & Associates, Inc., 184 Main St., Suite 300, Trappe, PA 19426, on behalf of The Third Generation Corp., Attn: Victor Hammel, c/o J. C. Ehrlich Co., 500 Spring Ridge Dr., P. O. Box 13848, Reading, PA 19612-3848, has submitted a Final Report concerning the remediation of site soil contaminated with lead, BTEX and PHCs; and site groundwater contaminated with lead, BTEX, PHCs and MTBE. The Final report demonstrated attainment of Statewide Health and Background Standards and was approved by the Department on April 3, 2002.

**Bishop Residence**, Whitpain Township, **Montgomery County**. Charles McGuth, Environmental Maintenance Co., Inc., 1420 E. Mermaid Lane, Glenside, PA 19038, has submitted a Final Report concerning the remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 9, 2002.

*Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Federal Mogul Corporation (former Wagner Lighting/Champion Aviation Products)**, Weatherly Borough, **Carbon County**. Jeffrey A. Hassen, P.G., Senior Project Director, Environmental Strategies Corporation, 4 Penn Center West, Suite 315, Pittsburgh, PA 15276 submitted a combined Remedial Investigation Report and Final Report (on behalf of Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034) concerning the remediation of site groundwater found or suspected to have been contaminated with solvents. The reports were submitted to demonstrate attainment of a combination of the Statewide health and site-specific standards and were approved on April 17, 2002.

**Proposed Allentown Towers (former Union Carbide/Linde Gases property)**, City of Allentown, **Lehigh County**. William F. Schmidt, P.E., Pennoni Associates, One Drexel Plaza, 3001 Market Street, Suite 200, Philadelphia, PA 19104-2897 submitted a combined Remedial Investigation Report and Final Report (on behalf of Trainer Enterprises, Inc., Investments in Real Estate, 219 North 9th Street, Allentown, PA) concerning the characterization and remediation of site soils found or suspected to have been contaminated with lead and site groundwater found or suspected of being contaminated with selenium. The reports were submitted to demonstrate attainment of the site-specific standard and were approved on April 18, 2002.

**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 to document attainment of the site-specific standard and were approved on March 29, 2002.

**PPL Former Harwood Steam Electric Station**, Hazle Township, **Luzerne County**. Jim Villaume, Environmental Supervisor, PPL Generation LLC, Environmen-

tal Management Division, 2 North Ninth Street, Allentown, PA, 18101 submitted a Final Report concerning the remediation of site soils found or suspected to have been contaminated with PCBs (polychlorinated biphenyls), metals, solvents and base neutral compounds and site groundwater and surface water found or suspected to have been contaminated with metals, solvents and base neutral compounds. The report was submitted to document attainment of a combination of the Statewide health and site-specific standards and was approved on April 15, 2002.

**Jones Property (former Serafin's Service Station),** City of Wilkes-Barre, **Luzerne County.** James V. Strickland, P.G., Geological and Environmental Associates, Inc., West Mountain Road, Plymouth, PA 18651 submitted a Baseline Environmental Report (on behalf of Donald Jones, P. O. Box 197, Gunderland, NY 12084) concerning the identification of existing environmental conditions related to the contamination of soils found or suspected to have been contaminated with gasoline constituents. The report was submitted in partial fulfillment of the Special Industrial Area standard and was approved on April 16, 2002.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Dominion (formerly CNG) Transmission—Harrison,** Harrison Township, **Potter County.** Dominion Resource Services, Inc., 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Final Report concerning site soil contaminated with lead, heavy metals and PHCs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 18, 2002.

**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 site soil contaminated with lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 19, 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 Issued*

**ETC Logistics, LLC,** P. O. Box 462, Parkman, OH 44080. License No. **PA-AH 0688.** Effective April 9, 2002.

**Interstate Chemical Company, Inc.,** 2797 Freeland Road, Hermitage, PA 16148. License No. **PA-AH 0689.** Effective April 18, 2002.

*Hazardous Waste Transporter License Renewed*

**Sunshine Bulk, Commodities, Inc.,** 2094 Rt. 96, Clifton Springs, NY 14432. License No. **PA-AH 0667.** Effective April 11, 2002.

**Vopak USA Inc.,** 6100 Carillon Pt., Kirkland, WA 98033. License No. **PA-AH 0334.** Effective April 11, 2002.

**R & R Trucking, Incorporated,** 302 Thunder Road, Duenweg, MO 64841. License No. **PA-AH 052.** Effective April 16, 2002.

**Schneider National Bulk Carriers, Inc.,** P. O. Box 2700, Green Bay, WI 54306. License No. **PA-AH 0524.** Effective April 16, 2002.

**Industrial Marine Service, Incorporate,** P. O. Box 1779, Norfolk, VA 23501. License No. **PA-AH 0593.** Effective April 16, 2002.

**Gemchem, Inc.,** P. O. Box 384, Lititz, PA 17543. License No. **PA-AH 0259.** Effective April 16, 2002.

**Environmental Specialists, Inc.,** 243 Marshall Road, McDonald, OH 44437. License No. **PA-AH 0587.** Effective April 16, 2002.

**Op-Tech Environmental Services, Inc.,** 6392 Deere Road, Syracuse, NY 13206. License No. **PA-AH 0334.** Effective April 11, 2002.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6026.101—6026.908) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Med-Flex, Inc.,** 105 High Street, Mt. Holly, NJ 08060. License No. **PA-HC 0207.** Effective April 22, 2002.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGM009, Susquehanna Valley Organics, Corp.,** 3705 Trindle Road, Camp Hill, PA 17011-4334. Description: process sewage sludge from the City of Lancaster's municipal wastewater treatment plant to produce a fertilizer. The permit was issued by the Division of Municipal and Residual Waste on April 4, 2002.

Persons interested in reviewing the general permit may contact Ronald Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472, (717)787-7381. 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.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**GP-65-00946: Dominion Peoples** (625 Liberty Avenue, Pittsburgh, PA 15222) on April 17, 2002, for installation of an 1,004 Bhp, Caterpillar Model G3512LE internal combustion engine and to operate a natural gas production well booster compressor in Fairfield Township, **Westmoreland County**.

**GP-04-00034T: Engineered Polymer Solutions** (372 Cleveland Avenue, Rochester, PA 15074) on April 19, 2002, for modification and operation of one 22,000 gallon storage tank containing 10Q45AF with a vapor pressure of 0.0284 psia at storage temperature in Rochester Township, **Beaver County**.

**GP-04-00034S: Engineered Polymer Solutions** (372 Cleveland Avenue, Rochester, PA 15074) on April 19, 2002, for modification and operation of one 13,200 gallon storage tank containing Propyl Cellosolve with a vapor pressure of 0.0193 psia at storage temperature in Rochester Township, **Beaver County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.*

**62-163: IA Construction—Garland Mine** (Route 27, Warren, PA 16365) issued April 12, 2002, for operation of a portable mineral processing plant in Pittsfield Township, **Warren 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.**

*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.*

**46-0210A: Cellco Partnership d/b/a Verizon Wireless** (5175 Campus Drive, Plymouth Meeting, PA 19462) on April 17, 2002, for operation of two 800 K emergency generators in Whitemarsh Township, **Montgomery County**.

**46-0069B: Highway Materials, Inc.** (500 Stenton Avenue, Plymouth Meeting, PA 19462) on April 17, 2002, for operation of a dryer burner in Whitemarsh Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-05008B: Tyson Foods, Inc.** (403 South Custer Avenue, New Holland, PA 17557) on April 17, 2002, for construction of a vegetable oil fryer controlled by a wet scrubber in Earl Township, **Lancaster County**.

**ER-36-05015A: Dart Container Corp. of PA** (60 East Main Street, Leola, PA 17540) on April 17, 2002, for 20 tons per year VOC emission reduction credits for flexographic printing presses in Upper Leacock Township, **Lancaster 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.*

**46-0037B: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on April 18, 2002, for operation of dust collector on the ktaf tray in Douglass Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**38-05019: AES Ironwood, LLC** (829 Cumberland Street, Lebanon, PA 17042) on April 4, 2002, for operation of a turbine electric generating facility in South Lebanon Township, **Lebanon County**. This facility is subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines 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. This plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**11-403A: Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650) on April 19, 2002, for construction of dry screening operation at Mine #42 in Adams Township, **Cambria County**. This plan approval was extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.*

**20-258A: Andover Industries, BMPI** (R. D. 2, Dunham Road, Meadville, PA 16335) on February 28, 2002, for a paint line in Vernon Township, **Crawford County**.

**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.*

**22-03035: Humane Society of Harrisburg Area, Inc.** (7790 Grayson Road, Harrisburg, PA 17111) on April 18, 2002, for operation of an animal cremation chamber in Swatara Township, **Dauphin County**.

**22-05003: Stroehmann Bakeries, L.C.** (3996 Paxton Avenue, Harrisburg, PA 17111) on April 15, 2002, for operation of the Capitol Bakery in Swatara Township, **Dauphin County**.

**36-03074: Colonial Metals Co.** (P. O. Box 311, Columbia, PA 17512-0311) on April 15, 2002, for operation of its brass/bronze foundry in Columbia Borough, **Lancaster County**.

**38-05016: Quaker Alloy Inc.** (200 East Richland Avenue, Myerstown, PA 17067) on April 16, 2002, for operation of a foundry in Myerstown Borough, **Lebanon County**.

**44-05014: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on April 15, 2002, for

operation of crushing and asphalt plants at the Hostetler Quarry in Armagh Township, **Mifflin County**.

**67-05071: Zell Brothers, a Division of Leggett & Platt** (P. O. Box 327, Red Lion, PA 17356) on April 17, 2002, for operation of a woodworking facility in Red Lion Borough, **York County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**63-00570: RAS Industries** (12 Arentzen Boulevard, Charleroi, PA 15022) for operation of architectural molding manufacturing at Speers Plant in Speers Borough, **Cambria 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.**

---

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**41-310-001F: Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044-0231) on April 12, 2002, to delete a requirement that four screens and a stone crushing plant be controlled by fabric collectors due to their being converted to wet operation and to authorize the construction and operation of four additional conveyors and various pieces of wet stone processing equipment at the Pine Creek Quarry in Limestone Township, **Lycoming County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**11-00052: Department of Labor and Industry** (717 Goucher Street, Johnstown, PA 15905) for a minor modification on April 12, 2002, for their Hiram G. Andrews Rehabilitation Center facility in Upper Yoder Township, **Cambria County**. The Title V Operating Permit was modified to change current operating permit limitations on coal sulfur content, minimum heating value and ash content for coal fired in the boilers to the following formula to allow flexibility in fuel used: %S shall be less than HV/6333. The minor operating permit modification will also incorporate additional conditions for the installation of two propane-fired emergency generator sets. This minor operating permit modification will not affect the current allowable emission rate.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**10-00021: INDSPEC Chemical Corp.—Petrolia Plant** (113 Main Street, P. O. Box 307, Petrolia, PA 16050) administratively amended their Title V Operating Permit to incorporate changes brought about through Plan Approvals 10-0021C and 10-0021F in Petrolia Borough, **Butler County**. EPA and public comment periods were addressed during the plan approval process.

**10-00266: Resolite—A Division of Stabilit America, Inc.** (P. O. Box 333, Route 19, Zelienople, PA 16063) administratively amended their Title V Operating Permit on April 19, 2002, to incorporate a change of ownership and change of the responsible official and permit contact at the facility in Jackson Township, **Butler County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification 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

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**54850205R3. Lehigh Coal & Navigation Co.** (P. O. Box 311, Tamaqua, PA 18252), renewal of an existing coal refuse reprocessing operation in Tamaqua Borough, **Schuylkill County** affecting 61.4 acres, receiving stream: unnamed tributary to Panther Creek. Application received November 14, 2001. Renewal issued April 19, 2002.

**40663027R3. Jeddo-Highland Coal Company** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 154.9 acres, receiving stream: none. Application received November 20, 2000. Renewal issued April 19, 2002.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32010107 and NPDES Permit No. PA0248991, Britt Energies, Inc.**, P. O. Box 515, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage, in White Township, **Indiana County**, affecting 75.0 acres. Receiving streams: Yellow Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority's intake on Yellow Creek. Application received July 13, 2001. Permit issued April 12, 2002.

**56990103 and NPDES Permit No. PA0235172, Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit revision for a variance to conduct surface mining activities within 100 feet of two unnamed tributaries to Millers Run along the western SMP boundary for mining of 1 acre of Lower Bakerstown coal for maximum resource recover, sedimentation pond and collection ditch construction in the Brothersvalley Township, **Somerset County**, affecting 222.0 acres. Receiving streams: Miller's Run, unnamed tributaries to Miller's Run classified for the following uses: CWF. There is no potable water supply intakes within 10 miles downstream. Application received December 18, 2001. Permit issued April 16, 2002.

*Noncoal Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**7874SM2A1C5 and NPDES Permit #PA0612880. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit in North Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek. Application received February 28, 2002. Renewal issued April 15, 2002.

**58002812. JB's Excavation Services, Inc.** (2213 Long Creek Road, Apalachin, NY 13732), commencement, operation and restoration of a small bluestone quarry in Apolacon Township, **Susquehanna County**, affecting 4.0 acres. Receiving stream: none. Application received October 26, 2000. Permit issued April 17, 2002.

**52022801. Wayne D. Holbert** (HRC Box 7C, Lackawaxen, PA 18435), commencement, operation and restoration of a small bluestone quarry in Lackawaxen Township, **Pike County**, affecting 5.0 acres. Receiving stream: Delaware River. Application received January 10, 2002. Permit issued April 17, 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.*

**21014020. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Upper Allen Township, **Cumberland County** with an expiration date of April 30, 2003. Permit issued April 15, 2002.

**01024008. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in New Oxford Borough, **Adams County** with an expiration date of July 31, 2002. Permit issued April 15, 2002.

**21024021. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lower Allen Township, **Cumberland County** with an expiration date of January 31, 2003. Permit issued April 15, 2002.

**36024030. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Township, **Lancaster County** with an expiration date of April 30, 2003. Permit issued April 15, 2002.

**36024029. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in East Hempfield Township, **Lancaster County** with an expiration date of March 15, 2003. Permit issued April 15, 2002.

**15024010. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Sadsbury Township, **Chester County** with an expiration date of March 15, 2003. Permit issued April 15, 2002.

**06024014. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Muhlenberg Township, **Berks County** with an expiration date of December 31, 2002. Permit issued April 15, 2002.

**21024022. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), construction blasting in South Middletown Township, **Cumberland County** with an expiration date of March 30, 2004. Permit issued April 15, 2002.

**38024008. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Lower Londonderry Township, **Lebanon County** with an expiration date of April 30, 2007. Permit issued April 15, 2002.

**38024009. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Jackson Township, **Lebanon County** with an expiration date of June 21, 2002. Permit issued April 15, 2002.

**06024015. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Lower Heidelberg Township, **Berks County** with an expiration date of December 31, 2002. Permit issued April 16, 2002.

**06024016. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Lower Heidelberg Township, **Berks County** with an expiration date of December 31, 2002. Permit issued April 16, 2002.

**40024006. Deleo Trucking Company** (198 Panama Street, Pittston, PA 18640) and **D. C. Guelich Explosive Company** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting in Pittston Township, **Luzerne County** with an expiration date of May 15, 2002. Permit issued April 16, 2002.

**52024005. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Palmyra Township, **Pike County** with an expiration date of May 3, 2007. Permit issued April 16, 2002.

**67024008. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Hallam Township, **York County** with an expiration date of May 31, 2002. Permit issued April 16, 2002.

**67024009. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of March 22, 2003. Permit issued April 16, 2002.

**22024004. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Derry Township, **Dauphin County** with an expiration date of May 15, 2003. Permit issued April 16, 2002.

**09024007. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in West Rockhill Township, **Bucks County** with an expiration date of August 28, 2002. Permit issued April 17, 2002.

**15024011. Allan A. Myers, L.P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in East Caln Township, **Chester County** with an expiration date of August 9, 2002. Permit issued April 17, 2002.

**15024012. Allan A. Myers, L.P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in East Whiteland Township, **Chester County** with an expiration date of August 9, 2002. Permit issued April 17, 2002.

**46024020. Allan A. Myers, L.P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Horsham Township, **Montgomery County** with an expiration date of June 9, 2002. Permit issued April 17, 2002.

**52024006. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lehman Township, **Pike County** with an expiration date of March 26, 2003. Permit issued April 17, 2002.

**28024011. Charles E. Brake, Co., Inc.** (P. O. Box 275, St. Thomas, PA 17252), construction blasting in Guilford Township, **Franklin County** with an expiration date of February 28, 2003. Permit issued April 17, 2002.

**36024031. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Millersville, **Lancaster County** with an expiration date of May 15, 2003. Permit issued April 17, 2002.

**21024024. Marks Contracting, Ltd.** (1718 Grace Avenue, Lebanon, PA 17042), construction blasting in Middlesex Township, **Cumberland County** with an expiration date of August 30, 2002. Permit issued April 18, 2002.

**21024027. Farinelli Construction** (3 Xasay Court, Suite 101, Mechanicsburg, PA 17055) and **Douglas Explosives, Inc.** (P. O. Box 77, Graham Station, Philipsburg, PA 16866), construction blasting in Upper Allen Township, **Cumberland County** with an expiration date of May 15, 2002. Permit issued April 18, 2002.

**36024032. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in East Hempfield Township, **Lancaster County** with an expiration date of January 30, 2003. Permit issued April 18, 2002.

**36024033. B. R. Kreider & Son, Inc.** (63 Kreider Lane, Manheim, PA 17545), construction blasting in Clay Township, **Lancaster County** with an expiration date of November 30, 2002. Permit issued April 18, 2002.

**52024007. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lehman Township, **Pike County** with an expiration date of March 27, 2003. Permit issued April 18, 2002.

**64024002. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Dyberry Township, **Wayne County** with an expiration date of March 29, 2003. Permit issued April 18, 2002.

**46024021. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Upper Gwynedd Township, **Montgomery County** with an expiration date of August 14, 2002. Permit issued April 18, 2002.

**21024023. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lower Allen Township, **Cumberland County** with an expiration date of May 15, 2003. Permit issued April 18, 2002.

**28024012. R & M Excavating & Snokes Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting in Greene Township, **Franklin County** with an expiration date of May 15, 2012. Permit issued April 18, 2002.

**36024034. Conewago Enterprises, Inc.** (660 Edgegrove Road, Hanover, PA 17331), construction blasting in the City of Lancaster, **Lancaster County** with an expiration date of July 31, 2002. Permit issued April 18, 2002.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**26024002. Reynolds, Inc.** (6451 Germantown Road, Middletown, Ohio, 45042). Permit issued for construction

of a raw water pumping station at the Fayette County Energy Facility located in German Township, **Fayette County**, with an expected duration of 14 days. Permit issued April 17, 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**

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

**E48-319. David and Christine Seyfried**, 144 South Liberty Street, Nazareth, PA 18064-2316. Nazareth Borough, **Northampton County**, Army Corps of Engineers Philadelphia District.

To regrade approximately 500 S.F. of the floodway of Schoeneck Creek for the purpose of constructing a driveway to serve a single family dwelling. The project is located northeast of the intersection of East Chestnut Street and Miller Street (Nazareth, PA Quadrangle N: 21.7 inches; W: 7.3 inches).

**E39-401. Liberty Property Trust**, 1510 Valley Center Parkway, Bethlehem, PA 18102. Upper Saucon Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To place fill in 0.14 acre of wetlands within the Saucon Creek Watershed for the purpose of developing lot 12 of the Stabler Executive Center Development. The permittee is required to provide for 0.14 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located approximately 2,000 feet northeast of the intersection of SR 0309 and SR 2036 (Allentown East, PA Quadrangle N: 9.6 inches; W: 6.6 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E05-301. Earl Neiderhiser**, 1620 N. Juniata Street, Hollidaysburg, PA 16648 West St. Clair Township, **Bedford County**, ACOE Baltimore District.

To remove the existing two span bridge and to construct and maintain a single span concrete bridge having a clear span of 98.4 feet on a 70 degree skew with an average underclearance of 11.12 feet over Dunning Creek (WWF) on SR 0056, Segment 0170, Offset 0000 and to fill in 0.10 acre of wetland to realign Chestnut Market Ridge Road (T-554) and Dunning Creek (T-671) within the 100-year floodplain of Dunning Creek located about 1.3 miles southwest of Pleasantville Borough (Alum Bank, PA Quadrangle N: 7.62 inches; W: 12.65 inches) in West St. Clair Township, Bedford County. The applicant is required to provide 0.1 acre of replacement wetland.

**E31-180. Smithfield Township**, Mt. Vernon Avenue and 13th Street, Huntingdon, PA 16652 in Smithfield Township, **Huntingdon County**, ACOE Baltimore District

To maintain the existing Smithfield Flood Protection Project along the Juniata River (WWF) and Crooked Creek (WWF) at a point near Route 22 (Huntingdon, PA Quadrangle N: 19.3 inches; W: 2.6 inches) in Smithfield Township, Huntingdon County.

**E36-723. Rapho Township**, 971 N. Colebrook Road, Manheim, PA 17545 in Rapho Township, **Lancaster County**, ACOE Baltimore District

To remove a deteriorating concrete bridge and to construct and maintain a timber bridge over Little Chickies Creek (TSF) at a point along Camp Road approximately 2 miles from the intersection of Camp Road and Pinch Road (Manheim, PA Quadrangle N: 17.25 inches; W: 12.5 inches) in Rapho Township, Lancaster County.

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

**E14-404. Mid-Centre County Authority**, 296 Mid Centre Lane, Milesburg, PA 16853. Wastewater facilities in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 14.1 inches; W: 3.6 inches).

To construct and maintain approximately 80 lineal feet of concrete encased force main across two unnamed tributaries to Bald Eagle Creek at 40°57'12" north latitude, 77°46'28" west longitude and 40°57'24" north latitude, 77°45'59" west longitude and to construct and maintain approximately 3,400 linear feet of 14 inch DIP force main through two wetlands, the centroids of which are located 40°57'14" north latitude, 77°46'25" west longitude and 40°57'24" north latitude, 77°45'59" west longitude; and to construct and maintain flood proofing of existing treatment facilities and proposed headworks building located within the 100-year floodplain of Bald Eagle Creek; and to construct and maintain a new headworks building to house a barscreen and solids dewatering equipment, a grit chamber, influent pumps and a pair of sequencing batch reactors, a filter building to house two disk filters and ultra violet disinfection equipment, a dewatering building to house a belt filter press, two aerobic digesters and appurtenances in the 100-year floodplain of Bald Eagle Creek. The project's centroid is located at Interstate Route 80 Interchange 22 (Bellefonte, PA Quadrangle) in Boggs Township, Centre County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-410. Department of Conservation and Natural Resources, Bureau of Facility Design and Construction**, P. O. Box 8451, Harrisburg, PA 17105-8451. Water Obstruction and Encroachment Joint Permit Application, in Gregg Township, **Centre County**, ACOE Susquehanna River Basin District (Spring Mills, PA Quadrangle N: 9.3 inches; W: 10.2 inches).

To remove an existing culvert and construct and maintain a 64-inch by 43-inch by 25-foot long aluminum arch culvert in Laurel Run, which is located 1.5 miles south of the intersection of SR 0144 and Synagogue Gap Road along Synagogue Gap Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-332. Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105. Bridge

Replacement, in Noyes Township, **Clinton County**, ACOE Baltimore District (Renovo West, PA Quadrangle N: 12.5 inches; W: 14.8 inches).

To: 1) remove an existing bridge; 2) construct and maintain a precast reinforced concrete box culvert with 17.0-foot wide by 4.0-foot high effective hydraulic opening, precast end sections, 1.0-foot high concrete fish baffles and R-7 riprap; and 3) construct and temporarily maintain three 30-inch plastic pipes for a temporary stream bypass, in Huling Branch located 0.3 mile up Two Mile Run from Kettle Creek Road. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-337. Robbie M. and Karen L. Hyde**, 306 Confer Street, Mill Hall, PA 17751. Utility Shed, in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 6.30 inches; W: 13.15 inches).

To construct and maintain an 8' by 12' utility shed on a recreational lot in the floodway of the West Branch Susquehanna River located approximately 2 miles north of Lock Haven approximately 0.25 mile off of Water Valley Road on Eden Lane in Woodward Township, Clinton County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

---

## SPECIAL NOTICES

---

### **Availability of Grants for the Remediation of Waste Tire Piles under the Waste Tire Remediation Grant Program for Municipalities for Fiscal Year 2002—2003**

The Department of Environmental Protection (Department) hereby announces the availability of grants through the Waste Tire Recycling Act of 1996 (Act 190) for fiscal year 2002-2003 for the remediation of waste tire piles in this Commonwealth. The grants are limited to only those municipalities having a waste tire pile containing 5,000 or more waste tires.

Only municipalities are eligible to participate and receive funding. To be considered for a grant, a municipality: 1) must propose to remediate a waste tire pile on the Department's list of priority waste tire piles or piles containing 5,000 or greater waste tires; 2) must not have contributed, in any manner, to the creation of a noncompliant waste tire pile; and 3) must have an identifiable end-use for the remediated waste tires.

Grant funds are intended for activities directly related to the remediation of waste tire piles (such as employee wages, operation of equipment, transportation, processing costs and the like). Grants may not be used for the purchase of equipment and grant recipients shall use the funds only for those activities approved by the Department.

Applicants must complete and submit an official two-part application for each proposed tire pile remediation. The Waste Tire Remediation Grant Application Parts A and B includes all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department's website at <http://www.dep.state.pa.us> (type "tires" in directLINK). Six copies of the application containing both Parts A and B must be completed and submitted by 4 p.m. on June 28, 2002, to Department of Environmental Protection, Division of

Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472. Applications that are incomplete or arrive after the deadline will not be considered.

At a minimum, all applications must contain: 1) a description of the applicant's or the contractor's experience in waste tire remediation; 2) markets or end-uses for the remediated tires; 3) a schedule for the remediation of tires at the site; 4) proposed cost of the waste tire pile remediation; and 5) any additional information the Department deems necessary. Individuals should follow the instructions in the Part A and B application to assure the submission all of the necessary information in the correct format.

Persons who have any questions about this grant program should contact the Division of Municipal and Residual Waste at (717) 787-7381.

### **Public Hearing on Proposed Commercial Site in Cumberland County**

The Department of Environmental Protection (Department) has scheduled a public hearing to receive testimony and comments on three proposed permits for a commercial site that will include a 116,000 square foot Home Depot retail outlet and two other commercial buildings located on the east side of Hanover Street (SR 0034) about 0.25 mile south of Interstate 81 Interchange 14 (Carlisle, PA Quadrangle N: 10.8 inches; W: 8.8 inches) in the Borough of Carlisle, Cumberland County. The three permits are as follows:

*Chapter 105 Permit No. E21-322 Home Depot*—To relocate approximately 700 feet of a surface water conveyance to Letort Spring Run, which is an Exceptional Value (EV) watershed, by constructing and maintaining the following: three vegetated trapezoidal channels, 203', 238' and 98' in length; three reinforced concrete open bottom box culvert crossings in the trapezoidal channels, one 68' long culvert having a clear span of 10' and a rise of 4.5' with R-7 riprap at the outlet, one 100' long enclosure having a clear span of 10' and a rise of 4.5' with R-7 riprap at the outlet and one 133' long enclosure having a clear span 10' and a rise of 4.5' with a R-5 rock riprap Type VI Stilling Basin; and anticipated secondary impact to de minimis acres of wetlands.

*Chapter 105 Permit No. E21-334 Department of Environmental Protection, Engineering District 8-0*—To construct and maintain the lengthening of an existing 72" diameter, 62' long reinforced concrete culvert by extending the culvert 10' on the west side and 17' on the east side for the purpose of conveying surface water flow to Letort Spring Run (EV) under the widened roadway of SR 0034, Segment 230, Offset 3625, to access the proposed Home Depot site located about 0.6 mile south of the Route 34 interchange exit of Interstate 81 (Carlisle, PA Quadrangle N: 10.7 inches; W: 9.2 inches) in Carlisle Borough, Cumberland County.

*NPDES Individual Permit No. PAS 10H098*—To implement an erosion and sediment control plan for the earth moving activities related to the construction of a one story 116,000 square foot retail store (Home Depot) and two additional commercial buildings with associated driveways, vehicle parking areas, sanitary sewer and other public utilities on 23.88 acres located on the east side of Hanover Street (SR 0034) about 0.25 mile south of Interstate 81 Interchange 14. A post construction stormwater management plan is also required for this project. (Carlisle, PA Quadrangle N: 10.8 inches; W: 8.8 inches) in the Borough of Carlisle, Cumberland County. Drainage will be to Letort Spring Run (EV).

The hearing will be held on, Tuesday, June 4, 2002, beginning at 6:30 p.m. at the Lambertson Middle School, 777 S. Hanover Street, Carlisle, PA, Cumberland County.

Persons intending to testify at the hearing should register by Tuesday, May 21, 2002, by calling Karen Sitler at (717) 705-4904. If no person registers to present oral comments by the May 21, 2002, cutoff deadline, the hearing will not be held. In addition, if a person cannot attend the meeting, but wishes to submit written comments, the individual must notify Karen Sitler at the previous number. The Department will continue to accept written comments until June 18, 2002. Finally, persons interested in finding out if the hearing will be held should contact Karen Sitler at the previous number.

Testimonies should be to the point. Each individual will have up to 5 minutes for a presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. To assure comments are incorporated into the official record, have two hard copies of a testimony available to give to Karen Sitler. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Cynthia Wolfe at (717) 705-4732 between 7:30 a.m. and 4 p.m., Monday through Friday. A copy of the application also will be available at the reference desk at the Bosler Free Library, 158 West High Street, Carlisle, PA.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact the Department for assistance. TDD users may use the AT&T Relay Service at (800) 654-5984.

### **Bureau of Deep Mine Safety**

#### **Request for Variance**

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau), has received a request for variance from RAG Cumberland Resources, LP. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the Bureau website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. § 702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 224(b) of the Pennsylvania Bituminous Coal Mine Act (act) (52 P. S. § 701-224(b)) states that whenever any working place in a mine approaches within 50 feet of abandoned workings certified by an engineer or within 200 feet of any abandoned workings which cannot be inspected, or within 200 feet of any other abandoned workings, boreholes shall be drilled at least 20 feet in

advance of the face of the working place. Boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into the workings. Boreholes shall also be drilled not more than 8 feet apart in the rib of the working place to a distance of at least 20 feet at an angle of 45 degrees. Rib holes shall be drilled in one or both ribs of the working place as may be necessary for adequate protection of persons working in the place.

*Summary of the Request:* RAG Cumberland Resources, LP, Cumberland Mine requested a variance from section 224(b) of the act to drill a 1,000-foot long continuous horizontal borehole to the north and west of 27 Butt West section in the Cumberland Mine.

[Pa.B. Doc. No. 02-803. Filed for public inspection May 3, 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](http://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.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2002.

#### *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 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: 012-5500-001. Title: 2003 Environmental Education Grants Manual. Description: This document provides procedures to follow when applying for an Environmental Education Grant, as well as a grantee's responsibilities after they are awarded an Environmental Education Grant. Effective Date: May 15, 2002. Contact: Sandy Titel at (717) 772-1828 or e-mail at [stitel@state.pa.us](mailto:stitel@state.pa.us).

DAVID E. HESS,  
Secretary

[Pa.B. Doc. No. 02-804. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Pennsylvania Bituminous Mine Safety Advisory Committee Special Meeting

The Pennsylvania Bituminous Mine Safety Advisory Committee (Committee) is holding a special meeting on May 28, 2002, in the Fayette County Health Center, Uniontown, PA. The meeting will begin at 10 a.m. in the upstairs Deep Mine Safety conference room.

Questions concerning this meeting can be directed to Allison D. Gaida at (724) 439-7289 or e-mail at [agaida@state.pa.us](mailto:agaida@state.pa.us). Meeting agendas and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection'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 D. Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Committee may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-805. Filed for public inspection May 3, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Infant Hearing Screening Advisory Committee Meeting

The 2002 Infant Hearing Screening Advisory Committee, established under the act of November 30, 2001 (P. L. 849, No. 89), will hold a public meeting on Tuesday, May 21, 2002. The meeting will be held at the Department of Health, 7th and Forster Streets, Harrisburg, PA, in Conference Room 812, from 11 a.m. to 3 p.m. The Department reserves the right to cancel this meeting without prior notice.

For additional information, contact Karl Hoffman, Program Administrator, Hearing Program, Division of Newborn Disease Prevention and Identification, at (717) 783-8143. Individuals with a disability and desire to attend the meeting and require auxiliary aid, service or other accommodation to do so, should contact Karl Hoffman at (717) 783-8143; 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. 02-806. Filed for public inspection May 3, 2002, 9:00 a.m.]

### 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 Thursday, May 16, 2002. The meeting will be held at the Department of Labor and Industry, Conference Room 614, 7th and Forster Streets, Harrisburg, PA, from 10 a.m. to 3 p.m.

For additional information, contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services at (717) 772-4959.

Persons with a disability and desire 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. 02-807. Filed for public inspection May 3, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Cool 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cool 7's.

2. *Price:* The price of a Pennsylvania Cool 7's instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Cool 7's instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT) and 9 (NIN).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$7, \$17, \$27, \$77 and \$777.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Cool 7's instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of 7 (SVN) in a left to right diagonal in the play area, and a prize amount of \$777 in the corresponding prize arrow, on a single ticket, shall be entitled to a prize of \$777.

(b) Holders of tickets with three matching play symbols of 7 (SVN) in a right to left diagonal in the play area, and a prize amount of \$77 in the corresponding prize arrow, on a single ticket, shall be entitled to a prize of \$77.

(c) Holders of tickets with three matching play symbols of 7 (SVN) in the bottom row in the play area, and a prize amount of \$27 in the corresponding prize arrow, on a single ticket, shall be entitled to a prize of \$27.

(d) Holders of tickets with three matching play symbols of 7 (SVN) in the middle row in the play area, and a prize amount of \$17 in the corresponding prize arrow, on a single ticket, shall be entitled to a prize of \$17.

(e) Holders of tickets with three matching play symbols of 7 (SVN) in the right column in the play area, and a prize amount of \$7 in the corresponding prize arrow, on a single ticket, shall be entitled to a prize of \$7.

(f) Holders of tickets with three matching play symbols of 7 (SVN) in the top row in the play area, and a prize amount of \$3 in the corresponding prize arrow, on a single ticket, shall be entitled to a prize of \$3.

(g) Holders of tickets with three matching play symbols of 7 (SVN) in the left column in the play area, and a prize amount of \$2 in the corresponding prize arrow, on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets with three matching play symbols of 7 (SVN) in the middle column in the play area, and a prize amount of \$1 in the corresponding prize arrow, on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
Middle Column	\$1	1:8.82	1,632,000
Left Column	\$2	1:14.63	984,000
Top Row	\$3	1:75	192,000
Right Column	\$7	1:33.33	432,000
Middle Row	\$17	1:300	48,000
Bottom Row	\$27	1:3,158	4,560
Right to Left Diagonal	\$77	1:8,000	1,800
Left to Right Diagonal	\$777	1:34,286	420

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cool 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cool 7's, prize money from winning Pennsylvania Cool 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cool 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cool 7's or through normal communications methods.

LARRY P. WILLIAMS,  
Secretary

[Pa.B. Doc. No. 02-808. Filed for public inspection May 3, 2002, 9:00 a.m.]

**Pennsylvania Deep Sea Doubler Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Deep Sea Doubler.

2. *Price:* The price of a Pennsylvania Deep Sea Doubler instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Deep Sea Doubler instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOUR DOL), \$5.<sup>00</sup> (FIV DOL), \$8.<sup>00</sup> (EGT DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$200 (TWO HUN), \$2,000 (TWO THO) and a Fish Symbol (FISH).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$200 and \$2,000.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Deep Sea Doubler instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$2,000 (TWO THO) in the play area on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets with three matching play symbols of \$200 (TWO HUN) in the play area on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets with three matching play symbols of \$80\$ (EIGHTY) in the play area on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets with two matching play symbols of \$40\$ (FORTY) and a Fish Symbol (FISH) play symbol in the play area on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with two matching play symbols of \$20\$ (TWENTY) and a Fish Symbol (FISH) play symbol in the play area on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with two matching play symbols of \$10<sup>00</sup> (TEN DOL) and a Fish Symbol (FISH) play symbol in the play area on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with two matching play symbols of \$5<sup>00</sup> (FIV DOL) and a Fish Symbol (FISH) play symbol in the play area on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with three matching play symbols of \$8<sup>00</sup> (EGT DOL) in the play area on a single ticket, shall be entitled to a prize of \$8.

(l) Holders of tickets with two matching play symbols of \$4<sup>00</sup> (FOR DOL) and a Fish Symbol (FISH) play symbol in the play area on a single ticket, shall be entitled to a prize of \$8.

(m) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets with three matching play symbols of \$4<sup>00</sup> (FOR DOL) in the play area on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with two matching play symbols of \$2<sup>00</sup> (TWO DOL) and a Fish Symbol (FISH) play symbol in the play area on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with two matching play symbols of \$1<sup>00</sup> (ONE DOL) and a Fish Symbol (FISH) play symbol in the play area on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,800,000 Tickets</i>
3-\$1	\$1	1:10	1,080,000
2-\$1 w/Fish	\$2	1:15.79	684,000
3-\$2	\$2	1:66.67	162,000
2-\$2 w/Fish	\$4	1:42.86	252,000
3-\$4	\$4	1:200	54,000
3-\$5	\$5	1:150	72,000
2-\$4 w/Fish	\$8	1:200	54,000
3-\$8	\$8	1:600	18,000
2-\$5 w/Fish	\$10	1:150	72,000
3-\$10	\$10	1:600	18,000
2-\$10 w/Fish	\$20	1:1,500	7,200
3-\$20	\$20	1:1,500	7,200
2-\$20 w/Fish	\$40	1:3,000	3,600
3-\$40	\$40	1:12,000	900
2-\$40 w/Fish	\$80	1:12,000	900
3-\$80	\$80	1:24,000	450
3-\$200	\$200	1:120,000	90
3-\$2,000	\$2,000	1:720,000	15

Fish = double the prize shown

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Deep Sea Doubler instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Deep Sea Doubler, prize money from winning Pennsylvania Deep Sea Doubler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Deep Sea Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Deep Sea Doubler or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-809. Filed for public inspection May 3, 2002. 9:00 a.m.]

## Pennsylvania Star Spangled Dollars Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Star Spangled Dollars.

2. *Price:* The price of a Pennsylvania Star Spangled Dollars instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Star Spangled Dollars instant lottery game ticket will contain one play area featuring a “Winning Numbers” area and a “Your Numbers” area. The play symbols and their captions located in the “Winning Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNT), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “Your Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNT), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Star Symbol (STAR).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the “Your Numbers” area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$17\$ (SVNTN), \$34\$ (TRY FOR), \$51\$ (FTY ONE), \$76\$ (SVY SIX), \$760 (SVNHUNSIXTY) and \$17,760 (STNHUNSIXTY).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$7, \$17, \$34, \$51, \$76, \$760 and \$17,760. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,000,000 tickets will be printed for the Pennsylvania Star Spangled Dollars instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$17,760 (STNHUNSIXTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$17,760.

(b) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$17,760 (STNHUNSIXTY) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$17,760.

(c) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$760 (SVNHUNSIXTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$760.

(d) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$760 (SVNHUNSIXTY) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$760.

(e) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$76\$ (SVY SIX) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$76.

(f) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$76\$ (SVY SIX) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$76.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$51\$ (FTY ONE) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$51.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$51\$ (FTY ONE) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$51.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$34\$ (TRY FOR) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$34.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$34\$ (TRY FOR) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$34.

(k) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$17\$ (SVNTN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$17.

(l) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$17\$ (SVNTN) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$17.

(m) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$7.

(n) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$7.

(o) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$4.<sup>00</sup> (FOR DOL) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$3.<sup>00</sup> (THR DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(t) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$3.<sup>00</sup> (THR DOL) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Star Symbol (STAR), and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the Star Symbol (STAR) on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Either Winning Number Win With Prize(s) Of:*

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,000,000 Tickets</i>
\$1 × 2	1:18.75	160,000
\$2 (Star)	1:12.50	240,000
\$2	1:18.75	160,000
\$1 × 3	1:300	10,000
\$2 + \$1	1:300	10,000
\$3 (Star)	1:100	30,000
\$3	1:300	10,000
\$1 × 4	1:375	8,000
\$2 × 2	1:375	8,000
\$3 + \$1	1:500	6,000
\$4 (Star)	1:300	10,000
\$4	1:375	8,000
\$1 × 5	1:375	8,000
\$2 + \$3	1:375	8,000
\$4 + \$1	1:375	8,000
\$5 (Star)	1:375	8,000
\$5	1:375	8,000
\$1 × 7	1:750	4,000
\$3 + \$4	1:750	4,000
\$5 + \$2	1:750	4,000
\$7 (Star)	1:750	4,000
\$7	1:750	4,000
\$2 × 7 + \$3	1:187.50	16,000
\$3 × 4 + \$5	1:187.50	16,000
\$4 × 3 + \$5	1:187.50	16,000
\$7 × 2 + \$3	1:187.50	16,000
\$17 (Star)	1:150	20,000
\$17	1:187.50	16,000
\$5 × 6 + \$4	1:4,800	625
\$7 × 4 + \$3 × 2	1:4,800	625
\$3 × 8 + \$5 × 2	1:4,800	625
\$17 × 2	1:4,800	625
\$34 (Star)	1:4,444	675
\$34	1:4,800	625
\$17 × 3	1:40,000	75
\$34 + \$17	1:40,000	75
\$7 × 7 + \$2	1:40,000	75
\$51 (Star)	1:40,000	75
\$51	1:40,000	75
\$17 × 4 + \$4 × 2	1:120,000	25



*When Any Of Your Numbers Match Either Winning Number Win With Prize(s) Of:*

\$34 × 2 + \$2 × 4  
 \$76 (Star)  
 \$76  
 \$76 × 10  
 \$760 (Star)  
 \$760  
 \$17,760 (Star)  
 \$17,760

*Win*  
 \$76  
 \$76  
 \$76  
 \$760  
 \$760  
 \$17,760  
 \$17,760

*Approximate Odds*  
 1:120,000  
 1:60,000  
 1:120,000  
 1:750,000  
 1:750,000  
 1:750,000  
 1:3,000,000  
 1:1,500,000

*Approximate No. of Winners Per 3,000,000 Tickets*

25  
 50  
 25  
 4  
 4  
 4  
 1  
 2

(Star) = Automatic win

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Star Spangled Dollars instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Star Spangled Dollars, prize money from winning Pennsylvania Star Spangled Dollars instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Star Spangled Dollars instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Star Spangled Dollars or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-810. Filed for public inspection May 3, 2002, 9:00 a.m.]

**Pennsylvania Winning Hand Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Winning Hand.

2. *Price:* The price of a Pennsylvania Winning Hand instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Winning Hand instant lottery game ticket will contain a “Dealer’s Total” area and a “Your Hands” area. The “Your Hands” area will feature 10 “Hand” areas. Each “Hand” is played

separately. The play symbols and their captions located in the “Dealer’s Total” area are: 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “Your Hands” area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN), K (KNG) and A (ACE). A = 11, J, Q and K = 10.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 10 “Prize” areas are: \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$14\$ (FORTN), \$21\$ (TWY ONE), \$52\$ (FTY TWO), \$210 (TWOHUNTEN) and \$52,000 (FTYTWOTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$7, \$10, \$12, \$14, \$21, \$42, \$52, \$210 and \$52,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,880,000 tickets will be printed for the Pennsylvania Winning Hand instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of any “Hand” beats the “Dealer’s Total,” and a prize play symbol of \$52,000 (FTYTWOTHO) appears in the “Prize” area under that “Hand,” on a single ticket, shall be entitled to a prize of \$52,000.

(b) Holders of tickets where the sum of any “Hand” beats the “Dealer’s Total,” and a prize play symbol of \$210 (TWOHUNTEN) appears in the “Prize” area under that “Hand,” on a single ticket, shall be entitled to a prize of \$210.

(c) Holders of tickets where the sum of any “Hand” beats the “Dealer’s Total,” and a prize play symbol of \$52\$ (FTY TWO) appears in the “Prize” area under that “Hand,” on a single ticket, shall be entitled to a prize of \$52.

(d) Holders of tickets where the sum of any “Hand” equals 21, and a prize play symbol of \$21\$ (TWY ONE) appears in the “Prize” area under that “Hand,” on a single ticket, shall be entitled to a prize of \$42.

(e) Holders of tickets where the sum of any “Hand” beats the “Dealer’s Total,” and a prize play symbol of \$21\$ (TWY ONE) appears in the “Prize” area under that “Hand,” on a single ticket, shall be entitled to a prize of \$21.

(f) Holders of tickets where the sum of any “Hand” equals 21, and a prize play symbol of \$7<sup>00</sup> (SVN DOL) appears in the “Prize” area under that “Hand,” on a single ticket, shall be entitled to a prize of \$14.

(g) Holders of tickets where the sum of any “Hand” beats the “Dealer’s Total,” and a prize play symbol of \$14\$

(FORTN) appears in the "Prize" area under that "Hand," on a single ticket, shall be entitled to a prize of \$14.

(h) Holders of tickets where the sum of any "Hand" beats the "Dealer's Total," and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area under that "Hand," on a single ticket, shall be entitled to a prize of \$12.

(i) Holders of tickets where the sum of any "Hand" equals 21, and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under that "Hand," on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets where the sum of any "Hand" beats the "Dealer's Total," and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area under that "Hand," on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets where the sum of any "Hand" beats the "Dealer's Total," and a prize play symbol of \$7<sup>.00</sup>

(SVN DOL) appears in the "Prize" area under that "Hand," on a single ticket, shall be entitled to a prize of \$7.

(l) Holders of tickets where the sum of any "Hand" beats the "Dealer's Total," and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under that "Hand," on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets where the sum of any "Hand" beats the "Dealer's Total," and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears in the "Prize" area under that "Hand," on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When the Sum of Any of Your Hands Beat the Dealer's Total, Win With Prize(s) of:*

<i>Approximate Win</i>	<i>Winners Odds</i>	<i>Approximate No. of Per 2,880,000 Tickets</i>
\$5	1:9.23	312,000
\$7	1:26.09	110,400
\$10	1:120	24,000
\$5 (w/21)	1:120	24,000
\$2 × 5	1:37.50	76,800
\$5 × 2	1:150	19,200
\$12	1:300	9,600
\$10 + \$2	1:300	9,600
\$5 × 2 + \$2	1:300	9,600
\$7 + \$5	1:600	4,800
\$14	1:200	14,400
\$7 × 2	1:200	14,400
\$7 (w/21)	1:150	19,200
\$21	1:150	19,200
\$7 × 3	1:75	38,400
\$7 (w/21) + \$7	1:50	57,600
\$14 + \$7	1:100	28,800
\$52	1:461.54	6,240
\$5 × 8 + \$12	1:1,000	2,880
\$14 × 3 + \$5 × 2	1:631.58	4,560
\$21 × 2 + \$5 × 2	1:600	4,800
\$21 (w/21) + \$10	1:521.74	5,520
\$210	1:40,000	72
\$21 × 10	1:40,000	72
\$52,000	1:720,000	4

(w/21) = Double the prize

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winning Hand instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Winning Hand, prize money from winning Pennsylvania Winning Hand instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Winning Hand instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Winning Hand or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-811. Filed for public inspection May 3, 2002, 9:00 a.m.]

## DEPARTMENT OF STATE

### May Primary; Notice from the Secretary of the Commonwealth

On January 7, 2002, Governor Mark Schweiker signed into law Act 1 of 2002 (Act 1), which established the Pennsylvania congressional redistricting plan. On April 8, 2002, the United States District Court for the Middle District of Pennsylvania issued an order finding that Act 1 was unconstitutional and enjoining the Governor, the Secretary of the Commonwealth and the Commissioner of the Bureau of Commissions, Elections and Legislation from implementing Act 1 of 2002.

On April 18, 2002, Governor Mark Schweiker signed into law Act 34 of 2002 (Act 34), which altered the Pennsylvania congressional redistricting plan found in Act 1. Section 501 of Act 34 requires the Secretary of the Commonwealth, by April 25, 2002, to "... make a determination as to whether an injunction prohibiting the Commonwealth from conducting the 2002 Election for Representatives in Congress in accordance with the Redistricting Plan contained in Act 1 of 2002 remains in effect." Notice of the determination is required to be transmitted to the Legislative Reference Bureau on April 25, 2002, for publication in the *Pennsylvania Bulletin*.

On April 23, 2002, the United States District Court for the Middle District of Pennsylvania issued an order allowing the Secretary of the Commonwealth to conduct "... the 2002 Congressional elections using Act 1."

Accordingly, this 25th day of April, 2002, I hereby declare that an injunction prohibiting the Commonwealth from conducting the 2002 election for Representatives in Congress in accordance with the redistricting plan in Act 1 of 2002 does not remain in effect. The 2002 General Primary will be held on May 21, 2002 for all federal and state offices previously designated to the county boards of elections. The 2002 General Election will be held on November 5, 2002 for all Federal and State offices previously designated.

This notice shall be effective on April 23, 2002, to coincide with the Order of the U.S. District Court for the Middle District of Pennsylvania.

C. MICHAEL WEAVER,  
*Acting Secretary of the Commonwealth*

[Pa.B. Doc. No. 02-812. Filed for public inspection May 3, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Borough of Duncannon v. DEP; EHB Doc. No. 2002-082-C

Borough of Duncannon has appealed the issuance by the Department of Environmental Protection of an NPDES Permit No. PA-0021245 (March 5, 2002) to Borough of Duncannon for a facility in Duncannon Borough, Perry 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. 02-813. Filed for public inspection May 3, 2002, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Low Income Housing Tax Credit Program

The Housing Finance Agency (Agency), as the administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice of a public hearing to obtain comment on the proposed Pennsylvania 2003 Low Income Housing Tax Credit Allocation Plan. This public hearing will be held on May 23, 2002, at 9 a.m., Housing Finance Agency, 2101 North Front Street, Harrisburg, PA 17105-8029. Copies of the proposed allocation plan are available upon written request at the address listed in this notice, by calling (717) 780-3948 or through the Agency's website at [www.phfa.org](http://www.phfa.org). Individuals wishing to comment on the plan, but unable to attend the scheduled hearing, are invited to provide written comments no later than May 22, 2002, to the Manager, Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029, TTY for the hearing impaired (717) 780-1869.

Written comments must be submitted prior to the date of the scheduled hearing or at the public hearing. Individuals who plan to attend the public hearing, should contact the Agency at (717) 780-3948.

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 02-814. Filed for public inspection May 3, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Friday, April 19, 2002, and took the following actions:

*Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective April 16, 2002:*

Environmental Quality Board #7-367: Coal Mine Permits/Road Requirements (amends existing provisions for approval/denial of coal mine permits and access roads)

*Regulations Approved:*

Environmental Quality Board #7-362A: Stream Redesignations, Little Bush Kill, et al. (amends 25 Pa. Code Chapter 93)

Environmental Quality Board #7-365: Heavy-Duty Diesel Emissions Control Program (amends 25 Pa. Code Chapters 121 and 126)

**Approval Order**

Public Meeting held  
April 19, 2002

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

*Environmental Quality Board—Stream Redesignations, Little Bush Kill, et al.; Regulation No. 7-362A*

On April 23, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 93. The proposed regulation was published in the May 5, 2001, *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on March 26, 2002.

This final-form rulemaking evaluates four streams or stream segments for redesignation. Of the four streams, one, Smithtown Creek (Bucks County), will retain its current designation of "Trout Stocking." The EQB is revising the designations for the other three streams: Little Bush Kill (Pike County); Lizard Creek (Schuylkill County); and Owayo Creek (Potter County). Also included in this rulemaking is the addition of the "Migratory Fishes" designation for Buck Hill Creek, which was inadvertently omitted in a previous rulemaking.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P. S. § 691.5, et seq.) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

Public Meeting held  
April 19, 2002

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

*Environmental Quality Board—Heavy-Duty Diesel Emissions Control Program; Regulation No. 7-365*

On August 21, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code, Chapters

121 and 126. The proposed regulation was published in the September 1, 2001, *Pennsylvania Bulletin* with a 69-day public comment period. The final-form regulation was submitted to the Commission on March 26, 2002.

This final-form regulation adopts and incorporates by reference the heavy-duty diesel emission standards of the California Air Resource Board for vehicles greater than 14,000 lbs. Under the new standards, heavy-duty diesel engine manufacturers will be required to certify their engines using the Not-to-Exceed and Euro III European Stationary Cycle tests. These regulations will affect part of model year 2005 and each model year after that.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P. S. § 4005) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 02-815. Filed for public inspection May 3, 2002, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides that the designated standing Committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the Committees' comment period. The Commission's comments are based upon the criteria contained in sections 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
#6-275	State Board of Education Academic Standards and Assessment for Civics and Government; Economics; Geography and History (32 Pa.B. 905 (February 16, 2002))	4/18/02	3/18/04
#6-276	State Board of Education Academic Standards and Assessment for Arts and Humanities; Health, Safety and Physical Education; and Family and Consumer Sciences (32 Pa.B. 882 (February 16, 2002))	4/18/02	3/18/04

**State Board of Education Regulation No. 6-275  
Academic Standards and Assessment for Civics and  
Government; Economics; Geography and History  
April 18, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Education (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by March 18, 2004, the regulation will be deemed withdrawn.

**General**

**1. Structure and content of the Standards.—Reasonableness.**

Commentators have stated that the content of the four standards is too detailed and cannot be covered in the time allotted for social studies. An alternative to the current structure would be one standard organized around themes that demonstrate the interrelationships between the four separate standards. In the final-form regulation, the Board could consider a more streamlined approach to the four standards.

**2. Introductions.—Clarity.**

The introduction to the History standards includes a concise explanation of the general format of the standard. It states that the standards are broken down into categories, statements, bulleted items (descriptors) and examples. For clarity and consistency, similar language should be included in the introductions to the Civics and Government, Economics and Geography standards.

**3. Table of Contents.—Clarity.**

We have identified two inconsistencies between the Table of Contents and the format of the four standards.

First, the format of the Tables of Contents for the four standards is not consistent with the Tables of Contents of the existing academic standards for Science and Technology and Environment and Ecology. The Tables of Contents for the existing standards list categories and identify statements under those categories with corresponding capital letters. In the final-form regulation, the format of the Tables of Contents for these new standards should match the format of the existing standards.

Second, the standards listed in the Tables of Contents do not match the standards contained in the text. For example:

- Under the Civics and Government standards § 5.1, the Table of Contents lists three standards, but the text of § 5.1 contains 13 standards.
- Conversely, under the Geography standards in § 7.1, the Table of Contents lists three standards, but the text of § 7.1 only contains two standards.

In the final-form regulation, the Board should ensure that the content of each of the standards is accurately reflected in the Tables of Contents.

**Civics and Government**

**4. Section 5.2. Rights and Responsibilities of Citizenship.—Clarity.**

In Standard 5.2.9.E, the word “the” should be inserted before the word “political.”

**5. Section 5.3. How Government Works.—Clarity.**

Standard 5.3.9.D lists the “Pennsylvania Utilities Commission” as an example of an independent State agency. The correct name of this agency is the “Pennsylvania Public Utilities Commission.”

**6. XV. Glossary.—Clarity.**

We have identified the following issues related to the terminology used in the Glossary and the text of standards:

- The following words and phrases are included in the Glossary, but are not used in the text of the Civics and Government standards: “Civil law,” “Civil liberties,” “Common law,” “Compromise,” “Concurrent powers,” “Confederation,” “Consent of the governed,” “Constitutionalism,” “Delegated powers,” “Diplomat,” “Judicial power” and “Political efficacy.” If the terms are not used within the text of the standards, then the Board should delete these terms from the Glossary.

- We have identified 34 words and phrases used in the text of the Civics and Government standards, but not included in the Glossary. See Appendix A. A commentator on these standards notes that many of the teachers may not have any experience with political science and are unfamiliar with much of the terminology. Therefore, we suggest that the final-form regulation define these words and phrases in the Glossary.

**Economics**

**7. XVIII. Glossary.—Clarity**

We have identified 37 technical words and phrases used in the text of the Economics standards, which are not included in the Glossary. See Appendix B. For clarity, the final-form regulation should define these words and phrases in the Glossary.

**Geography**

**8. Section 7.1. Basic Geographic Literacy.—Clarity.**

Standard 7.1.3.B uses “i.e.” in some of the descriptors as opposed to “e.g.” which is used throughout the standards. The appropriate abbreviation is “e.g.” and this standard should be changed to reflect the appropriate abbreviation.

**9. Section 7.2. The Physical Characteristics of Places and Regions.—Clarity.**

Standard 7.2.3.A requires students to identify “Earth’s basic physical systems” including “Lithosphere, Hydrosphere, Atmosphere, Biosphere.” In its comments, the House Education Committee Staff questioned the appropriateness of these terms for students up to third grade. We agree and suggest that these terms would be more appropriate under Standard 7.2.6.A.

**10. Section 7.3. The Human Characteristics of Places and Regions.—Clarity.**

Standard 7.3.12.C requires students to “Use models of the internal structure of cities (e.g., concentric zone model, sector theory, multiple nuclei theory).” The example should refer to “sector” and “multiple nuclei” models as opposed to theories. Further, the definition of the term “Sector model” in Section XXI, Glossary, should reflect the use of the term in the standards.

**11. Section 7.4. The Interactions Between People and Places.—Clarity.**

Standards 7.4.6.A and 7.4.9.A refer to “hazard-prone areas.” However, Section XXI, Glossary defines the term “natural hazard.” The defined term should be used in the standards.

**12. XXI. Glossary.—Clarity.**

We have identified the following issues related to the terminology used in the Glossary and the text of standards:

- The following terms are defined in the Glossary, but not used in the text of the standards: “Choropleth map,” “Climatic processes,” “Contour map,” “Demography,” “Cultural hearths,” “Equinox,” “Industrialization,” “Land degradation,” “Map projection,” “Regionalization” and “Urbanization.” If the terms are not used within the text of the standards, then the Board should delete these terms from the Glossary.

- The following technical terms are used in the text of the standards but not defined in the Glossary: “biomes,” “tertiary,” “legend” (that is, relating to a map), “NAFTA,” “NATO” and “OAS.” Defining these terms would add clarity.

- The following common terms are defined in the Glossary: “Distribution,” “Population size” and “Satellite image.” We question whether it is necessary to define these terms.

- The definition of the term “Absolute location” states “The position of a point on Earth’s surface that can usually be described by latitude and longitude but also including nine digit zip code and street address.” We question whether the phrase “but also including nine digit zip code and street address” is relevant to this definition.

- The term “Intervening opportunities” should be changed to “Intervening opportunity” to be consistent with the tense of the term used within the standards.

**History****13. XXIII. Introduction.—Clarity.**

The Introduction preceding the History standards contains the following sentence: “Although different grade levels outline different chronological periods within the standards, it is intended, as any good teacher would do, that the specified chronological eras be linked to past learnings and that all eras be linked to the present.” Since the phrase “as any good teacher would do” is subjective, it should be removed from the final-form version of this rulemaking.

**14. Section 8.3. United States History.—Clarity.**

In Standard 8.3.3.A, there is a listing of “Individuals who are role models.” The examples listed include “. . . Tiger Woods, Cal Ripken, Jr., Sammy Sosa.” Why did the Board choose so many sports figures as examples of “role models” for United States history?

**15. XXIV. Glossary.—Clarity.**

We have identified the following issues related to the terminology used in the Glossary and the text of the standards:

- The following terms are defined in the Glossary, but not used in the text of the standards: “Archive,” “Legends,” “Monument” and “Timelines.” If the terms are not used within the text of the standards, then the Board should delete these terms from the Glossary.

- The term “Memorial” is defined as “An object or ceremony serving as remembrance for a person, group, day, site or event.” Because the meaning of this term is commonly understood, we question whether it is necessary for this term to be defined.

- “AME Church” is listed as an example of a social organization. A definition of “AME Church” should be included in the Glossary.

**Appendix A**

Terms to be defined in the Glossary for Civics and Government Standards

Constitutional Government  
Political Leadership  
Framers of documents  
Civic Life  
Constitutional Democracy  
Double Jeopardy  
Preamble  
Executive Branch  
Political Unit  
Civil Disobedience  
Legislative Branch  
United Nations  
Direct Democracy  
Judicial Branch  
World Court  
Representative Democracy  
Bill  
International Red Cross  
Limited Government  
Regulation  
Amnesty International  
Unlimited Government  
Primary Election  
World Council of Churches  
Personal Rights  
General Election  
Equal Protection  
Political Rights  
Caucuses  
Right to Counsel  
Economic Rights  
Electoral College  
Civic Responsibilities  
Personal Responsibilities

**Appendix B**

Terms to be defined in the Glossary for Economics Standards

Output  
Cartels  
Inter-regional trade  
Expansion  
Limited resources scarcity  
International trade  
Contraction  
Regional economy  
Trade barrier  
Recession  
National economy  
Renewable resources  
Depression  
International economy  
Non-renewable resources  
Market transaction  
Limited resources  
Flow resources  
Non-competitive market  
Unlimited wants  
Labor market  
Tariff  
Capital resources  
Stock

Quota  
 Allocation of resources  
 Bond  
 Exchange rate  
 Economic decision  
 Mutual fund  
 Trade balance Decision making (in the context of marginal analysis)  
 Retirement savings  
 Price control  
 Import  
 Export  
 Monopoly

—

**State Board of Education Regulation No. 6-276**

**Academic Standards and Assessment for Arts and Humanities; Health, Safety and Physical Education; and Family and Consumer Sciences**

**April 18, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Education (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by March 18, 2004, the regulation will be deemed withdrawn.

**Arts and Humanities**

**1. XXV. Table of Contents.—Clarity.**

We have identified the following inconsistencies between the Table of Contents and the format of the standards:

- Under § 9.1, the Table of Contents lists standards A through H, but the text of § 9.1. contains standards A through K.
- Under § 9.2, the Table of Contents lists standards A through E, but the text of § 9.2 contains standards A through L.
- Under § 9.3, the Table of Contents lists standards A through E, but the text of § 9.3 contains standards A through G.

In the final-form regulation, the lettering in the Table of Contents should match the lettering in the text of the standards. Additionally, the Board should ensure that the identifying title associated with each letter in the Table of Contents reflects the content of the corresponding standards in the body of the regulation.

**2. Section 9.1. Production, Performance and Exhibition of Dance, Music, Theatre and Visual Arts.—Clarity.**

Standard 9.1 lists the elements and principles of art forms that are included in the proposed standards. In its comments, the House Education Committee Staff (Committee Staff) suggests adding “style” in the list of principles related to music. We agree, given that “style” is included as a principle for dance and theatre.

Standards 9.1.3.H, 9.1.5.H, 9.1.8.H and 9.1.12.H refer to “issues of cleanliness related to the arts.” The phrase “issues of cleanliness” is vague. Based upon discussion with the Board staff, it is our understanding that these standards refer to proper use and clean-up of artistic materials. Clarity would be improved if these descriptors

were rephrased to specifically identify the activities encompassed by these standards.

Standards 9.1.3.J and 9.1.3.K require students to “know and use traditional and contemporary technologies.” Standards 9.1.5.J and 9.1.5.K require students to “apply traditional and contemporary technologies.” The difference between these standards is unclear. The phrase “know and use” and the term “apply” could be interpreted as synonymous. Examples of the types of skills required in each of these standards would help clarify the Board’s intent.

**3. Section 9.3. Critical Response.—Reasonableness.**

Standards 9.3.3.A and 9.3.3.E require third graders to “recognize critical processes used in the examination of works in the arts and humanities” and “recognize and identify types of critical analyses in the arts and humanities.” In its comments, Committee Staff notes that these standards are higher-level processes and would be difficult for kindergarten through third grade students to achieve. Committee Staff states that these requirements are inappropriate. We agree and suggest that the Board reexamine inclusion of these standards at the third grade level.

**4. Section 9.4. Aesthetic Response.—Clarity.**

Standard 9.4.5.B requires fifth grade students to “investigate and communicate multiple philosophical views about works in the arts.” Committee Staff has suggested, and we agree, that this standard is confusing and should be reworded to clarify its intent.

**5. XXVII. Glossary.—Clarity.**

We have identified the following issues related to the terminology used in the Glossary and the text of the standards:

- The following terms are defined in the Glossary but are not used in the text of the standards: “arts criticism,” “arts integration,” “arts resources,” “assess,” “formal production,” “repertoire” and “synthesis.” If these terms are not included in the text of the standards, they should be deleted from the Glossary.
- The terms “aesthetic response” and “assessment” are used in the regulation, but not defined in the Glossary. Defining these terms would add clarity.

**Health, Safety and Physical Education**

**6. Section 10.1. Concepts of Health.—Reasonableness; Protection of the Public Health; Clarity.**

In its comments, the Pennsylvania Catholic Conference notes that education on sexually transmitted diseases is included in the sixth grade standards (Standard 10.1.6.E), but abstinence is not addressed until ninth grade (Standard 10.1.9.A). We agree that this apparent inconsistency is confusing.

Standard 10.1.6.E requires students to “identify and describe health problems that can occur throughout life.” It would appear that classroom discussion of any disease would logically include dialogue on how a disease is contracted and how it can be prevented. The Board should consider including disease prevention in both the sixth and ninth grade standards.

**7. Section 10.2. Healthful Living.—Clarity.**

Standard 10.2.3.A refers to “community helpers.” Clarity would be improved by defining this term in XXX. Glossary.

**8. Section 10.3. Safety and Injury Prevention.—Reasonableness; Protection of the Public Health, Safety and Welfare.**

The Pennsylvania Association for Safety Education commented that the proposed standards should be expanded to include driver education. It is reasonable to assume that most students will drive during their lifetime. Given the statistical significance of teenage motor vehicle accidents and fatalities, the Board should include a standard for classroom instruction of driver safety education.

**9. Section 10.5. Concepts, Principles and Strategies of Movement.—Reasonableness.**

Standards 10.5.3.B and 10.5.6.B address “the concepts of motor skill development.” In its comments, Committee Staff notes that these standards are highly analytical and would be difficult for third and sixth grade students to achieve. Committee Staff has suggested that the Board add clarifying language or delete these standards. We agree and suggest that the Board reexamine inclusion of these standards at the third and sixth grade level.

Standard 10.5.3.E. requires students to “know and describe scientific principles that affect movement. . . .” This standard lists gravity as an example of a scientific principle. We question whether this standard is too advanced for the third grade level. In the Board’s existing science standards, the concept of gravity is not addressed until seventh grade in Standard 3.4.7.D. The Board should reconsider inclusion of this standard at the third grade level.

Standard 10.5.6.E requires students to “identify and use scientific principles that affect basic movement. . . .” This standard lists Newton’s Laws of Motion as one of the scientific principles. Similar to our concern relating to the comparable third grade standard, we question whether this standard is too advanced for the sixth grade level. Newton’s Laws are not addressed until the tenth grade in Standard 3.4.10.C in the Board’s existing science standards. The Board should reconsider inclusion of this standard at the sixth grade level.

**10. XXX. Glossary.—Clarity.**

We have identified the following issues related to the terminology used in the Glossary and the text of the standards:

- The term “biomechanics” is defined, but the term used in Standard 10.5.12.E is “biomechanical principles.” The term defined in the Glossary should match the term used in the text of the standards.
- The terms “cardiorespiratory fitness” and “multi-media” are used in the standards, but are not defined in the Glossary. Defining these terms would improve clarity.
- The term “refusal strategies” is defined in the Glossary, but the term used in Standard 10.3.3.C is “refusal skills.” The term defined in the Glossary should match the term used in the text of the standards.

**Family and Consumer Sciences**

**11. Section 11.1. Financial and Resource Management.—Reasonableness.**

The Independent Insurance Agents of Pennsylvania, Inc. commented that the proposed standards should be amended to include a basic understanding of insurance concepts. We agree that every student will eventually be faced with purchasing an insurance policy of some type, such as car insurance, health insurance, or renter’s or

homeowner’s insurance. Therefore, it would be reasonable to include basic insurance concepts in the standards.

**12. Section 11.4. Child Development.—Clarity.**

Standard 11.4.3.A lists the stages of child development as: infancy; early childhood; middle childhood; late childhood; and adolescence. However, the definition of “child development stage” lists the stages as: infancy; toddler; preschool; school age; and adolescent. The discrepancy between Standard 11.4.3.A and the definition of “child development stage” should be resolved in the final-form regulation.

Standard 11.4.5.A contains a typographical error. The word “developmental” should be changed to “development.”

**13. XXXIII. Glossary.—Clarity.**

We have identified the following issues related to the terminology used in the Glossary and the text of the standards:

- The phrase “child-care provider considerations” is defined in the Glossary, but the phrase used in Standard 11.4.6.D is “considerations prior to selecting childcare providers.” The phrase defined in the Glossary should match the phrase used in the text of the standards.
- The phrase “child development stage” is defined in the Glossary, but the phrase used in Standard 11.4.3.A is “stage of child development.” The phrase defined in the Glossary should match the phrase used in the text of the standards. Additionally, clarity would be improved if the age ranges that correspond to the stages of development were defined.

[Pa.B. Doc. No. 02-816. Filed for public inspection May 3, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Admissibility of Prepaid Premium Taxes in Financial Statements; Insurance Department Notice No. 2002-02

By Insurance Department Notice No. 1998-04, all domestic insurers were advised of the requirement to adhere to the codified *Accounting Practices and Procedures Manual* (Manual) adopted by the National Association of Insurance Commissioners (NAIC). Adherence to the Manual was required beginning with quarterly financial statements as of March 31, 2001. By Insurance Department Notice No. 2001-10, domestic insurers were further advised of certain laws, regulations or orders of the Insurance Commissioner that may require disclosures in notes to financial statements and CPA audit reports as departures from the Manual. The order of the Insurance Commissioner dated April 18, 1996, relating to the admissibility of prepaid premium taxes, was identified in Notice No. 2001-10 with a notation that the NAIC was reconsidering the nonadmissibility of prepaid premium taxes in the Manual.

During its National meeting on March 2002, the NAIC adopted a modification to the Manual (SSAP No. 10) to specifically allow for the admissibility of state premium taxes recoverable. SSAP No. 10 expands the admissibility provided for under the Insurance Commissioner’s order by allowing State tax recoverables, including prepayment and overpayment of State premium taxes, to be admitted



assets if the recoverables are reasonably expected to be recovered in a subsequent accounting period.

This notice is to advise domestic insurers that, because the Manual now provides for the admissibility of state premium taxes, the order dated April 18, 1996, has been revoked by order of the Insurance Commissioner, dated April 5, 2002. Therefore, prepayment and overpayment of State premium taxes will now be considered admitted assets in financial statements filed with the Insurance Department if insurers report these recoverables as prescribed by the Manual.

Questions concerning this notice may be directed to Stephen J. Johnson, CPA, Deputy Insurance Commissioner, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142, fax: (717) 787-8557, e-mail: stjohanson@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-817. Filed for public inspection May 3, 2002, 9:00 a.m.]

---

**Capital Blue Cross and Capital Advantage Insurance Company; Certificate of Assumption CBC/CAIC Filing No. 02-C; Security 65 Medicare Supplement Policy**

On April 17, 2002, Capital Blue Cross and Capital Advantage Insurance Company submitted Filing Number 02-C seeking approval of a certificate of assumption form for the nongroup Security 65 Medicare Supplement program offered in the 21 counties of central Pennsylvania and the Lehigh Valley that comprises the services area of Capital Blue Cross. Approval is requested for assumption coverage effective July 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Jeffrey Russell, Office of Rate and Policy Regulation, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 working days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-818. Filed for public inspection May 3, 2002, 9:00 a.m.]

---

**Yusef A. Jamaladdin; Prehearing**

**License Denial; Doc. No. AG02-03-021**

A prehearing telephone conference initiated by this office is scheduled for May 30, 2002, at 10:30 a.m. Each party shall send the Hearings Administrator a telephone number to be used for the telephone conference on or before April 30, 2002. A hearing shall occur on June 12, 2002, at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the

hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before May 16, 2002, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. A report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other 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 for photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 16, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before May 23, 2002.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-819. Filed for public inspection May 3, 2002, 9:00 a.m.]

---

**Keystone Health Plan West, Inc.; Rate Filing**

On April 22, 2002, Keystone Health Plan West, Inc. submitted a rate filing for approval of Base Medical and Drug pure premiums and trends, age/sex adjustment factors, pooling charges and retentions for experience rated group clients with 51 or more contracts, enrolled with Highmark and Keystone combined. Keystone West also proposed retention factors for Demographically Rated Clients (1-50 contracts). This filing will be used with rating formula number 4-RATPROC-01-KHPW (PID# A55672001).

This filing is available for public inspection during normal working hours at the Insurance Department's regional offices in Harrisburg and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, Strawberry Square, Harrisburg, PA

17120 within 30 days after the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-820. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Stephen J. Mazzone, Jr.; Prehearing

#### License Denial; Doc. No. AG02-04-025

A prehearing telephone conference is scheduled for May 29, 2002, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 17, 2002. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference. If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or person with full settlement authority shall be available by telephone during the conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before May 17, 2002, each party shall file with the Administrative Hearings Office via facsimile (717) 787-8781 and serve upon the other party via facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will attend the prehearing conference, if different than the person designated for service. No prehearing memoranda or other written submissions are required for the prehearing/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-821. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Pennsylvania 2001 Private Passenger Automobile Data Calls

Each year the Insurance Department (Department) conducts routine "Data Calls" to companies licensed to write motor vehicle insurance in this Commonwealth. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On May 1, 2002, the Department forwarded Data Calls to be completed by companies who are licensed to write private passenger automobile insurance this Commonwealth. The company will receive only a cover letter by means of the United States Postal Service. The 2001 Data Call letter, instructions and data formats are available on the De-

partment's website and can be accessed at [www.insurance.state.pa.us](http://www.insurance.state.pa.us) under the "What's New" section.

Companies with Pennsylvania private passenger automobile direct written premium in 2001 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single Part 1 and a single Part 2. These parts should be submitted to the Department by September 16, 2002.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2001 are required to complete only Part 2. This should be submitted to the Department by September 16, 2002.

Consistent with previous years, the Department will protect the proprietary interest of all companies with regards to the handling of the data that is submitted. See the instructions for additional information regarding the completion of the individual parts.

Submissions and inquires should be directed to Clinton Wright, Insurance Department, Office of Rate and Policy Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail: [clwright@state.pa.us](mailto:clwright@state.pa.us) or (717) 783-0651.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-822. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Progressive Northern Insurance Company; Private Passenger Auto Rate Revision

On April 19, 2002, the Insurance Department (Department) received from Progressive Northern Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 0.1% decrease amounting to -\$251,000 annually, to be effective July 10, 2002, for new business and September 3, 2002, for renewal business.

Unless formal administrative action is taken prior to June 18, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at [mburkett@state.pa.us](mailto:mburkett@state.pa.us)) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-823. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Prudential Property and Casualty Insurance Company; Homeowner Rate Revision

On April 15, 2002, the Insurance Department (Department) received from Prudential Property and Casualty

Insurance Company a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 8.6% increase amounting to \$4.342 million annually, to be effective July 19, 2002, for new business and September 6, 2002, for renewal business.

Unless formal administrative action is taken prior to June 14, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (e-mail: xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-824. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia, 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 Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

William and Nancy B. Cope; file no. 02-268-01502; AAA Mid-Atlantic Insurance Company; doc. no. PH02-04-031; June 4, 2002, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend 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. 02-825. Filed for public inspection May 3, 2002, 9:00 a.m.]

### 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 Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Stephanie and Isiah Byrd, III; file no. 02-280-01172; Keystone Insurance Company; doc. no. PH02-04-030; June 3, 2002, 3 p.m.

Robert F. and Carole Meyer; file no. 02-280-01509; Harleysville Mutual Insurance Company; doc. no. PH01-04-029; June 4, 2002, 9 a.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. 02-826. Filed for public inspection May 3, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Chester County, Wine & Spirits Shoppe #1522, Townships of North, South or East Coventry.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space located between Route 724 on the north side and Pughtown Road on the south side in the townships of North, South or East Coventry.

*Proposals due:* May 24, 2002, at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

The following Liquor Control Board lease will expire:

Montgomery County, Wine & Spirits Shoppe #4637, Audubon Village Shopping Center, 2812 Audubon Village Drive, Audubon, PA 19403-2211.

*Lease Expiration Date:* March 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space located in a 1 mile radius of the intersection of Egypt and Pawling Road in Audubon.

*Proposals due:* May 24, 2002, at 12 noon

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 02-827. Filed for public inspection May 3, 2002, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Meetings Scheduled

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection have scheduled public meetings for 2 p.m., July 17, 2002, November 13, 2002, and March 26, 2003, in the 2nd Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The meetings are scheduled for the purpose of advising the public regarding revisions to the previously approved projects shown on the FY 2002-2003 CWSRF and DWSRF Project Priority List and Intended Use Plan and the impact of the PENNVEST Board decisions on the funding of these projects.

Persons requiring ADA accommodations should contact Tony Maisano at (717) 787-6744 or by e-mail at amaisano@state.pa.us.

PAUL K. MARCHETTI,  
*Executive Director,*  
*Pennsylvania Infrastructure Investment Authority*

DAVID E. HESS,  
*Secretary,*  
*Department of Environmental Protection*  
*Vice-Chairperson,*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 02-828. Filed for public inspection May 3, 2002, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

### Meetings Scheduled and Application Cut-Off Dates

The Fiscal Year 2002-03 regular meetings and application cut-off dates of the Pennsylvania Infrastructure Investment Authority (PENNVEST) have been scheduled. Meetings of the PENNVEST Board of Directors will begin at 10 a.m. on the stated meeting dates at the Governor's Residence, 2035 North Front Street, Harrisburg, PA 17102.

<i>Application Cut-Off Dates</i>	<i>Board Meeting Dates</i>
May 8, 2002	July 17, 2002
September 4, 2002	November 13, 2002
January 15, 2003	March 26, 2003

Funding applications must be received by 5 p.m. on the stated cut-off dates at the PENNVEST Office, 22 South Third Street, Harrisburg, PA 17101.

Persons requiring ADA accommodations at the meetings should contact Elaine Keisling (717) 783-4494 or by e-mail at akeisling@state.pa.us.

PAUL K. MARCHETTI,  
*Executive Director*

[Pa.B. Doc. No. 02-829. Filed for public inspection May 3, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-310824F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and DSLnet Communications, LLC d/b/a DSL.net.** Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and DSLnet Communications, LLC d/b/a DSL.net for

approval of a master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and DSLnet Communications, LLC d/b/a DSL.net filed on April 22, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and DSLnet Communications, LLC d/b/a DSL.net Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-830. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Telecommunications

**A-311087F7000. Verizon Pennsylvania Inc. and PaCLEC Corporation.** Joint Petition of Verizon Pennsylvania Inc. and PaCLEC Corporation for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and PaCLEC Corporation filed on April 11, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under section 251(i) 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 Verizon Pennsylvania Inc. and PaCLEC Corporation Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-831. Filed for public inspection May 3, 2002, 9:00 a.m.]

### Wastewater

**A-230093F0002. Monteforte Enterprises, Inc.** Application of Monteforte Enterprises, Inc. for approval of the right to begin to offer, render, furnish or supply wastewater service to the McDonald's Restaurant located in New Milford Township, Gilmore, Exit I-81, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 20, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Monteforte Enterprises, Inc.

*Through and by Counsel:* Hassey Legal Services, Attorneys-at-Law, 342 Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-832. Filed for public inspection May 3, 2002, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #0230.P, Purchase of Roofing Materials until 2 p.m. on Tuesday, May 14, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 7, 2002. PRPA is an equal opportunity employer. The contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 02-833. Filed for public inspection May 3, 2002, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 3, 2002	Samuel A. Defazio (Disability Retirement)	1:30 p.m.
June 5, 2002	Jean Pinto Thorpe (Purchase of Service)	2:30 p.m.

June 12, 2002	Mary Kathleen Burns (Mandatory Membership)	1 p.m.
	Jane L. Keffer (Purchase of Service)	2:30 p.m.
July 8, 2002	Helen M. Kulp (Disability Retirement)	1:30 p.m.
July 10, 2002	James F. Bologna (Class T-D)	1 p.m.

Persons with a disability wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 02-834. Filed for public inspection May 3, 2002, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

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.

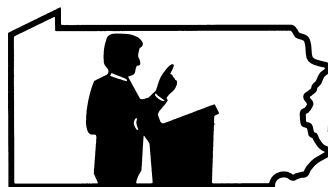
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

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*

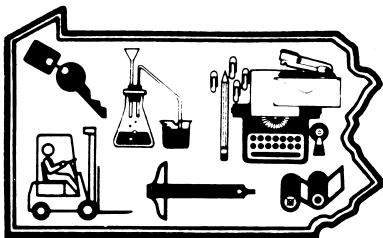
Effective April 15, 2002, the Department of General Services (Department), Bureau of Purchases, will no longer send vendors notices of the availability of invitations for bids or requests for proposals (by fax or other means). Bidding/contracting opportunities will be posted on the Department's website. 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](http://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.

KELLY POWELL LOGAN,  
*Secretary*



### Commodities

**1349231** Latest Model Stake Body Truck, 8,600 Lb GVWR (Min). BID OPENING DATE: 05/13/02  
**Department:** Game Commission  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1361381** Trailer Mounted Z-Boom. BID OPENING DATE: 05/10/02  
**Department:** Conservation and Natural Resources  
**Location:** Perkasi, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1390111** Locks, Security. BID OPENING DATE: 05/10/02  
**Department:** Corrections  
**Location:** Somerset, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1398111** Aluminum Windows. BID OPENING DATE: 05/17/02  
**Department:** Corrections  
**Location:** Training Academy, Elizabethtown, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1196721** Furnish & Install UPS Systems & Remove Old System. BID OPENING DATE: 05/10/02  
**Department:** Public School Employees' Retirement System  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1271121** Vehicle: Converted, Van Type, Wheelchair/Passenger. BID OPENING DATE: 05/13/02  
**Department:** Labor and Industry  
**Location:** Hiram G. Andrews Center, Johnstown, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8305-03 Supplement #1** Textiles. BID OPENING DATE: 05/10/02  
**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: 10/01/01 - 09/30/03  
**Contact:** Vendor Services (717) 787-2199

**8506310** Precast Concrete Box Culvert. BID OPENING DATE: 05/08/02  
**Department:** Transportation  
**Location:** Carlisle, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8506300** Precast Concrete Box Culvert. BID OPENING DATE: 05/08/02  
**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1402111** Furnish and Install New Domestic Hot Water System. BID OPENING DATE: 05/13/02  
**Department:** Corrections  
**Location:** Waynesburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**9110-05** Anthracite and Bituminous Coal. BID OPENING DATE: 05/10/02  
**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: 07/01/02 - 06/30/03  
**Contact:** Vendor Services (717) 787-2199

**1406111** Fabric Fencing, Posts and Related Items. BID OPENING DATE: 05/13/02  
**Department:** Corrections  
**Location:** Houtzdale, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199



**1412111** Steel Above Ground Vaulted Tank: Concrete Encased. BID OPENING DATE: 05/24/02  
**Department:** Corrections  
**Location:** Cambridge Springs, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**9110-04** Coal Testing. BID OPENING DATE: 05/08/02  
**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: 07/01/02 - 06/30/03  
**Contact:** Vendor Services (717) 787-2199

**8254370** Paint Trucks - Tandem Axle. BID OPENING DATE: 05/13/02  
**Department:** Transportation  
**Location:** Equipment Division, Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8506330** Precast Concrete Box Culvert / Span R.C. Arch Culvert. BID OPENING DATE: 05/13/02  
**Department:** Transportation  
**Location:** Butler, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1403341** TV Broadcast Equipment. BID OPENING DATE: 05/10/02  
**Department:** PA Public TV Network  
**Location:** Hershey, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

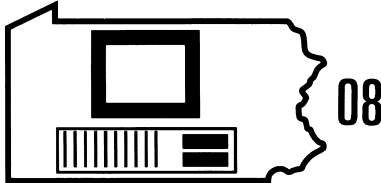
**9905-10** Arrow Panels. BID OPENING DATE: 05/13/02  
**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: 07/01/02 - 06/30/04  
**Contact:** Vendor Services (717) 787-2199

**8506320** Precast Concrete Box Culvert. BID OPENING DATE: 05/08/02  
**Department:** Transportation  
**Location:** Indiana, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1397111** Fleece. BID OPENING DATE: 05/10/02  
**Department:** Corrections  
**Location:** Pittsburgh, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8141960** Superpave Wearing Course. BID OPENING DATE: 05/15/02  
**Department:** Transportation  
**Location:** Warren, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

## SERVICES



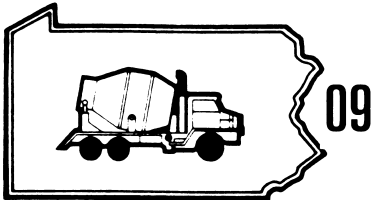
### Computer Related Services

**PHRC 2001-0101** The Pennsylvania Human Relations Commission is seeking bids for the purchase of page count licenses for Kofax Ascent Capture software.

**Department:** PA Human Relations Commission  
**Location:** 301 Chestnut Street, Suite 300 Harrisburg, PA 17101-2702  
**Contact:** Kelly M. Radcliffe (717) 783-8273

**SP911812000** Support for Oracle. One year of service. Database Enterprise Edition 8.1.7, Internet Developer Suite and Database Enterprise Edition 10 named users.

**Department:** Insurance  
**Location:** 1300 Strawberry Square, Harrisburg, Pa  
**Duration:** One year  
**Contact:** Lynn Baillie 717-772-3490



### Construction & Construction Maintenance

**030** Provide Steel Doors for renovation project. Doors to be steel with frames and supplied with all hardware and locks. Additional information can be obtained by contacting the Purchasing Department at 610-740-3425 or Fax 610-740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown PA 18109-2498  
**Duration:** 7/1/02 to 6/30/03  
**Contact:** Robert Mitchell 610-740-3425

**DGS A 961-23** PROJECT TITLE: Roof Replacement. BRIEF DESCRIPTION: Replace roof with new single ply membrane thermoplastic, new insulation and metal work. Also replace shingle roof with new ice and water shield, felt and shingles. Repair flashings as needed. Repoint all stone coping. ESTIMATED RANGE: Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: 717/787-3923. Bid Date: WEDNESDAY, May 8, 2002 at 1:00 P.M.

**Department:** General Services  
**Location:** PA National Guard Armory, Hamburg, Berks County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923

**DGS 2002-15WCM (RFP)** PROJECT TITLE: Statewide Construction Managers. BRIEF DESCRIPTION: This Request for Proposal (RFP) provides the information and requirements for preparing and submitting to the Department of General Services (DGS) proposals for Construction Management Services. It is the intent of the Department to contract with the Construction Managers (CM) to provide selected services on project located throughout the state. Construction Management. REQUEST FOR PROPOSAL PRICE: \$50.00 per set (Includes PA Sales Tax) per RFP. Payable to: COMMONWEALTH OF PA. This Price is non-refundable. Contact the office listed below to arrange for delivery of documents. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Receiving Date: FRIDAY, April 26, 2002 at 2:00 P.M. All Questions regarding the RFP or to clarify matters concerning the RFP must be submitted in writing to the issuing office by no later than 5:00 P.M., MONDAY, April 15, 2002. Only firms requesting the RFP will receive a copy of all submitted questions and answers.

**Department:** General Services  
**Location:** Various Projects Statewide, Commonwealth of PA  
**Duration:** PROPOSALS MUST REMAIN FIRM FOR ONE HUNDRED TWENTY (120) CALENDAR DAYS FOLLOWING RECEIPT OF PROPOSALS AND MUST SO STATE  
**Contact:** Contract and Bidding Unit Date: 717/787-3923

**DGS 160-1 PHASE 2** PROJECT TITLE: Park Development. BRIEF DESCRIPTION: Construct new roadways parking lots, comfort stations, utilities, garden area, ball fields and other improvements to the state park. ESTIMATED RANGE: \$2,000,000.00 TO \$4,000,000.00. General, Plumbing and Electrical Construction. PLANS DEPOSIT: \$200.00 per set payable to: SYNTERRA, LTD. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$45.00 per set or provide your express mail account number to the office listed below. Mail requests to: Synterra, LTD., 628 W. Rittenhouse St., Philadelphia, PA 19144, Tel: 215/843-0700. Bid Date: WEDNESDAY, May 8, 2002 at 1:00 P.M. A Pre-Bid Conference has been scheduled for Wednesday, April 24, 2002 at 10:00 A.M. at Burling Road in Benjamin Rush State Park, Philadelphia, PA. Contact William Mellix, Tel: 215/843-0700. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Benjamin Rush State Park, Philadelphia, Philadelphia County, PA  
**Duration:** 155 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717 787-3923

**DGS 509-31** PROJECT TITLE: Life Safety Code Upgrades. BRIEF DESCRIPTION: Construction of four (4) new exit stair towers and alterations/revisions for Life Safety Code Upgrades to two (2) buildings. General construction work consists of hazardous materials abatement, minor sitework, concrete footings/slabs, masonry walls, structural steel, metal pan stairs, membrane roofing, metal stud/GWB partitions, metal doors and frames with hardware and interior finishes. Project includes associated HVAC and electrical construction. ESTIMATED RANGE: \$1,000,000.00 TO \$2,000,000.00. General, HVAC and Electrical Construction. PLANS DEPOSIT: \$150.00 per set payable to: MUHLENBERG/GREENE ARCHITECTS LTD. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of documents. Mail a separate check for \$20.00 per set or provide your express mail account number to the office listed below. Mail requests to: Muhlenberg/Greene Architects, Ltd., 400 Washington Street, Suite 1000, Reading, PA 19601, Tel: 610/376-4927. Bid Date: WEDNESDAY, May 29, 2002 at 1:00 P.M. A Pre-Bid Conference has been scheduled for Thursday, May 16, 2002 at 10:00 A.M. at Norristown State Hospital, Campus Building 35, Facility Manager's Office, Norristown, PA. Contact: Jim Dockey, Tel: 610/376-4927. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** 300 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717 787-3923

**DGS A 970-118** PROJECT TITLE: Roof Replacement. BRIEF DESCRIPTION: Remove the existing roofing system including all flashings, drains and insulation from both the Main Building and the Drill Hall. Install a new fully adhered EPDM roofing system, mechanically attached insulation, drains, aluminum copings and flashings. The building has a wood decking system on both the Main Building and the Drill Hall. There is asbestos containing materials and lead based paint removal in the project. There are two base bids on the project. ESTIMATED RANGE: \$100,000.00 TO \$300,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, May 8, 2002 at 1:00 P.M.

**Department:** General Services  
**Location:** Pa National Guard Armory, Pottsville, Schuylkill County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717 787-3923

**DGS A 970-170** PROJECT TITLE: Roof and Window Replacement. BRIEF DESCRIPTION: Remove the existing ballasted EPDM roofing system including all flashings and insulation from both the Main Building and the Mess Hall. Install a new fully adhered EPDM roofing system, mechanically attached insulation, aluminum copings and flashings. Remove the existing windows from the Main Building and install new aluminum replacement windows. ESTIMATED RANGE: \$Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, May 22, 2002 at 11:00 A.M.

**Department:** General Services  
**Location:** Pennsylvania National Guard Armory, Pittsburgh (Western), Allegheny County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-6556

**DGS A 509-111** PROJECT TITLE: Replace Roof - Building No. 2. BRIEF DESCRIPTION: Remove existing slate roofing, gutter, downspouts and flashings. Replace 10% of existing wood sheathing, 50% of existing wood blocking and gutter framing. Install new 15 lb. impermeate glass reinforced felt and self-sealing 30 year fiberglass shingle roofing and new flashing, gutters and downspouts as designated on drawing A1 of 1. ESTIMATED RANGE: \$Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, May 22, 2002 at 1:00 P.M.

**Department:** General Services  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-6556

**DGS A 557-57** PROJECT TITLE: Paint Water Tank. BRIEF DESCRIPTION: Paint the interior of the water tank with an epoxy 3 coat system suitable for potable water. ESTIMATED RANGE: Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, May 22, 2002 at 2:00 P.M.

**Department:** General Services  
**Location:** South Mountain Restoration Center, South Mountain, Franklin County, PA  
**Duration:** 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-6556

**DGS A 962-11** PROJECT TITLE: Repair Roadways and Parking Lots. BRIEF DESCRIPTION: Replace and install concrete curbing. Repair and reconstruct bituminous roadways and parking lots. Resurface existing bituminous roadways. ESTIMATED RANGE: \$900,000.00 TO \$1,500,000.00. Paving Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, May 29, 2002 at 11:00 A.M.

**Department:** General Services  
**Location:** Hollidaysburg Veterans Home, Hollidaysburg, Blair County, PA  
**Duration:** 135 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-6556

**DGS A 508-95** PROJECT TITLE: Roof Replacement - Building No. 31. BRIEF DESCRIPTION: Remove in its entirety, the existing spray-on foam roofing material from the roof structure and parapet walls. Install new rigid insulation and fully adhered single-ply thermoplastic roofing membrane system. Slope roofing to existing drains with tapered insulation and install new drain inserts. Repair existing parapet walls and install new parapet flashing. Remove existing stone coping and install new metal coping system as designated on drawing A1 of 1. ESTIMATED RANGE: \$Under \$100,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, May 22, 2002 at 11:00 A.M.

**Department:** General Services  
**Location:** Mayview State Hospital, Bridgeville, Allegheny County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-6556

**DGS 417-31 PHASE 1** PROJECT TITLE: Renovation of Two Fire Towers. BRIEF DESCRIPTION: Renovation of two fire (stair) towers, general building renovations, including toilet room renovations, interior partitions, finishes, windows, HVAC, plumbing and electrical updates, new electrical rewiring, local and state code and law related upgrades and a new fire suppression system. ESTIMATED RANGE: \$500,000.00 TO \$800,000.00. General, HVAC, Plumbing and Electrical Construction. PLANS DEPOSIT: \$160.50 per set payable to: SELER + DRURY ARCHITECTURE. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check or provide your express mail account number to the office listed below. Mail requests to: Seiler + Drury Architecture, 418 Dekalb Street, Norristown, PA 19401, Tel: 610/272/4809. Bid Date: WEDNESDAY, May 29, 2002 at 2:00 P.M. A Pre-Bid Conference has been scheduled for Wednesday, May 15, 2002 at 10:00 A.M. at Thaddeus Stevens College of Technology, Business Office Conference Room, Lancaster, PA. Contact: Tom Beck, Tel: 610/272-4809. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Thaddeus Stevens College of Technology, Lancaster, Lancaster County, PA  
**Duration:** On or before August 30, 2002  
**Contact:** Contract and Bidding Unit 717 787-3923

**DGS A 557-56** PROJECT TITLE: New Toilet Rooms Building No. 1 - Wing 'A' & 'B' Sides 3rd, 5th & 6th Floors. BRIEF Provide fixtures, piping, fans, pumps, partitions, lighting and power required for new toilet rooms in Wings 'A' & 'B' of Building #1. ESTIMATED RANGE: \$100,000.00 TO \$500,000.00. General, Plumbing and Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, May 29, 2002 at 2:00 P.M.

**Department:** General Services  
**Location:** South Mountain Restoration Center, South Mountain, Franklin County, PA  
**Duration:** 150 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-6556

**DGS A 251-679** PROJECT TITLE: Bulk Salt Storage Facility with High Gambrel Roof. BRIEF DESCRIPTION: Construct a new 60' x 88' high arch salt storage building. ESTIMATED RANGE: \$100,000.00 TO \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid Date: WEDNESDAY, May 29, 2002 at 2:00 P.M.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Heidlersburg, Adams County, PA  
**Duration:** 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923

**DGS A 251-668** PROJECT TITLE: Bulk Salt Storage Facility with High Gambrel Roof. BRIEF DESCRIPTION: Construct a new 80' x 96' high arch salt storage building. ESTIMATED RANGE: \$100,000.00 TO \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid Date: WEDNESDAY, May 29, 2002 at 11:00 A.M.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Cloverhill, Washington County, PA  
**Duration:** 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923

**401-BL-662** Heat Plant Boiler #5 Bricking: Provide all labor, tools, materials, equipment, services and appurtenances to install new fire brick interior walls and Detrick arch of the Keeler, type CP-300 boiler, Williamson stoker located at Bloomsburg University's heating plant building. To obtain a copy of the bid documents, send a request to Joe Quinn, Bloomsburg University, Waller Bldg., Room 38, 400 E. Second Street, Bloomsburg, PA 17815. Tele (570) 389-4311, FAX: (570) 389-2017.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 90 Days  
**Contact:** Joe Quinn 570-389-4311

**DGS A 962-23** PROJECT TITLE: Renovations to Air Conditioning - Eisenhower Hall. BRIEF DESCRIPTION: Replace (10) heating only cabinet fans with heating/cooling blower coil units. Provide (80) ton chiller, circulating pumps and piping to serve new units. Provide power for new HVAC equipment. ESTIMATED RANGE: Under \$100,000.00 to \$500,000.00. HVAC and Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: 717/787-3923. Bid Date: WEDNESDAY, May 8, 2002 at 11:00 A.M. A Pre-Bid Conference has been scheduled for 10:00 A.M. on Friday, April 26, 2002 at the Hollidaysburg Veterans' Home in the Old Administration Building, Area 14, by Security Office, Hollidaysburg, PA. Contact: Paul Cross or Date: George Knisely, Tel: 814/696-5328. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Hollidaysburg Veterans' Home, Hollidaysburg, Blair County, PA  
**Duration:** 200 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923

**DGS A 573-37** PROJECT TITLE: Sports Complex Roof Replacement. BRIEF DESCRIPTION: Remove existing, EPDM roof system and install new roof system and reinstall existing roof edge. ESTIMATED RANGE: \$100,000.00 to \$300,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: 717/787-3923. Bid Date: WEDNESDAY, May 8, 2002 at 2:00 P.M.

**Department:** General Services  
**Location:** State Correctional Institution, Camp Hill, PA  
**Duration:** 100 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923

**DGS 578-18 PHASE 2** PROJECT TITLE: Perimeter Security. BRIEF DESCRIPTION: Furnish and install new security fencing. Furnish and install new fence security systems, along with a closed circuit TV system. ESTIMATED RANGE: \$1,000,000.00 to \$2,000,000.00 General and Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid Date: WEDNESDAY, May 29, 2002 at 1:00 P.M. A Pre-Bid Conference has been scheduled for Tuesday, May 14, 2002 at 10:00 A.M. at the State Correctional Institution. Meet at the Administration Building in the Lobby, Dallas, Luzerne County, PA. Contact: Joe Hollichek, Tel: 570/675-1101, EXT. 317. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA  
**Duration:** 180 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923

**DGS A 251-677** PROJECT TITLE: Bulk Salt Storage Facility with High Gambrel Roof. BRIEF DESCRIPTION: Construct a new 80' x 88' high arch salt storage building. ESTIMATED RANGE: \$100,000.00 to \$500,000.00 General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid Date: WEDNESDAY, May 22, 2002 at 2:00 P.M.

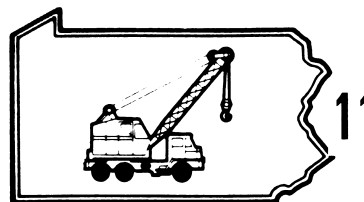
**Department:** General Services  
**Location:** PennDOT Maintenance Building, Dog Patch, Cumberland County, PA  
**Duration:** 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923

**DGS A 229-31** PROJECT TITLE: Stable and Storage Shed Demolition. BRIEF DESCRIPTION: Demolition of masonry stable/storage building and removal of debris. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid Date: WEDNESDAY, May 22, 2002 at 2:00 P.M.

**Department:** General Services  
**Location:** PA State Police Transportation & Warehouse Facility, Harrisburg, Dauphin County, PA  
**Duration:** 60 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923

**DGS A 251-648** PROJECT TITLE: Bulk Salt Storage Facility with High Gambrel Roof. BRIEF DESCRIPTION: Construct a new 80' x 200' high arch salt storage building. ESTIMATED RANGE: \$100,000 TO \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid Date: WEDNESDAY, May 29, 2002 at 2:00 P.M.

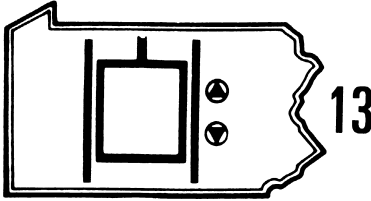
**Department:** General Services  
**Location:** PennDOT Maintenance Building, Milton, Northumberland County, PA  
**Duration:** 90 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-3923



### Demolition—Structural Only

**061930** Demolition and/or removal of structures and improvements on various parcels located on Limekiln Pike and surrounding roads. Properties are in Chalfont, PA (Bucks County). This work is for SR 0202 Section 711. Bidders must be Prequalified with PennDOT prior to bid due date. Bids due May 30, 2002 at 3:00 P.M. and PennDOT District 6-0 Office.

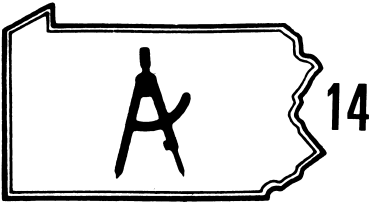
**Department:** Transportation  
**Location:** Chalfont, PA (various roads)  
**Duration:** OPEN  
**Contact:** Linda Bunt (610) 205-6784



### Elevator Maintenance

**SP1375017024** "On Call" elevator repairs and annual maintenance inspection.

**Department:** Military Affairs  
**Location:** Fort Indiantown Gap, Annville, PA  
**Duration:** Anticipated starting date of 1 July 2002 - 30 September 2005  
**Contact:** Vicky Lengel 717-861-8579



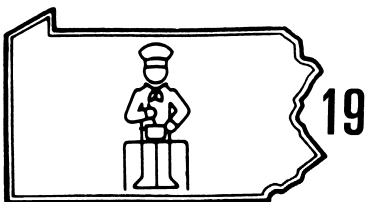
### Engineering Services

**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](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)

**FDC-500-280** The Department of Conservation and Natural Resources will retain an engineering firm or construction management firm for a contract to perform construction inspection services on various projects located in State Forests and State Parks throughout Pennsylvania. The contract will include inspection of construction activities primarily for rehabilitation and replacement of bridges. There also may be inspection of swimming pools, sewage and water treatment systems, marinas, and buildings including associated heating, plumbing, and electrical work. It is anticipated that 8 construction inspectors may be required to perform the required work and services.

**Department:** Conservation and Natural Resources  
**Location:** State Forests and State Parks throughout Pennsylvania  
**Duration:** 1 year with a renewal option of up to four (4) additional years.  
**Contact:** J. Michael Bielo, Chief, Div. Field Engineering 717-787-3217



### Food

**PF-0873-06** This is a consolidated perishable food bid advertisement for eight (8) individual food bids. These are all separate commodity bid proposals, some requiring weekly deliveries, and each bid proposal is to be requested individually by the product and product number shown in this advertisement. Fish & Fish Products, Frozen 6167; Cheese, 6168; Fruits & Vegetables, Fresh & Prepared, 6169; Fruits & Vegetables, Frozen, 6170; Prepared Salads, Fresh, 6171; Miscellaneous Foods, 6172; Meat & Meat Products, 6173; Poultry & Poultry Products, 6174. The specifications and delivery schedules are available upon request from the agency.

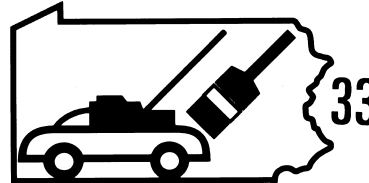
**Department:** Public Welfare  
**Location:** Harrisburg State Hospital; Cameron & Maclay Streets; Harrisburg, PA 17103  
**Duration:** July through September 2002  
**Contact:** Patricia Miller 717-772-7303

**BID #032** This bid is for meat and meat products (frozen). A copy of the bid packet is available by contacting the purchasing department by phone - 610-740-3428 or by fax - 610-740-3424.

**Department:** Public Welfare  
**Location:** ALLENTOWN STATE HOSPITAL, 1600 HANOVER AVENUE, ALLENTOWN, PA 18109-2498  
**Duration:** JULY 2002 THRU SEPTEMBER 2002  
**Contact:** LOIS KERBACHER, PURCHASING AGENT 610-740-3428

**070102PAB** The Youth Development Center in New Castle is preparing to bid Perishable foods such as Fresh, Frozen, and Prepared Vegetables; Fresh Breads, Rolls, and Pastries; Miscellaneous Frozen Foods and Entrees; Fresh and Frozen Meats, Poultry and Fish Products; Fresh Shell Eggs; Fresh Cheese and Dairy Products and Frozen Juices for the quarter July, August, September, 2002. Interested vendors should contact Kathy Zeigler, Purchasing Agent, YDC New Castle @ (724) 656-7308 or via e-mail at [kazeigler@state.pa.us](mailto:kazeigler@state.pa.us). Bids will be mailed 05/03/02 and are to be returned to YDC by 10:00 AM on 06/03/02.

**Department:** Public Welfare  
**Location:** Youth Development Center, RR 6, Box 21A, Frew Mill Road, New Castle, PA 16101  
**Duration:** July, August, September, 2002  
**Contact:** Kathy Zeigler (724) 656-7308



### Property Maintenance

**080S89** Mowing of stockpiles, weigh stations and park and ride lawn areas at various locations in the Northern half of York County. Bid packages can be requested via Fax, 717-772-0975 or by telephone at 717-787-7600 or 717-787-6408. All requests must include Contractor's Company Name, Address, Phone Number, E.I.N#, Fax Number (if available) and contact person.

**Department:** Transportation  
**Location:** Northern York County  
**Duration:** A one year contract with four-one year renewals  
**Contact:** William Tyson 717-787-7600

**MI-854 Brooks Hall - Coping Cap** Scope of Work: new coping caps at Brooks Hall, Millersville University. Prebid 05/07/02, Opening 05/22/02. Interested contractors should contact Jill Coleman with requests by fax at 717-872-5622 or email to [coleman@millersville.edu](mailto:coleman@millersville.edu).

**Department:** State System of Higher Education  
**Location:** Millersville University Millersville, Lancaster County, Pa  
**Duration:** 30 days from the date of the Notice to Proceed.  
**Contact:** Jill M. Coleman 717-872-3730

**080S90** Mowing of stockpiles and park and ride lawn areas at various locations in the Southern half of York County. Bid packages can be requested via Fax, 717-772-0975 or by telephone 717-787-7600 or 717-787-6408. All requests must include Contractor's Company Name, Address, Phone Number, E.I.N#, Fax Number, if applicable and contact person.

**Department:** Transportation  
**Location:** Southern York County  
**Duration:** A one year contract with four-one year renewals.  
**Contact:** William Tyson 717-787-7600

**WC-20977001** Lawn Care Service. Vendor to furnish all materials, labor and equipment necessary for the proper maintenance of lawn.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** Anticipated to begin May 1, 2002 thru November 1, 2002  
**Contact:** Cora Davis, PA I (814) 472-0288



### Real Estate Services

**93420 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA.** Proposals are invited to provide the Department of Labor and Industry with 1,871 useable square feet of office space in Luzerne County, PA, with a minimum parking for four vehicles within the following boundaries of Hazleton: North: the Airport Beltway; East: Route 940 to 28th Street and Hillside Drive to Route 309; South: 22nd Street; West: Route 93, Hazleton, Luzerne County PA. Twenty additional parking spaces must be provided in areas where no public parking is available. Downtown locations will be considered. For more information on SFP #93420 which is due on June 10, 2002 visit [ww.dgs.state.pa.us](http://ww.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** Jennings Ward (717) 787-7412

**93406** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 13,479 useable square feet of office space with a minimum parking for forty (40) vehicles, within the following boundaries; North: Hileman Drive, 4th Street and 12th Street; South: Bridge Street, Main Street and 3rd Street; East: Freeport Street, Masters Way; West: Industrial Boulevard and Constitution Boulevard from 12th Street to Drey Street from the Allegheny River to Freeport Road, New Kensington, Westmoreland County, PA. Downtown locations will be considered. For more information on SFP #93406 which is due on June 3, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Public Welfare  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz (717) 787-0952

**93419** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Public School Employees' Retirement System with 4,025 useable square feet of office space with a minimum parking for twenty-five (25) vehicles, within the town of Warminster, Bucks County, PA. Downtown locations will be considered. For more information on SFP #93419 which is due on May 20, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Public School Employees' Retirement System  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz (717) 787-0952

**93422** LEASE WAREHOUSE/OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the State Police with 48,000 useable square feet of warehouse/office space in Dauphin County, PA. with minimum parking for 20 vehicles. The offered space must be located within a four (4) mile radius of the intersection of I-81 and Progress Avenue. For more information on SFP #93422 which is due on June 17, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

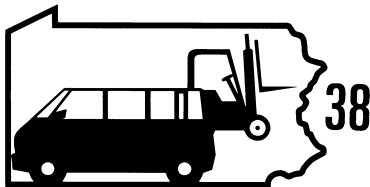
**Department:** State Police  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker 717-787-4396

**93408** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 3,512 useable square feet of office space in Allegheny County, PA. with a minimum parking for 20 vehicles, within New Kensington and Monroeville Borough limits. Downtown locations will be considered. For more information on SFP #93408 which is due on May 28, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** Jennings Ward (717) 787-7412

**93421** LEASE OFFICE/BARRACKS SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Pennsylvania State Police with 13,350 useable square feet of office/barracks space in Lehigh County, PA. with minimum parking for 97 vehicles. The offered space must be located within the following boundaries: (1) within a one (1) mile radius of the intersection of I-78 & Route 100 OR (2) within a one (1) mile radius of the intersection of I-78 & Route 222. For more information on SFP #93421 which is due on July 1, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** State Police  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker 717-787-4396



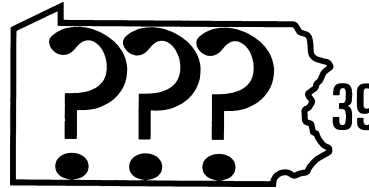
### Vehicle, Heavy Equipment and Powered Machinery Services

**20976003** Crane Service as needed at Polk Center.

**Department:** Public Welfare  
**Location:** POLK CENTER, P. O. Box 94, Polk, PA 16342  
**Duration:** July 1, 2002 -- 06/30/05  
**Contact:** Patty Frank, Purchasing Agent 814-432-0229

**20976004** Calibration of computerized controls in Boiler House, Water Plant and Sewage Plant at Polk Center.

**Department:** Public Welfare  
**Location:** POLK CENTER, P. O. Box 94, Polk, PA 16342  
**Duration:** July 1, 2002 -- June 30, 2005  
**Contact:** Patty Frank, Purchasing Agent 814-432-0229



### Miscellaneous

**20976002** Services of a contractor to provide orthoses and/or orthopedic appliances that are prescribed by a physician.

**Department:** Public Welfare  
**Location:** POLK CENTER, P. O. Box 94, Polk, PA 16342  
**Duration:** July 1, 2002 thru June 30, 2004 with renewals  
**Contact:** Patty Frank, Purchasing Agent 814-432-0229

**ADV-162** Indiana University of Pennsylvania (IUP) is seeking bids for lubrication oil for four (4) Cooper/Bessemer engines at the S. W. Jack Cogeneration Plant on campus. Requests for copies of bid package should be made in writing referencing Advertisement #ADV-162 and directed to Mrs. Roxie Johnson, Purchasing Agent, IUP Purchasing Services, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax: 724.357.2670; Email: [rmjohnsn@iup.edu](mailto:rmjohnsn@iup.edu). Requests for bid package will be accepted until May 10, 2002. The University encourages responses from small and disadvantaged, minority and woman-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** One (1) Year with Four (4) Year Renewals  
**Contact:** Mrs. Roxie M. Johnson 724.357.3077

[Pa.B. Doc. No. 02-835. Filed for public inspection May 3, 2002, 9:00 a.m.]

---

## DESCRIPTION OF LEGEND

---

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

KELLY POWELL LOGAN,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
6750-03	04/22/02	Bernier's Photo Cen- ter	\$175,000.00
6750-03	04/22/02	Dixie Sales Co USA	175,000.00
6750-03	04/22/02	Eastman Kodak	175,000.00
6750-03	04/22/02	Fuller & D'Albert	175,000.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
6750-03	04/22/02	HPI Interna- tional	175,000.00
6850-04	05/01/02	Kost USA	167,832.50
1273150-01	04/22/02	Fry Communi- cations	28,675.20
<b>KELLY POWELL LOGAN,</b> <i>Secretary</i>			

[Pa.B. Doc. No. 02-836. Filed for public inspection May 3, 2002, 9:00 a.m.]

