

PENNSYLVANIA BULLETIN

Volume 32

Number 24

Saturday, June 15, 2002 • Harrisburg, Pa.

Pages 2855—2972

Agencies in this issue:

The Courts
Department of Banking
Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Revenue
Department of Transportation
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Commission for Women
Pennsylvania Public Utility Commission
State Board of Optometry
State Board of Vehicle Manufacturers, Dealers and Salespersons
Turnpike Commission

Detailed list of contents appears inside.



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No. 331, June 2002

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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.

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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)

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Mechanicsburg, PA 17055-3198

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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.

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 82]

Amendment of Rules 105, 106, and 108 of the Rules for Continuing Legal Education and Section 4 and 5 of the Regulations for Continuing Legal Education; No. 299 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 28th day of, May, 2002, Rules 105, 106, and 108 of the Pennsylvania Rules for Continuing Legal Education and Section 4 and 5 of the Pennsylvania Regulations for Continuing Legal Education are amended as follows.

To the extent that notice of proposed rule making would be required by Pa.R.J.A. No. 103, the amendment of the rule is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103 (b) and shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter A. PROFESSIONAL RESPONSIBILITY

Rule 105. Continuing Legal Education Requirement.

* * * * *

(c) Every newly admitted attorney shall attend the Bridge The Gap program, of at least four (4) hours, sponsored by an approved Bridge the Gap CLE provider prior to his or her first compliance deadline.

Rule 106. Providers.

* * * * *

(d) *Bridge the Gap Providers.* Accredited providers may request Board approval to offer the Bridge the Gap program.

Rule 108. Credit for Continuing Legal Education Courses and Activity.

* * * * *

[(e) *Bridge-the-Gap Program.* CLE credit shall be given to faculty for teaching in the Supreme Court sponsored Bridge-the-Gap program. No credit shall be given for preparation for teaching in said program. CLE credits earned through teaching in the Bridge-the-Gap program may be carried forward for up to four (4) years.]

Subchapter B. CONTINUING LEGAL EDUCATION BOARD REGULATIONS

Section 4. Reporting Periods of Active Lawyers.

* * * * *

Lawyers newly admitted to practice law in Pennsylvania, including lawyers admitted on motion from other states, shall be exempt from the requirements of these regulations for twelve (12) months but no more than twenty-four (24) months from the date of their Pennsylvania admission depending upon the compliance group to which the newly admitted lawyer is assigned and the compliance period for that group. Newly admitted lawyers shall complete their CLE requirement, **including the Bridge the Gap program**, by the end of their next succeeding compliance period.

Section 5. Credit for CLE Activities.

* * * * *

[(i) *Bridge-the-Gap Program.* Faculty for the Supreme Court sponsored Bridge-the-Gap program shall receive CLE credit for teaching in said program. No credit shall be given to such faculty for preparation for teaching in said program or for attending any required training sessions to be eligible to teach in said program. Faculty for the program shall receive six (6) hours of CLE credit for each Bridge-the-Gap day-long program in which they participate. CLE credit earned through teaching in the Bridge-the-Gap program shall be deemed to be ethics credits, and such credits may be carried forward for up to four (4) years.]

[Pa.B. Doc. No. 02-1040. Filed for public inspection June 14, 2002, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1, 4 AND 5]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 31st day of May, 2002, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed amendments to Rules of Procedure Nos. 110, 122, 123, 401, 411 and 503, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

Annex A
TITLE 207. JUDICIAL CONDUCT
PART IV. COURT OF JUDICIAL DISCIPLINE
ARTICLE I. PRELIMINARY PROVISIONS
CHAPTER 1. GENERAL PROVISIONS
IN GENERAL

Rule 110. Entry of Appearance.

* * * * *

(C) An attorney's appearance for a Judicial Officer may not be withdrawn without leave of Court unless another attorney has entered or simultaneously enters an appearance for the Judicial Officer and the change of attorneys does not delay any stage of the proceedings.

* * * * *

DOCUMENTS GENERALLY

Rule 122. Service.

* * * * *

[(B) Service may be accomplished by:

(1) personal delivery of a copy to a party or a party's attorney; or

(2) sending a copy to a party by overnight, certified, or registered mail addressed to the party's place of residence or business.]

(B) Original process shall be served by a competent adult:

- (1) by handing a copy to the Judicial Officer; or
(2) by handing a copy

(i) at the residence of the Judicial Officer to an adult member of the family with whom he resides; but if no adult member of the family is found, then to an adult person in charge of such residence;

(ii) at any office or usual place of business of the Judicial Officer to his agent or to the person for the time being in charge thereof.

(C)(i) If service of the original process cannot be made as in (B) above, then a copy of the process shall be mailed to the Judicial Officer by any form of mail requiring a receipt signed by the Judicial Officer or his authorized agent. Service is complete upon delivery of the mail.

(ii) If such service cannot be made, service shall be made by leaving a copy at or mailing a copy to the Judicial Officer's last known address. Service in this manner shall be complete upon mailing.

(D) In lieu of service of the original process under this rule, the Judicial Officer or his authorized agent may accept service of the process by filing a separate document which shall be substantially in the following form:

(CAPTION)

I accept service of the _____ (on behalf of _____ and represent that I am authorized to do so).

(Date) (Judicial Officer or Authorized Agent)

(Mailing Address)

(E) Copies of all legal papers other than the original process filed in a proceeding in this Court or served upon any party to the proceeding shall be served upon every other party to the proceeding.

(F) Service of all legal papers other than the original process shall be made:

(1) by handing or mailing a copy to or leaving a copy for each party at the address of the party's attorney of record endorsed on an appearance or prior pleading of the party, or at such other address as a party may agree, or

(2)(i) if there is no attorney of record, by handing a copy to the party or by mailing a copy to or leaving a copy for the party at the address endorsed on an appearance or prior pleading or the residence or place of business of a party;

(ii) if such service cannot be made, service shall be made by leaving a copy at or mailing a copy to the last known address of the party to be served.

(iii) Service by mail is complete upon mailing.

* * * * *

Rule 123. Return of Service.

* * * * *

(c) Return of service or no service by mail under Rule 122 [(B)(2)] (C)(i) shall include a return receipt.

* * * * *

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 4. PRE-TRIAL PROCEEDINGS

DISCOVERY

Rule 401. Discovery Generally.

(A) All discovery shall be completed within 60 days [from the filing] of the service of the Board Complaint, unless extended by the Conference Judge for good cause shown.

* * * * *

OMNIBUS MOTION FOR RELIEF; REPLY; ANSWER

Rule 411. Omnibus Motion.

(A) All motions, challenges, and applications or requests for an order or relief on behalf of the Judicial Officer shall be consolidated in one written motion, except as otherwise provided in these rules, or as permitted by the Conference Judge. The omnibus motion shall be filed no later than 30 days of the service of the Board Complaint [, and shall be served on the Board].

* * * * *

CHAPTER 5. TRIAL PROCEDURES

Rule 503. Post-Trial Proceedings.

* * * * *

(B) Objections.

* * * * *

(2) Any objections shall be filed with the Court within 10 days of the entry of the findings and conclusions. [A copy of the objections shall be served upon the

opposing party.] The President Judge may for cause shown extend the time for filing objections.

* * * * *

[Pa.B. Doc. No. 02-1041. Filed for public inspection June 14, 2002, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200, 400, 1000, 1500, 1600, 2000, 2020, 2050, 2100, 2150, 2170, 2200, 2220, 2250, 2300, 2320, 2350, 3000 AND 4000]

Proposed Consolidation of the Action in Equity with the Civil Action; Proposed Recommendation No. 180

The Civil Procedural Rules Committee proposes that the action in equity be consolidated with the civil action as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than August 15, 2002 to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
or E-Mail to
civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 400. SERVICE OF ORIGINAL PROCESS

SERVICE GENERALLY

Rule 400. Person to Make Service.

* * * * *

(b) In addition to service by the sheriff, original process may be served also by a competent adult in the following actions: [equity,]

- (1) civil action in which equitable relief is the only relief sought or the primary relief sought,
- (2) partition,
- (3) prevent waste, and
- (4) declaratory judgment when declaratory relief is the only relief sought.

* * * * *

CHAPTER 1000. ACTIONS AT LAW

Subchapter A. CIVIL ACTION

GENERAL

Rule 1001. Definition. Scope.

(a) As used in this chapter and in Rules 1501 through 1550, "action" means a civil action brought in or appealed to any court which is subject to these rules.

[(b)(1) All claims heretofore asserted in assumpsit or trespass shall be asserted in one form of action to be known as "civil action."]

(b) There shall be a "civil action" in which shall be brought all claims for relief heretofore asserted in

- (1) the action of assumpsit,
- (2) the action of trespass, and
- (3) the action in equity.

Official Note: The procedural distinctions between the forms of action in assumpsit, [and] trespass and equity are abolished.

Rules 1501 through 1550 govern equitable relief including such matters as stockholder's derivative suits (Rule 1506) and special relief including accounting (Rule 1530), injunctions (Rule 1531), perpetuation of testimony (Rule 1532) and receivers (Rule 1533).

The action to prevent waste has been abolished. The relief formerly available in that action may be obtained in a civil action seeking equitable relief

See Rule 1041.1 for special provisions governing asbestos litigation.

[(2)] (c) Other forms of action which incorporate these rules by reference shall be known as "civil action—(type of action)."

* * * * *

VENUE AND PROCESS

Rule 1006. Venue. Change of Venue.

(a) Except as otherwise provided by [Subdivisions] subdivisions (b) and (c) of this rule, an action against an individual may be brought in and only in a county in which

(1) the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law[.], or

* * * * *

(2) the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

(b) Actions against the following defendants, except as otherwise provided in [Subdivision] subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

(c) An action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the

venue may be laid against any one of the defendants under the general rules of [**Subdivision**] subdivisions (a) or (b).

* * * * *

Rule 1007.1. Jury Trial as of Right. Demand. Waiver.

(a) In any action in which the right to jury trial exists, that right shall be deemed waived unless a party files and serves a written demand for a jury trial not later than twenty days after service of the last permissible pleading. The demand shall be made by endorsement on a pleading or by a separate writing.

Official Note: Rule 1007.1(a) gives no specific guidance on the existence of a right to jury trial. It could not, in the face of Rule 128(f).

* * * * *

[(d) Rescinded.]

Official Note: [The Act of June 25, 1937, P. L. 2090, 12 P. S. § 695 relating to demand for or waiver of jury trial in Philadelphia County, formerly suspended by subdivision (d), has been repealed by Act 1978-53, the Judiciary Act Repealer Act.] See Rule 1007.2 governing trial by jury when there is a claim for equitable relief.

Rule 1007.2. Trial by Jury. Equitable Relief. Advisory Verdict.

In any case in which there is a claim for equitable relief, the court on its own motion or upon the petition of any party may submit to trial by jury any or all issues of fact arising from that claim. The verdict of the jury shall be in the form of answers to specific questions and shall not be binding upon the court.

Official Note: Rule 1007.2 does not confer a right to trial by jury. See Rule 128(f).

This rule applies to claims for equitable relief for which there is no constitutional right to trial by jury. The rule preserves the practice under former Equity Rule 1513 of allowing a court in its discretion to submit such claims to trial by jury. The verdict of the jury is not binding on the court.

PLEADINGS

Rule 1018. Caption.

* * * * *

Captioning and Docketing of Actions and Proceedings in the Courts of Common Pleas ORDER

Effective February 8, 1969

* * * * *

(b) Civil actions and proceedings not covered by Subdivision (a) above shall be captioned as follows: "Court of Common Pleas of _____ County—Civil Action[-Law]" or ["Civil Action-Equity"] or other appropriate form of action, as the case may be, and shall be filed with and docketed by the prothonotary or clerk of courts as heretofore.

* * * * *

Rule 1020. Pleading More Than One Cause of Action. Alternative Pleading. Failure to Join. Bar.

(a) The plaintiff may state in the complaint more than one cause of action cognizable in a civil action against

the same defendant [**heretofore asserted in assumpsit or trespass**]. Each cause of action and any special damage related thereto shall be stated in a separate count containing a demand for relief.

* * * * *

(d) [(1)] If a transaction or occurrence gives rise to more than one cause of action **heretofore asserted in assumpsit and trespass**, against the same person, including causes of action in the alternative, they shall be joined in separate counts in the action against any such person. **Failure to join a cause of action as required by this subdivision shall be deemed a waiver of that cause of action as against all parties to the action.**

Official Note: [Subdivision (d)(1) requires the joinder of related causes of action. The joinder of unrelated causes of action is permissive. See subdivision (a).] Mandatory joinder is limited to related causes of action heretofore asserted in assumpsit and trespass. There is no mandatory joinder of related causes of action in equity.

[For Rules governing joinder of parties, see] See Rules 2226 et seq. governing joinder of parties.

See Rule 213(a) and (b) governing the consolidation and severance of causes of action.

[(2) Rescinded.

(3) Rescinded.

Official Note: Former subdivision (d)(3) governed election of remedies between assumpsit and trespass, joint trial of multiple causes of action, submission of specific questions to the jury and molding the verdict.

Any reference to election of remedies has become procedurally irrelevant as the result of the creation of the single form of civil action.

See Rule 213(a) and (b) governing the consolidation and severance of causes of action.

(4) Failure to join a cause of action as required by subdivision (d)(1) of this Rule shall be deemed a waiver of that cause of action as against all parties to the action.

(5) Rescinded.]

Rule 1028. Preliminary Objections

(a) Preliminary objections may be filed by any party to any pleading and are limited to the following grounds:

* * * * *

(4) legal insufficiency of a pleading (demurrer); [and]

* * * * *

(6) pendency of a prior action or agreement for alternative dispute resolution [.],

* * * * *

(7) failure to exercise or exhaust a statutory remedy, and

(8) full, complete and adequate non-statutory remedy at law.

* * * * *

(c)(1) A party may file an amended pleading as of course within twenty days after service of a copy of preliminary objections. If a party has filed an amended

pleading as of course, the preliminary objections to the original pleading shall be deemed moot.

(2) The court shall determine promptly all preliminary objections. If an issue of fact is raised, the court shall consider evidence by depositions or otherwise.

Official Note: Preliminary objections raising an issue under subdivision (a)(1), (5) [or], (6), (7) or (8) cannot be determined from facts of record. In such a case, the preliminary objections must be endorsed with a notice to plead or no response will be required under Rule 1029(d).

* * * * *

Rule 1031. Counterclaim.

(a) The defendant may set forth in the answer under the heading "Counterclaim" any cause of action [heretofore asserted in assumpsit or trespass] cognizable in a civil action which the defendant has against the plaintiff at the time of filing the answer.

* * * * *

Rule 1032. Waiver of Defenses. Exceptions. Suggestion of Lack of Subject Matter Jurisdiction or Failure to Join Indispensable Party.

(a) A party waives all defenses and objections which are not presented either by preliminary objection, answer or reply, except a defense which is not required to be pleaded under Rule 1030(b), the defense of failure to state a claim upon which relief can be granted, the defense of failure to join an indispensable party, the objection of failure to state a legal defense to a claim, **the defenses of failure to exercise or exhaust a statutory remedy and an adequate remedy at law** and any other nonwaivable defense or objection.

* * * * *

JUDGEMENT UPON DEFAULT OR ADMISSION

Rule 1037. Judgment Upon Default or Admission. Assessment of Damages.

* * * * *

(b) The prothonotary, on praecipe of the plaintiff, shall enter judgment against the defendant for failure to file within the required time a pleading to a complaint which contains a notice to defend or, **except as provided by subdivision (d)**, for any relief admitted to be due by the defendant's pleadings.

Official Note: See Rule 237.1 which requires the praecipe for default judgment to contain a certification of written notice of intent to file the praecipe.

While the prothonotary may enter a default judgment in an action legal or equitable, only the court may grant equitable relief. See subdivision (d).

* * * * *

(d) **In all cases in which equitable relief is sought, the court shall enter an appropriate order upon the judgment of default or admission and may take testimony to assist in its decision and in framing the order.**

Rule 1038. Trial Without Jury.

* * * * *

(c) The decision may be made orally in open court at the end of the trial, and in that event shall be forthwith transcribed and filed in the office of the prothonotary, or it may be made thereafter in writing and filed forthwith. In either event the prothonotary shall notify all parties or

their attorneys of the date of filing. The trial judge shall render a decision within seven days after the conclusion of the trial except in protracted cases or cases of extraordinary complexity.

Official Note: A decision includes what were formerly known as a decree nisi and an adjudication. A decision is not a final decree, also known as a judgment.

For post-trial relief following a trial without jury, see Rule 227.1.

For entry of judgment upon praecipe of a party, see Rule 227.4.

[(d) (Rescinded).]

Official Note: For post-trial relief following a trial without jury, see Rule 227.1.

(e) (Rescinded).

Official Note: For entry of judgment upon praecipe of a party, see Rule 227.4.

(f) (Rescinded).

(g) **Rule VIII of the Special Rules, Courts of Common Pleas, First Judicial District, Philadelphia County, adopted July 31, 1963 is suspended.]**

**CHAPTER 1500. [ACTION IN EQUITY]
EQUITABLE RELIEF**

Subchapter A. RULES

Rule 1501. [Conformity to Civil Action] (Rescinded).

[Except as otherwise provided in this chapter, the procedure in an action in equity shall be in accordance with the rules relating to a civil action.]

Official Note: [In addition to the rules expressly governing the civil action, Rules 1001 to 1038.2, 1351 and 1361, the following rules apply to all actions at law and in equity:

Business of courts, Rules 201 to 250;

***Actions by real parties in interest, Rules 2001 to 2025;**

Minors as parties, Rules 2026 to 2050;

Incapacitated persons as parties, Rules 2051 to 2075;

***Defendants who are non-residents or conceal their whereabouts, Rules 2076 to 2100;**

The Commonwealth and political subdivisions as parties, Rules 2101 to 2125;

Partnerships as parties, Rules 2126 to 2150;

Unincorporated associations as parties, Rules 2151 to 2175;

Corporations and similar entities as parties, Rules 2176 to 2200;

***Joinder of parties, Rules 2226 to 2250;**

***Joinder of additional defendants, Rules 2261 to 2275;**

***Interpleader by defendants, Rules 2301 to 2325;**

***Intervention, Rules 2326 to 2350.**

By Order of the Supreme Court effective as of the date of the adoption of these rules, the chapters of

rules above marked with an asterisk which now apply only to actions at law have been extended to include actions in equity.

The extension of the interpleader rules to actions in equity is not intended to abolish the right to institute equity interpleader actions in cases where suit or litigation is imminent or threatened but has not yet been commenced.]

The action in equity has been abolished. Equitable relief may be obtained through a civil action, Rule 1001 et seq. Rules 1506, 1521, 1531, 1533, 1534 and 1535 are special rules governing equitable relief sought in a civil action.

Rule 1502. [Court Open] (Rescinded).

[The equity side of the court shall always be open.]

Official Note: The court is "always open for the transaction of judicial business." See Section 324 of the Judicial Code, 42 Pa.C.S. § 324.

Rule 1503. [Venue] (Rescinded).

[An action may be brought in any county in which a civil action may be brought or, if the subject matter of the action is property, in the county in which the property is located.]

* * * * *

Rule 1505. [Defendant Not Served] (Rescinded).

[A defendant who has not been served may be served at any time during the pendency of the action provided that writ or complaint has been reissued or reinstated as to that defendant within thirty days preceding service.]

Rule 1507. [Specific Averments. Possible Persons Interested in Property. Appointment of a Representative] (Rescinded).

[When a person interested in property which is the subject of an action should be made a party but the person's name or interest in the property cannot be ascertained and the person is not represented in the action, the plaintiff or defendant may so aver in the complaint or answer. The court shall require that appropriate notice be given such person by advertisement or in such manner as the court by local rule or special order shall direct. If appropriate notice cannot be given or if the person does not appear after notice is given, the court may appoint a trustee or guardian ad litem to represent the person and the decree entered in the action shall bind the person's interest in the property.]

Rule 1508. [Pleading More than One Cause of Action] (Rescinded).

[The plaintiff may state in the complaint two or more causes of action cognizable in equity.]

Official Note: [If more than one cause of action is asserted by or against two or more plaintiffs or defendants, the causes of action must arise from the same transaction, occurrence, or series of transactions or occurrences and a common question of law or fact affecting the rights or liabilities of all

the parties must arise in the action. Rule 2229(a), (b).] See Rule 1020 governing the pleading of more than one cause of action.

Rule 1509. [Preliminary Objections] (Rescinded).

[(a) Preliminary objections authorized by Rule 1028(a) are available to any party.

(b) The objections of laches and failure to exercise or exhaust a statutory remedy may be raised by preliminary objection, answer or reply but are not waived if not pleaded.

(c) The objection of the existence of a full, complete and adequate nonstatutory remedy at law shall be raised by preliminary objection. If the objection is sustained, the court shall certify the action to the law side of the court. If not so pleaded, the objection is waived.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952.] See Rule 1028 governing preliminary objections.

Rule 1510. [Counterclaim] (Rescinded).

[(a) A defendant may plead as a counterclaim only a cause of action, whether equitable or legal, which arises from the same transaction or occurrence or series of transactions or occurrences from which the plaintiff's cause of action arose. A counterclaim shall not be subject to the objection provided in Rule 1509(c).

(b) A counterclaim shall be pleaded and tried as an action in equity.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952.] See Rule 1031 governing counterclaim in a civil action.

Rule 1511. [Judgment Upon Default or Admission] (Rescinded).

[(a) The prothonotary, on praecipe of the plaintiff, shall enter a judgment by default against the defendant for failure to plead within the required time to a complaint which contains a notice to defend. In all other cases of default or of admission the judgment shall be entered by the court.

(b) In all cases, the court shall enter an appropriate final decree upon the judgment of default or admission and may take testimony to assist in its adjudication and in framing the decree.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952; amended March 22, 1962; effective April 2, 1962. Amendment effective April 2, 1962 was made applicable to pending actions.] See Rule 1037 governing judgment upon default or admission.

Rule 1512. [Nonsuit] (Rescinded).

[The court may enter a nonsuit against the plaintiff under the same circumstances, subject to review in the same manner and with the same effect as in actions at law.]

Official Note: See Rules 230 and 230.1 governing voluntary nonsuit and nonsuit at trial, respectively.

Rule 1513. [Trial by Jury. Advisory Verdict] (Rescinded).

[The court on its own motion or upon the petition of any party may submit to trial by jury any or

all issues of fact. The trial by jury shall be given a preference on the trial list. The verdict of the jury shall be in the form of answers to specific questions and shall not be binding upon the court.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952.] See Rule 1007.2 governing trial by jury and advisory verdict.

Rule 1514. [Examiners, Masters and Auditors] (Rescinded).

[Except as otherwise provided by Act of Assembly or rule of the Supreme Court, no examiner, master or auditor shall be appointed.

Official Note: Adopted January 4, 1952, effective July 1, 1952; amended March 25, 1953, effective July 1, 1953.]

Rule 1515. [Accountants and Experts] (Rescinded).

[In actions involving complicated accounts, or questions requiring the evidence of experts, the court may employ an accountant or other expert to aid in the proper deposition of the action. The report or evidence of such accountant or other expert shall be available to any party and the accountant or other expert shall be subject to examination or cross-examination by any party. The accountant or other expert shall be paid reasonable compensation for services rendered.]

Rule 1516. [Oral Argument. Limitation on Requests for Findings and Conclusions] (Rescinded).

[The parties shall be prepared to argue the case immediately after the close of the evidence. No requests for findings of fact and conclusions of law may be submitted except by leave of court. These requests may be treated by the court as suggestions. They shall be filed with the adjudication.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952; amended June 27, 1969, effective September 1, 1969.

The court has power at any stage of any proceeding to require the parties to file trial memoranda on any issue of fact or law.

The Civil Procedural Rules Committee, by communication dated August 27, 1969, announced that amendment of this rule effective September 1, 1969 applied to pending actions.]

See Rule 1038 for the conduct of a trial without a jury.

Rule 1517. [The Adjudication. Notice] (Rescinded).

[(a) The court shall make an adjudication and may do so shall consist of (1) a statement of the issues; (2) a closely condensed chronological statement, in narrative form or in separate findings, of all the facts which are necessary to be known in order to determine the issues; (3) a discussion of the questions of law involved and the court's conclusions of law and (4) a decree nisi.

(b) The adjudication may be made orally in open court at the end of the trial, and in that event shall be forthwith transcribed and filed in the office of the prothonotary, or it may be made thereafter in writing and filed forthwith. In either event, the

prothonotary shall notify all parties or their attorneys of the date of filing.]

Official Note: [See Rule of Judicial Administration 703 which requires a report to the Court Administrator of Pennsylvania of all matters undisposed of for ninety days or more as of the last day of the reporting period.

The Civil Procedural Rules Committee, by communication dated August 27, 1969, announced that amendment of this rule effective September 1, 1969 applied to pending actions.]

See Rule 1038 for the decision in a trial without a jury.

Rule 1520. [Form of Decree] (Rescinded).

[Decrees, nisi or final, shall not recite or state at length any part of the pleadings or other proceedings in the action.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952.] See Rule 1038 for the decision in a trial without a jury.

Rule 1521. Indexing of Decree. Lien and Revival of Decree for Payment of Money.

(a) [Decrees, nisi] Orders, interlocutory or final, shall be entered on the judgment index [of the law side of the court] .

(b) [Decrees] Orders for the payment of money shall be a lien on the real estate of the defendant named in the [decree] order in the manner, for the period and with the same effect as the lien of judgments [rendered by the law side of the court] for the payment of money.

(c) [Decrees] Orders for the payment of money or costs and not satisfied may be revived from time to time in the manner provided by law for the revival of judgments.

* * * * *

Rule 1522. [Rehearing] (Rescinded).

[A petition for a rehearing shall set forth the special matter or cause for which such rehearing is sought. The petition for rehearing shall be filed within a reasonable time after the discovery of the grounds for rehearing and in no event later than the time for taking an appeal.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952.] See Rule of Appellate Procedure 1701(b) governing reconsideration of an order.

Rule 1523. [Costs] (Rescinded).

[Costs shall include fees of the examiner, master, auditor, accountant or expert appointed by the court and such other costs as may be prescribed by statute or allowed by the court.

Official Note: Adopted January 4, 1952, effective July 1, 1952. See Rules 1514 and 1515 relating to the appointment of examiners, masters, auditors, accountants and experts.]

Rule 1524. [Security for Costs] (Rescinded).

[The court in which the action is pending may by local rule or special order require the plaintiff or a defendant who claims affirmative relief to enter security for costs.

Official Note: Adopted January 4, 1952, effective July 1, 1952.]

Rule 1525. [Interlocutory Order for Costs] (Rescinded).

[A party directed by an interlocutory order to pay costs may not take any further steps in the action until they are paid.

Official Note: Adopted January 4, 1952, effective July 1, 1952.]

Rule 1526. [Liability for Costs] (Rescinded).

[Costs shall follow the decree unless the court directs that they shall be paid in whole or in part by some other party to the action or out of a fund for distribution.

Official Note: Adopted January 4, 1952, effective July 1, 1952.]

Rule 1527. [Taxation of Costs] (Rescinded).

[Costs shall be taxed by the prothonotary subject to an appeal to the court.

Official Note: Adopted January 4, 1952, effective July 1, 1952.]

Rule 1528. [Amendments] (Rescinded).

[The prayer for relief may be amended as of course at any time.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952.] See Rule 1021 governing the claim for relief.

Rule 1529. [Enforcement of Orders. Execution Process] (Rescinded).

[(a) Execution process available in actions at law may be used in actions in equity where appropriate. A party entitled to subrogation against another party shall be entitled to execution process to enforce this right.

(b) Where appropriate, the court may order the prothonotary or sheriff to perform any act which a party fails to perform within the time specified by the order or decree. The designated officer shall act in the name of and for the delinquent party and with the same effect as though the act were performed by the defendant party. The court may order the recording or registration of any document thus executed and tax the costs against the delinquent party.

(c) A party who fails to comply with a decree may be arrested by attachment and the property of the delinquent party sequestered. If arrested, the delinquent party may, upon furnishing such bail as the court shall require, be conditionally released for the purpose of performing the decree. The attachment and sequestration shall not be dissolved until the decree has been performed and the costs of the action paid.

Official Note: See Rule 3250 imposing limitations upon the right of arrest.]

Rule 1530. [Special Relief. Accounting] (Rescinded).

[(a) Any pleading demanding relief may include a demand for an accounting.

(b) If the party is entitled to an accounting the court may proceed forthwith to hear and determine the amount due or may enter a decree that an account be filed within such time as the court by local rule or special order shall direct.

(c) Each party shall be served with a copy of the account in the same manner as a pleading. Exceptions may be filed to the account within twenty days after service.

(d) If no exceptions are filed, the court shall enter judgment for the amount, if any, shown by the account to be due. If exceptions are filed, the court shall determine the amount due or may refer the account and exceptions to an auditor.

(e) The auditor shall file a report, to which exceptions may be filed within twenty days. If no exceptions are filed to the report of the auditor, the court shall enter judgment for the amount, if any, determined by the auditor to be due. If exceptions are filed, the court shall determine the amount, if any, which may be due.]

Rule 1531. Special Relief. Injunctions.

* * * * *

(f)(1) When a preliminary or special injunction involving freedom of expression is issued, either without notice or after notice and hearing, the court shall hold a final hearing within three days after demand by the defendant. A final [decree] order shall be filed in the office of the prothonotary within twenty-four hours after the close of the hearing. If the final hearing is not held within the three-day period, or if the final [decree] order is not filed within twenty-four hours after the close of the hearing, the injunction shall be deemed dissolved.

Official Note: The three-day period is the maximum time. In particular cases a shorter period may be required. [The equity side of the Court is always open. See Rule 1502.] The court is "always open for the transaction of judicial business." See Section 324 of the Judicial Code, 42 Pa.C.S. § 324.

(2) When the defendant demands such a final hearing, no further pleadings shall be required and Rule [1517] 1038(b) and (c) relating to [adjudication decree nisi] decision in a trial without jury and Rules 227.1 to 227.3 relating to post-trial relief shall not apply.

(3) The trial judge shall file a written memorandum supporting the final [decree] order within five days after it is filed.

Rule 1532. [Special Relief. Perpetuation of Testimony] (Rescinded).

[(a) In an action to perpetuate testimony the complaint shall set forth

(1) the names and addresses of all prospective parties to the contemplated action, but if the iden-

tity of the heirs or assigns of a named former owner or party in interest is unknown they may be described generally;

(2) the nature of the contemplated action, the plaintiff's interest therein and the need for perpetuating the testimony of the person to be examined;

(3) the name and address of the person whose testimony is to be perpetuated and the substance of the testimony which plaintiff expects to elicit from each.

(b) In an action to perpetuate testimony, the testimony may be taken before the court or by depositions. The procedure for the taking of the testimony by depositions shall conform as nearly as practicable to the proceedings under the rules on depositions and discovery. The final decree shall direct whether or not the testimony or a part thereof shall be perpetuated.

(c) Testimony which has been perpetuated may be used at a trial or hearing in accordance with the provisions applicable to depositions under Rule 4020. The testimony may be used by or against a person succeeding to the interest of the party to the action for the perpetuation of testimony to the same extent as though the successor had been a party and had been present at the taking of the testimony. The testimony, if otherwise admissible, may be used in any other county of the Commonwealth.]

Official Note: [Adopted January 4, 1952, effective July 1, 1952; amended March 27, 1956, effective July 1, 1956.] Pre-complaint discovery provides adequate relief in the context of a civil action.

Rule 1533. Special Relief. Receivers.

* * * * *

(e) Except in the case of a public utility, a [decree] order authorizing a receiver to operate a business shall be limited to a fixed period, which may be extended from time to time upon cause shown after notice to all parties in interest.

* * * * *

(g) Every [decree] order appointing a permanent receiver shall fix the time within which the receiver shall file a report setting forth the property of the debtor, the interests in and claims against it, its income-producing capacity and recommendations as to the best method of realizing its value for the benefit of those entitled.

* * * * *

Rule 1536. [Effective Date. Pending Actions] (Rescinded).

[These rules shall become effective on the First day of July, 1952, and shall apply to actions pending at that time. They shall supersede all rules of equity practice heretofore promulgated.

Official Note: Adopted January 1, 1952, effective July 1, 1952.]

Subchapter B. ACTION FOR PARTITION OF REAL PROPERTY

Rule 1551. Form of Action.

Except as otherwise provided in this chapter, the procedure in an action for the partition of real estate shall be in accordance with the rules relating to the civil action [in equity].

* * * * *

Subchapter C. [ACTIONS] ACTION TO PREVENT WASTE

Rule 1576. [Remedies in Pending Actions] (Rescinded).

[(a) In any action at law or in equity, on petition of any party setting forth facts entitling the party to such relief, the court may, at any time before or after judgment, in accordance with Rule 1531(a), (c), (d) and (e), and upon such terms and conditions, including the filing of security, as it may fix, issue an injunction pendente lite to restrain waste of real property which is a subject of the action.

Official Note: The procedure relating to injunctions will be governed by Equity Rule 1531 except as to the mandatory bond requirement of 1531(b). The requirement of security will be discretionary with the court, depending upon the circumstances of each case.

(b) The court in which the action is pending may act to restrain waste notwithstanding an appeal in the action or removal of the record to the appellate court.

(c) The court may, in a proper case, appoint a receiver in accordance with Rule 1533.]

Official Note: A claim to prevent waste may be brought as a civil action for equitable relief.

Rule 1577. [Original Actions. Conformity to Equity] (Rescinded).

[Where no action is pending in which a petition to restrain waste may be filed, the procedure in an action to restrain waste shall be in accordance with the rules relating to the action in equity.]

Official Note: [adopted March 30, 1960, effective November 1, 1960.] An original action to restrain waste should be brought as a civil action seeking equitable relief.

Subchapter D. ACTS OF ASSEMBLY NOT SUSPENDED

Rule 1580. [Actions to Prevent Waste. Act of Assembly Not Suspended] (Rescinded).

[Sections 1 and 2 of the Act approved May 4, 1869, P. L. 1251, 68 P. S. §§ 115, 116 shall not be deemed suspended or affected by the rules governing the action to prevent waste.

Official Note: These sections make unlawful the cutting, removing or selling of timber by the owner of an undivided interest in land, without the written consent of all interests and authorizes proceedings for recovery of timber or damages.]

CHAPTER 1600. DECLARATORY JUDGMENT

Rule 1601. Action for Declaratory Relief Alone. Jury Trial. Waiver.

(a) A plaintiff seeking only declaratory relief shall commence an action by filing a complaint captioned "Action for Declaratory Judgment." The practice and procedure shall follow, as nearly as may be, the rules governing the [Action in Equity] civil action.

(b) If the right to trial by jury of disputed issues of fact exists in such an action, it shall be deemed waived unless demanded in the time and manner provided by Rule 1007.1.

Official Note: Rule 1601(b) gives no specific guidance on the existence of a right to jury trial. It could not, in the face of Rule 128(f). Section 7539(b) of the Judicial Code provides:

* * * * *

The existence of a right to jury trial on disputed issues of fact will be a matter of determination in each action where only declaratory relief is sought. If the right is claimed and disputed, the court must determine the question on the basis of the nature of the cause of action, the right to be enforced and the "other civil action" which would be brought to enforce it if declaratory judgment did not exist. The flexible Federal practice under Fed.R.Civ.P. 38, 39 and 57, including the procedure for the jury trial of selected issues, may be helpful. Pa.R.C.P. [1513] 1007.2 may also be applicable.

Rule 1602. Declaratory Judgment as Ancillary Relief.

In any action [at law or in equity], a party may include in the claim for relief a prayer for declaratory relief and the practice and procedure shall follow, as nearly as may be, the rules governing that action.

CONFORMING AMENDMENTS

CHAPTER 200. BUSINESS OF COURTS

Rule 205.4. Electronic Filing And Service of Legal Papers.

* * * * *

(g) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served

* * * * *

Official Note:

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See Rule 236(d) providing for the prothonotary to give notices of orders[, decrees] and judgments, and also other matters by facsimile transmission or other electronic means.

* * * * *

Rule 227.1. Post-Trial Relief.

(a) After trial and upon the written Motion for Post-Trial Relief filed by any party, the court may

* * * * *

(4) affirm, modify or change the decision [or decree nisi]; or

* * * * *

Official Note: The motion for post-trial relief replaces the following motions and exceptions: motion for new

trial, motion for judgment notwithstanding the verdict, motion upon the whole record after disagreement of a jury, motion in arrest of judgment, motion to remove a nonsuit, exceptions following the decision of the judge in a trial without jury [and exceptions following the adjudication of the judge in an action inequity. However, certain rules retain].

The following rules provide for the filing of exceptions, e.g., Equity Rule 1530 (exceptions to an auditor's report), Equity Rule 1534 (exceptions to a fiduciary's account), Partition Rule 1569 (exceptions to a master's report) and Divorce Rule 1920.55 (exceptions to a master's report), Support Rule 1910.12(e) (exceptions to a hearing officer's report) and Execution Rule 3136(d) (exceptions to sheriff's schedule of proposed distribution).

* * * * *

(c) Post-trial motions shall be filed within ten days after

* * * * *

(2) notice of nonsuit or the filing of the decision [or adjudication] in the case of a trial without jury [or equity trial].

* * * * *

Official Note: A motion for post-trial relief may be filed following a trial by jury[,] or a trial by a judge without a jury [in an action at law] pursuant to Rule 1038 [or a trial by a judge without a jury in an action in equity]. A motion for post-trial relief may not be filed to orders disposing of preliminary objections, motions for judgment on the pleadings or for summary judgment, motions relating to discovery or other proceedings which do not constitute a trial. See U.S. National Bank in Johnstown v. Johnson, 506 Pa. 622, 487 A.2d 809 (1985).

* * * * *

Rule 227.4. Entry of Judgment upon Praecept of a Party

In addition to the provisions of any Rule of Civil Procedure or Act of Assembly authorizing the prothonotary to enter judgment upon praecipe of a party, the prothonotary shall, upon praecipe of a party:

(1) enter judgment upon the verdict of a jury or the decision of a judge following a trial without jury, [or enter the decree nisi as the final decree,] if

* * * * *

(2) enter judgment when a court grants or denies relief but does not itself enter judgment or order the prothonotary to do so.

Official Note: See Rule 236 requiring the prothonotary to give notice of the entry of an order[, decree] or judgment and Rule 237 requiring notice of filing of praecipe for judgment. For illustrative Rules of Civil Procedure specifically authorizing entry of judgment by the prothonotary on praecipe of a party, see Rules 1037, 1511(a), 1659, 3031(a), and 3146.

Rule 236. Notice by Prothonotary of Entry of Order[, Decree] or Judgment.

(a) The prothonotary shall immediately give written notice of the entry of

* * * * *

(2) any other order [, decree] or judgment to each party's attorney of record or, if unrepresented, to each party. The notice shall include a copy of the order [, decree] or judgment.

* * * * *

Rule 237. Notice of Praecept for Final Judgment [or Decree].

No praecipe for judgment on a verdict [,] or for judgment on a decision in a trial without a jury [or for a final decree following a decree nisi in equity] shall be accepted by the prothonotary unless it includes a certificate that a copy of the praecipe has been mailed to each other party who has appeared in the action or to the attorney of record for each other party.

Rule 249. Authority of Individual Judge.

(a) Except where the court is required to act en banc, a law judge may perform any function of the court, including the entry of interlocutory or ex parte orders [, decrees] and other matters in the nature thereof.

* * * * *

Rule 250. Scope of Chapter.

The rules of this chapter shall apply to all civil actions and proceedings [at law and in equity].

CHAPTER 400. SERVICE OF ORIGINAL PROCESS AND OTHER LEGAL PAPERS

Rule 440. Service of Legal Papers Other than Original Process.

* * * * *

(d)(1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is included on an appearance or prior legal paper filed with the court.

* * * * *

Official Note: See Rule 236(d) providing for the prothonotary to give notice of orders [, decrees] and judgments, and also other matters, by facsimile or other electronic means.

* * * * *

CHAPTER 1000. ACTIONS AT LAW

Subchapter D. ACTION TO QUIET TITLE

Rule 1066. Form of Judgment or Order.

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(b) Upon granting relief to the plaintiff, the court

* * * * *

(3) shall enter a final judgment ordering the defendant, the prothonotary, or the recorder of deeds to file, record, cancel, surrender or satisfy of record, as the case may be, any plan, document, obligation or deed determined to be valid, invalid, satisfied or discharged, and to execute and deliver any document, obligation or deed necessary to make the [decree] order effective; or

* * * * *

Subchapter I. ACTION OF MORTGAGE FORECLOSURES

Rule 1141. Definition. Conformity to Civil Action.

(a) As used in this chapter,

"action" means an action [at law] to foreclose a mortgage upon any estate, leasehold or interest in land but shall not include an action to enforce a personal liability.

* * * * *

CHAPTER 1500. ACTION IN EQUITY

Subchapter B. PARTITION OF REAL PROPERTY

Rule 1569. Master's Report. Exceptions.

(a) A master who is appointed by the court shall file a report with respect to the matters submitted. The report shall follow the form of [adjudication] decision in Rule 1570, insofar as the scope of the reference to the master permits.

(b) The master shall give all persons in interest written notice of the date on which he or she intends to file the report and proposed [decree] order and shall specify an address within the county where they may be examined. The master may change the report and proposed [decree] order as he or she deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) Within ten days after notice of the filing of the report exceptions may be filed by any party to rulings on evidence, to findings of fact, to conclusions of law and to the proposed [decree nisi] order. The court may, with or without taking testimony, remand the report or enter [an adjudication] a decision in accordance with Rule 1570 which may incorporate by reference the findings and conclusions of the master in whole or in part.

Rule 1570. [Adjudication and Decree] Decision and Order.

(a) The [adjudication] decision shall include findings of fact as follows:

* * * * *

(b) The [decree] order shall include:

* * * * *

(4) [an order for] a public or private sale of the property or part thereof where required.

* * * * *

Rule 1573. Return of Sale and Schedule of Distribution

(a) Where the sale has been conducted by a master, the master shall promptly file with the prothonotary a return of sale together with a proposed [decree] order which shall

* * * * *

(b) The master shall give all persons in interest written notice of the date on which he or she intends to file the return of sale and proposed [decree] order and shall specify an address within the county where they may be examined. The master may change the return of sale and proposed [decree] order as he or she deems proper before filing them, but if any changes are made written notice thereof shall be given to all parties.

(c) If the court approves the return of sale in whole or in part, the court shall enter an appropriate [**decree nisi**] order. Any part of the [**decree nisi**] order as to which a motion for post-trial relief is not filed within ten days shall become final.

CHAPTER 2000. ACTIONS BY REAL PROPERTY PARTIES IN INTEREST

Rule 2001. Definitions.

As used in this chapter

“action” means any civil action or proceeding [**at law or in equity**] brought in or appealed to any court of record which is subject to these rules.

CHAPTER 2020. MINORS AS PARTIES

Rule 2026. Definitions.

As used in this chapter

“action” means any civil action or proceeding [**at law or in equity**] brought in or appealed to any court of record which is subject to these rules;

* * * * *

“judgment” means any final judgment or final [**decree**] order entered in any action.

CHAPTER 2050. INCAPACITATED PERSONS AS PARTIES

Rule 2051. Definitions.

As used in this chapter

“action” means any civil action or proceeding [**at law or in equity**] brought in or appealed to any court of record which is subject to these rules;

* * * * *

CHAPTER 2100. THE COMMONWEALTH AND POLITICAL SUBDIVISIONS AS PARTIES

Rule 2101. Definition.

As used in this chapter:

“action” means any civil action or proceeding [**at law or in equity**] brought in or appealed to any court which is subject to these rules.

* * * * *

CHAPTER 2120. PARTNERSHIPS AS PARTIES

Rule 2126. Definitions.

As used in this chapter:

Action—Any civil action or proceeding [**at law or in equity**] brought in or appealed to any court which is subject to these rules.

* * * * *

Rule 2129. Actions between partnerships and partners.

An action may be prosecuted [**at law**] by a partnership against one or more of the partners thereof, or against such partners together with persons not partners; or by one or more partners, or by such partners together with other persons not partners, against the partnership. [**No such action may be prosecuted in equity unless there is ground for equitable jurisdiction other than the fact that the action is between a partnership and one or more partners.**]

CHAPTER 2150. UNINCORPORATED ASSOCIATIONS AS PARTIES

Rule 2151. Definitions.

As used in this chapter

“action” means any civil action or proceeding [**at law or in equity**] brought in or appealed to any court which is subject to these rules;

* * * * *

Rule 2154. Actions between associations and members.

An action may be prosecuted [**at law**] by an association against one or more of the members thereof, or against such members together with persons not members; or by one or more members, or by such members together with other persons not members, against the association. [**No such action may be prosecuted in equity unless there is ground for equitable jurisdiction other than the fact that the action is between an association and one or more members.**]

* * * * *

CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

Rule 2176. Definitions.

As used in this chapter

“action” means any civil action or proceeding [**at law or in equity**] brought in or appealed to any court which is subject to these rules;

* * * * *

Rule 2178. Actions between a corporation or similar entity and members thereof.

An action may be prosecuted by a corporation or similar entity against one or more of the members thereof, or against members together with persons not members; or by one or more members, or by members together with other persons not members, against the corporation or similar entity. [**No such action may be prosecuted in equity unless there is ground for equitable jurisdiction other than the fact that the action is between a corporation or similar entity and one or more members thereof.**]

Official Note: Adopted November 26, 1943, effective August 1, 1944. This rule [**is an adaptation of Pa.R.C.P. No. 2129 (Partnerships as parties), and Pa.R.C.P. No. 2154 (Unincorporated associations as parties).**]

It is] designed to apply to all actions between a corporation or similar entity and its members, including those actions in which an accounting has been asked.

CHAPTER 2200. ACTIONS FOR WRONGFUL DEATH

Rule 2201. Definitions.

As used in this chapter

“action” means any civil action or proceeding [**at law**] brought in or appealed to any court of record which is subject to these rules;

* * * * *

CHAPTER 2220. JOINDER OF PARTIES

Rule 2226. Definitions.

As used in this chapter

“action” means any civil action or proceeding [at law or in equity] brought in or appealed to any court of record which is subject to these rules.

CHAPTER 2250. JOINDER OF ADDITIONAL DEFENDANTS

Rule 2251. Definitions.

As used in this chapter

“action” means any civil action or proceeding [at law or in equity] brought in or appealed to any court of record which is subject to these rules.

* * * * *

CHAPTER 2300. INTERPLEADER BY DEFENDANTS

Rule 2301. Definitions.

As used in this chapter

“action” means any civil action or proceeding [at law or in equity] brought in or appealed to any court which is subject to these rules:

* * * * *

Rule 2318. Exclusive method at law; equity interpleader preserved.

The right of interpleader conferred by these rules shall be the exclusive method of interpleader in any action [at law] and shall be in addition to, and not in lieu of, the right to [file a bill in equity] commence a civil action for an interpleader.

CHAPTER 2320. INTERVENTION

Rule 2326. Definitions.

As used in this chapter

“action” means any civil action or proceeding [at law or in equity] brought in or appealed to any court of record which is subject to these rules.

Rule 2328. Petition to intervene.

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[Official Note: This subdivision adopts the equity practice. See Franklin Nat. Bank v. Kennerly Coal & Coke Co., 300 Pa. 479, 483, 484, 150 A. 902 (1930).]

* * * * *

CHAPTER 2350. SUBSTITUTION OF PARTIES

Rule 2351. Definitions.

As used in this chapter,

“action” means any civil action or proceeding [at law or in equity] brought in or appealed to any court of record which is subject to these rules, including [actions] an action to obtain judgment upon a mechanics’ lien claim but shall not include [actions] an action to enforce municipal liens and claims;

* * * * *

CHAPTER 3000. JUDGEMENTS

Subchapter A. TRANSFER OF JUDGMENTS TO OTHER COUNTIES

Rule 3001. Definition.

As used in this chapter

“judgment” means a judgment[,] or order [or decree] requiring the payment of money or adjudicating the right to possession in an action of replevin, including a final or interlocutory order for the payment of costs entered in any court which is subject to these rules, either originally or upon transcript or certification from another court within the same county.

Subchapter D. ENFORCEMENT OF MONEY JUDGEMENTS FOR THE PAYMENT OF MONEY

Rule 3101. Definitions; garnishee.

(a) As used in this chapter

“judgment” means a judgment[,] or order[, or decree] requiring the payment of money entered in any court which is subject to these rules, including a final or interlocutory order for payment of costs, except a judgment against the Commonwealth, a political subdivision or a public authority;

* * * * *

Rule 3131. Sale of real property located in more than one county.

* * * * *

(c) The court may enter judgment upon the pleadings or take evidence by deposition or otherwise, shall [decree] order the extent of the real property which shall be subjected to execution, describing it by metes and bounds, shall designate the place of sale, and shall control the distribution of the proceeds of sale. The court may apportion the proceeds so as to satisfy prior lienors, including those having a lien upon a portion of a single tract which lay in a different county and which was not sold on execution.

* * * * *

CHAPTER 4000. DEPOSITIONS AND DISCOVERY

Rule 4001. Scope. Definitions.

(a) The rules of this chapter apply to any civil action or proceeding [at law or in equity] brought in or appealed to any court which is subject to these rules including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923.

* * * * *

Explanatory Comment

Introduction

- I. Amendments to the Rules Governing the Civil Action
II. Effect of the Recommendation Upon the Rules Governing the Action in Equity
III. Conforming Amendments

Tables

Introduction

Recommendation No. 180 proposes to abolish the separate action in equity by amending the rules governing the civil action to include equitable relief. The “merger of law and equity” with respect to procedure is warranted in light of developments over the sixty-five year life of the

rules of civil procedure. During that time, the procedural aspects of law and equity have been merged in most, if not all, American jurisdictions. It is a merger which has been successful and which has become familiar to lawyers and judges alike. The merger has occurred in a climate in which many cases are not solely actions at law or actions in equity but actions in which relief both equitable and legal in nature is sought.

A civil action in which both legal and equitable relief may be sought avoids the necessity of multiple actions when a party claims more than one kind of relief. It avoids the necessity to bring a second action "just in case" the action in equity is determined to be actually an action at law, or the reverse. It allows the court in a "unified judicial system" to grant the relief to which the parties are entitled without sacrificing substance to form.

The consolidation of the action in equity into the civil action does not stretch the imagination. Equity Rule 1501 now provides that "the procedure in an action in equity shall be in accordance with the rules relating to a civil action." This recommendation proposes, first, to eliminate most of the remaining differences between the current civil action and action in equity and, second, to revise some of the civil action rules to accommodate cases in which equitable relief is sought.

While the recommendation affects a substantial number of civil action and equity rules, many rules will remain unchanged. Table I appended to this comment lists the civil action and equity rules which are proposed to be amended by the recommendation. Table II lists those equity rules which are proposed to be rescinded. Table III sets forth those rules which are not affected by the recommendation. Finally, Table IV lists the conforming amendments, i.e., additional rules of civil procedure which are affected by the proposal.

The remainder of this comment is directed to rules which will require rescission or revision.

I. Amendments to the Rules Governing the Civil Action

a. Scope of the Civil Action

Rule 1001(b) is amended to define the civil action as one "in which shall be brought all claims for relief heretofore asserted in" the actions of assumpsit, trespass and equity. Rule 1501 conforming the procedure in the action in equity to the procedure of the civil action will be rescinded.

Certain rules in Chapter 1500 are incorporated into the civil action. These rules, presently part of the action in equity, are concerned with equitable relief. They will continue to provide the procedure when equitable relief is sought but in the context of the civil action. Rule 1506 governing stockholder's derivative suits and Rule 1531 governing injunctive relief are examples of rules that will continue as part of the civil action.

It is proposed that the action to prevent waste be abolished. The relief sought in that action is injunctive relief which may be obtained in the consolidated civil action.

The action for declaratory judgment will remain a separate form of action. Rule 1601 will be amended to provide that the procedure governing the action when declaratory relief alone is sought will conform to the civil action rather than to the action in equity. Rule 1602 governing the procedure when declaratory relief is sought as ancillary relief is amended to delete the phrase "at law or in equity" but is otherwise unchanged.

The action for partition of real property also remains a separate form of action. Rule 1551 is amended to conform the procedure to the civil action rather than the action in equity.

b. Venue

Recommendation No. 180 does not propose to change the law governing venue but simply to consolidate the two rules into one.

Present Equity Rule 1503 incorporates the venue of the civil action and, if the subject matter of the action is property, further provides for venue in the county in which the property is located. Under the proposed recommendation, Rule 1503 will be rescinded.

It is proposed that the present civil action venue provision in Rule 1006(a) continue as subdivision (a)(1). New subdivision (a)(2) will be added to provide venue when equitable relief is sought with respect to property. Similar to its counterpart in present Rule 1503, subdivision (a)(2) will authorize venue in the county in which

(2) the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

c. Service of Original Process

Rule 400 is entitled "Person to Make Service". The recommendation proposes to amend the rule to accommodate the merging of the forms of action. Thus, subdivision (b) is revised to refer to a "civil action in which equitable relief is the only relief sought or the primary relief sought" rather than an action in equity. No change in practice is intended by this revision. The sheriff will continue to serve original process as heretofore.

It is further proposed that Rule 1505, "Defendant Not Served," be rescinded as unnecessary. It is not believed that the rule states a principle different from that applicable the present civil action.

d. Trial by Jury

The right to trial by jury is either constitutionally mandated or provided by Act of Assembly. The merger of the action in equity into the civil action does not affect the right so provided.

Consequently, it is proposed that the body of Rule 1007.1 remain unchanged. The title is revised to indicate that the rule applies where there is a jury trial "as of Right". A note is added to cross-refer to Rule 128(f) providing that "no rule shall be construed to confer a right to trial by jury where such right does not otherwise exist."

Present Rule 1513 provides for trial by jury and an advisory verdict in the action in equity. It is proposed that this provision be retained in the civil action as new rule 1007.2. Language is added to ensure that the rule will be limited to civil actions in which there is a claim for equitable relief.

A case may involve claims, one or more of which are triable by jury and others which are triable by the court without a jury. Such a case will necessarily require that the court exercise its discretion in the manner in which the case will proceed. For instance, the court may need to decide whether all claims should be tried at the same time or certain claims should be bifurcated, whether claims triable by jury should be tried before or after claims tried to the court, and whether to invoke new Rule 1007.2 providing for an advisory verdict. Rules cannot dictate the procedure for a particular instance. The course

of the proceedings will depend upon the "good judgment" of the court in viewing the totality of the case.

e. Joinder of Causes of Action

Rule 1020 is to be revised to accommodate the merger of the action in equity into the civil action. Thus, subdivision (a) governing the permissive joinder of causes of action is revised to refer to a "cause of action cognizable in a civil action" rather than a "cause of action heretofore asserted in assumpsit and trespass." Causes of action cognizable in a civil action are set forth in Rule 1001(b) and include the former actions of assumpsit, trespass and equity.

Subdivision (d)(1) of Rule 1020 governs mandatory joinder of related causes of action. It is revised to include related causes of action "heretofore asserted in assumpsit and trespass" but makes no mention of causes of action in equity. Thus, the present mandatory provision is continued only as to related claims previously asserted in assumpsit and trespass. The present practice of permissive joinder of related claims in equity is also continued.

It is not feasible to make mandatory the joinder of related causes of action in equity. It frequently occurs that equitable relief is needed quickly before a suit with all of its aspects may be prepared and filed. In addition, the full ramifications of a transaction or occurrence may not be fully known at the time an action is commenced, making it impossible to initially request all of the relief which eventually may be determined to be appropriate.

The recommendation also proposes a technical amendment to subdivision (d). That subdivision is presently divided into five paragraphs, three of which have been rescinded. It is proposed that present paragraph (4) be transposed to paragraph (1) as the second sentence. Paragraphs (2) through (5) may then be deleted and subdivision (d)(1) will be redesignated as subdivision (d).

In light of the foregoing it is proposed that Rule 1508 governing the pleading of more than one cause of action in equity be rescinded.

With respect to a counterclaim, it is proposed that Equity Rule 1510 be rescinded and that Civil Action Rule 1031 be amended to allow the pleading as a counterclaim of "any cause of action cognizable in a civil action."

f. Preliminary Objections and Defenses

Civil Action Rule 1028(a) sets forth six preliminary objections. Present Equity Rule 1509(a) incorporates these six objections into the action in equity. Under the proposed recommendation, these six objections will continue to be applicable to the new consolidated civil action.

Subdivisions (b) and (c) of present Rule 1509 provide for three additional preliminary objections applicable to the action in equity.

Rule 1509(b) provides for the objections of laches and failure to exercise or exhaust a statutory remedy to be raised by preliminary objection, answer or reply. However, the objections are not waived if not pleaded. The recommendation disposes of these two objections separately. It is proposed that the objection of laches be raised in new matter only. To this end, laches has not been included in amended Rule 1028(a) as a preliminary objection but continues as part of the list of defenses set forth in Rule 1030 governing new matter. It is further proposed that the objection of failure to exercise or exhaust a statutory remedy be limited to preliminary objections. To this end, this objection has been included in Rule 1028(a) as new paragraph (7). Under Rule 1032(a) governing waiver of

defenses, as amended, the objection of laches will be waived for failure to plead it but the objection of failure to exercise or exhaust a statutory remedy will not be waived.

Present Rule 1509(c) provides for the objection of the existence of a full, complete and adequate non-statutory remedy at law to be raised by preliminary objection. The rule makes two points with respect to the objection. First, the objection is waived for failure to plead it. Second, if the objection is sustained, the court is required to certify the action to the law side of the court.

The recommendation proposes to transpose this objection of the existence of a full, complete and adequate non-statutory remedy at law to Rule 1028(a) as new paragraph (8). However, the recommendation also proposes that Rule 1032(a) be amended to provide that there will be no waiver if the defense is not pleaded.

The provision of the present equity rule for transfer to the law side of the court in the event the objection is sustained, is not continued. Under the consolidated civil action, there is no law side and no equity side. There is simply "the court" which is empowered to grant appropriate relief whether legal or equitable.

Although the procedural aspect of the objection of the existence of a full, complete and adequate non-statutory remedy at law is not continued, the objection retains vitality as a principle of substantive law barring the court from granting equitable relief.

g. Default Judgment

The recommendation proposes the amendment of Civil Action Rule 1037 governing judgment upon default or admission to accommodate the consolidation of the action in equity and the civil action.

Subdivision (b) is revised to prohibit the prothonotary from granting equitable relief admitted to be due by the defendant's pleadings. This is left to new subdivision (d) which incorporates the substance of Equity Rule 1511(b) providing that "In all cases, the court shall enter an appropriate final decree..." In view of the amendment to Rule 1037, the recommendation proposes that Rule 1511 be rescinded.

h. Decision and Adjudication

It is proposed that Civil Action Rule 1038, "Trial Without Jury," will govern trials of the consolidated civil action by a judge without a jury. The only revision to the rule is a conforming amendment to subdivision (a)(1) to substitute the word "obtain" in place of "suffer" with respect to a nonsuit.

A note is added to the rule explaining that a decision includes what were formerly known as an adjudication and a decree nisi. Thus, a trial judge sitting without a jury will at the conclusion of the trial render a decision which will grant or deny relief, whether legal or equitable, as may be appropriate. Unless there is an Act of Assembly or general rule to the contrary, the decision will not constitute a final order or judgment.

Consequently, the recommendation proposes to abolish the present practice of an action in equity set forth in the following rules:

1. Rule 1516 governing oral argument and providing a limitation on requests for findings and conclusions,
2. Rule 1517 governing the adjudication, and
3. Rule 1520 governing the form of decree.

II. Effect of the Recommendation Upon the Rules Governing the Action in Equity

a. *Equity Rules Rescinded*

The following rules were discussed In Part I as proposed to be rescinded in light of amendments to the civil actions rules.

Rule 1501. Conformity to Civil Action

Rule 1503. Venue

Rule 1505. Defendant Not Served

Rule 1508. Pleading More than One Cause of Action

Rule 1509. Preliminary Objections

Rule 1510. Counterclaim

Rule 1511. Judgment upon Default or Admission

Rule 1513. Trial by Jury. Advisory Verdict

Rule 1516. Oral Argument. Limitation on Requests for Findings and Conclusions

Rule 1517. The Adjudication. Notice

Rule 1520. Form of Decree

The recommendation proposes the rescission of the following rules as well:

1. *Rule 1502. Court Open*

Rule 1502 providing that the equity side of the court shall always be open is to be rescinded as unnecessary in light of section 324 of the Judicial Code, 42 Pa.C.S. § 324, which contains a similar provision.

2. *Rule 1507. Possible Persons Interested in Property*

It is proposed that rule 1507 be rescinded. The rule is concerned with "a person interested in property" who should be made a party "but the person's name or interest in the property cannot be ascertained and the person is not represented in the action". It is suggested that the subject of the rule is covered by the law relating to indispensable parties, rendering the rule unnecessary.

3. *Rule 1514. Examiners, Masters and Auditors*

4. *Rule 1515. Accountants and Experts*

The court has inherent power to appoint such persons as are necessary to enable or facilitate the court in deciding cases. Rules providing for the appointment of such persons or denying that power are not required in the consolidated civil action.

5. *Rule 1522. Rehearing*

Rule 1522 governing rehearing is to be rescinded as unnecessary in light of Rule of Appellate Procedure 1701(b) providing for reconsideration of an order.

6. *Rules 1523 through 1527. Costs*

Presently, costs may be sought in a civil action though no rules prescribe a procedure to do so. It is suggested that special rules are not required simply because the civil action will include equitable as well as legal relief.

7. *Rule 1528. Amendments*

Rule 1528 governs amendment of the prayer for relief in an action in equity. Civil Action Rule 1033 provides a procedure for the amendment of a pleading. Consequently, the recommendation proposes that Rule 1528 be rescinded as unnecessary.

8. *Rule 1529. Enforcement of Orders. Execution Process*

Rule 1529 is concerned with several aspects of execution process. It is proposed that the rule be rescinded.

Subdivision (a) makes execution process available in actions at law available also to actions in equity. With the consolidation of the forms of action, this provision is no longer necessary.

Subdivision (b) authorizes the court to order the prothonotary or sheriff to perform an act which the party fails to perform. It is suggested that the power of contempt is available, rendering this provision unnecessary.

Subdivision (c) refers to arrest by attachment. Arrest, though limited by the Judicial Code, is an inherent power for which a rule is not necessary.

9. *Rule 1530. Special Relief. Accounting*

Civil Action Rule 1021 presently permits a party to demand relief in the alternative or of several different types, "including an accounting". There are no special civil action rules governing an accounting yet the remedy is available in the civil action. It is proposed that no special rule is required to govern an accounting and that Rule 1530 be rescinded.

10. *Rule 1532. Special Relief. Perpetuation of Testimony*

The proposed rescission of Rule 1532 is not intended to abolish the right to preserve testimony. In the context of a civil action, the rule has become obsolete in view of pre-complaint discovery which provides an adequate remedy. A party may file a writ of summons and immediately seek discovery as permitted under the applicable rules. Where necessary, a party can seek the assistance of the court to devise a procedure tailored to the particular case.

11. *Rule 1536. Effective Date. Pending Actions*

It is proposed that Rule 1536 be rescinded as obsolete. It had application only upon promulgation of the original equity rules in 1952.

b. *Equity Rules Amended*

1. *Rule 1521. Indexing of Decree. Lien and Revival of Decree for Payment of Money*

Rule 1521 is revised to eliminate references to the law side of the court. Otherwise, the rule remains unchanged.

2. *Rule 1531. Special Relief. Injunctions*

Rule 1531(f) is revised by substituting the term "order" in place of "decree". In addition, the cross-reference must be revised as it refers to Rule 1517 which is rescinded. The reference will be changed to Rule 1038(b) and (c) which will govern trials without a jury whether the relief sought is legal or equitable.

3. *Rule 1533. Special Relief. Receivers*

Subdivisions (e) and (g) of Rule 1533 are revised by substituting the term "order" in place of "decree."

c. *Equity Rules Unchanged*

It is proposed that the following rules remain unchanged. However, instead of being viewed as rules governing the action in equity, they will be viewed as rules governing equitable relief in the context of a civil action. These rules are:

1. Rule 1506. Stockholder's Derivative Action
2. Rule 1534. Accounting by Fiduciaries
3. Rule 1535. Objections to Security

III. Conforming Amendments

The conforming amendments revise various rules to accommodate the proposed amendments set forth in the recommendation. These amendments do not themselves affect practice or procedure. Generally, these amendments

delete references to actions at law and actions in equity, replacing them with the "civil action". Similarly, the terms "decree" and "adjudication" found in a number of rules are deleted and replaced with the terms "order" and "decision".

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

Tables

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Rule 1006. Venue. Change of Venue

Rule 1007.1. Jury Trial. Demand. Waiver

Rule 1020. Pleading More than One Cause of action. Alternative Pleading.

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Rule 1028. Preliminary Objections

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Rule 1038. Trial Without Jury

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Captioning and Docketing of Actions and Proceedings in the Courts of Common Pleas

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Rule 1521. Indexing of Decree. Lien and Revival of Decree for Payment of Money

Rule 1531. Special Relief. Injunctions

Rule 1533. Special Relief. Receivers

II. Equity Rules Rescinded

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Rule 1502. Court Open

Rule 1503. Venue

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Rule 1507. Specific Averments. Possible Persons Interested in Property. Appointment of a Representative

Rule 1508. Pleading More than One Cause of Action

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Rule 1512. Nonsuit

Rule 1513. Trial by Jury. Advisory Verdict

Rule 1514. Examiners, Masters and Auditors

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Rule 1532.

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III. Civil Action and Equity Rules Unaffected

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Rule 1007. Commencement of Action

Rule 1012. Entry of Appearance. Withdrawal of Appearance. Notice

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Rule 1018.1. Notice to Defend. Form

Rule 1019. Contents of Pleadings. General and Specific Averments

Rule 1021. Claim for relief. Determination of Amount in Controversy

Rule 1022. Paragraphing

Rule 1023.1 et seq. Signing of Documents

Rule 1024. Verification

Rule 1025. Endorsement

Rule 1026. Time for Filing. Notice to Plead

Rule 1029. Denials. Effect of Failure to Deny

Rule 1030. New Matter

Rule 1033. Amendment

Rule 1034. Motion for Judgment on the Pleadings

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Rule 1036. Dismissal Upon Affidavit of Noninvolvement

Rule 1038.1. Case Submitted on Stipulated Facts

Rule 1038.2. Abolition of Case Stated

Equity

Rule 1506. Stockholder's Derivative Action

- Rule 1534. Accounting by Fiduciaries
 Rule 1535. Objections to Security

IV. Conforming Amendments

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- Rule 205.4. Electronic Filing And Service Of Legal Papers
 Rule 227.1. Post-Trial Relief
 Rule 227.4. Entry of Judgment upon Praecipe of a Party
 Rule 236. Notice by Prothonotary of Entry of Order, Decree, or Judgment
 Rule 237. Notice of Praecipe for Final Judgment or Decree
 Rule 249. Authority of Individual Judge
 Rule 250. Scope of Chapter

Service

- Rule 440. Service of Legal Papers other than Original Process

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- Rule 1141. Definitions. Conformity to Civil Action

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- Rule 1569. Master's Report. Exceptions
 Rule 1570. Adjudication and Decree. Decision
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- Rule 2001. Definitions

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- Rule 2026. Definitions

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- Rule 2051. Definitions

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- Rule 2101. Definitions

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- Rule 2126. Definitions
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- Rule 2151. Definitions
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- Rule 2176. Definitions
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- Rule 2251. Definitions

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- Rule 2301. Definitions
 Rule 2318. Exclusive Method at Law. Equity Interpleader Preserved

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- Rule 2326. Definitions
 Rule 2328. Petition to Intervene

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- Rule 2351. Definitions

Transfer of Judgments to Other Counties

- Rule 3001. Definition

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- Rule 3101. Definitions. Garnishee
 Rule 3131. Sale of Real Property Located in More than One County

Discovery

- Rule 4001. Definitions

[Pa.B. Doc. No. 02-1042. Filed for public inspection June 14, 2002, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rule of Civil Procedure L210—Form of Briefs; No. 93-0916

Administrative Order 12-2002

And Now, this 30th day of May, 2002, in order to provide the Court with relevant information to aid in the disposition of cases, it is hereby

Ordered and Decreed that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Amends* Local Rule of Civil Procedure L210 governing the Form of Briefs.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection a copy of the Order in the Prothonotary's Office.

RICHARD W. WEBB,
President Judge

Rule L210. Form of Briefs.

- (1) Each brief shall contain:
 - (A) A history of the case;
 - (B) A statement of the pertinent facts;
 - (C) A statement of the questions involved; and
 - (D) The argument.
- (2) The statement of questions involved shall be so drawn that the Court may quickly determine all the legal questions requiring determination.
- (3) The argument shall be divided into as many parts as there are questions involved. Opinions of an Appellate Court, of this or any other jurisdiction shall be cited from the National Reporter's System and/or to the official reports of Pennsylvania Appellate Courts, if published therein.
- (4) Briefs shall refer specifically, by page number or other appropriate means, to any portion of the record relied upon in support of the argument.
- (5) Copies of all Non-Pennsylvania State cases and Non-3rd Circuit Federal cases shall be attached as Exhibit to said Brief.

[Pa.B. Doc. No. 02-1043. Filed for public inspection June 14, 2002, 9:00 a.m.]

6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

RICHARD W. WEBB,
President Judge

Rule 320. Expungement Upon Successful Completion of Accelerated Rehabilitative Program.

A. At the end of each month, the Adult Probation Office shall prepare a list of all cases/defendants who have successfully completed the ARD Program during the month. A copy of the list shall be provided to the District Attorney and District Court Administrator.

B. 1. If the District Attorney objects to the automatic expungement, the District Attorney shall follow the procedure set forth in Pa. R.Cr.P. 320(b).

2. The District Attorney shall review the list, make notation on the list of any case(s) in which objections will be filed, approve the list by initialing it, and forward it to the District Court Administrator.

3. In all cases where no objections are noted, the District Court Administrator shall prepare the Expungement Orders and Letters and shall expunge the cases from the public access screens of the Court Computer Database System after the thirty (30) day objection period expires.

4. The Court and other offices as prescribed by law shall maintain a confidential list of completed expungement cases.

[Pa.B. Doc. No. 02-1044. Filed for public inspection June 14, 2002, 9:00 a.m.]

CARBON COUNTY

Amendment of Local Criminal Rule 320; No. 103 MI 00

Administrative Order No. 9-2002

And Now, this 29th day of May, 2002, it is hereby

Ordered and Deceed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Amends* Local Rule of Criminal Procedure Carb.C.R.Crim.P. 320 governing the Expungement upon Successful Completion of Accelerated Rehabilitative Disposition Program for criminal cases.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.

CARBON COUNTY

Transfer of Juvenile Cases Filing Functions and Duties of the Clerk of Courts; No. 103-85

Amended Order of Court

And Now, this 29th day of May, 2002, after consideration of the within Petition, it is hereby

Ordered and Deceed that the Clerk Of Courts of Carbon County be and is hereby relieved from the responsibility of maintaining dockets and original files relating to Juvenile Court matters in Carbon County.

It Is Further Ordered and Deceed that effective January 1, 1985, such duties, mainly maintaining dockets and original files are hereby *Transferred* to the Carbon County Juvenile Probation Office and The Carbon County Children And Youth Office.

It Is Further Ordered that personnel, from time to time designated by the Chief Juvenile Court Officer of the Carbon County Juvenile Probation Office and The Children And Youth Administrator II of the Carbon County Children and Youth Office, by deputized by the Clerk Of Courts for the performance of the duties enumerated above, including the taking of affidavits and the affixing of the seal of the Court of Common Pleas of Carbon County where the same may be required.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

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

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Juvenile Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection a copy of the Order in the Juvenile Probation Office and the Children and Youth Office.

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 02-1045. Filed for public inspection June 14, 2002, 9:00 a.m.]

CARBON COUNTY

Rescission of Alternative Procedure for Record Hearing and Report and Exceptions for Contempt Proceedings for Actions in Support; No. 4 M 98

Administrative Order No. 10-2002

And Now, this 31st day of May, 2002, it is hereby

Ordered and Decreed that the Carbon County Court of Common Pleas hereby *Rescinds* this Court's Administrative Order 11-1998 governing the Alternative Procedure for Record Hearing and Report and Exceptions for Contempt Proceedings in Actions for Support.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

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

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Domestic Relations Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order and Rule in the Domestic Relations Office.

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 02-1046. Filed for public inspection June 14, 2002, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Amendment of Local Civil Action Rules 39-210 and 39-211; Misc. Doc. 2002-1424

Order of Court

May 28, 2002, Civil Action Rule No. 39-210 and 39-211 for the Court of Common Pleas of the 39th Judicial District of Pennsylvania is hereby amended as follows, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

JOHN R. WALKER,
President Judge

Rule 39-210. Form of Briefs.

39-210.1. Content Generally. Briefs shall be typewritten and double spaced, except for quotations, on paper 8 1/2 inches by 11 inches in size, and shall be bound at the top, not at the side.

39-210.2. Brief of Moving Party. The brief of the moving party shall contain:

(a) A statement noting whether or not oral argument is requested.

(b) A procedural history of the case.

(c) A statement of facts relevant to the issue for disposition.

(d) A statement of the question or questions involved.

(e) Argument with citations of the authority relied upon.

(f) Conclusion.

(g) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation or order.

39-210.3. Brief of Opposing Party. The brief of the opposing party shall contain everything required in the brief of the moving party except it need not contain a procedural history of the case.

39-210.4. Briefs Longer Than 15 Pages. The brief of each party, if more than 15 pages in length, shall contain an index and a table of citations of cases and statutes therein, with reference to the pages at which they appear in the brief.

Rule 39-211. Oral Arguments.

39-211.1. Argument Court Calendar. Except as otherwise provided by the Court, Arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the Argument shall be held on the next business day, and in the Fulton County Branch Arguments shall be held on days as established by the annual Court calendar.

39-211.2. Listing and Briefing Cases. Causes for Argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose. Any party may list a cause by the filing of a Praecipe directing the Prothonotary to list the cause for oral argument. The Praecipe shall be accompanied by a Cover Sheet substantially in the form set forth in Exhibit A, attached.

A. Responsibility of Moving Party.

1. Within twenty (20) days of the placing of any matter on the list for argument, the moving party shall file an original and one copy of a supporting brief together with any affidavits, depositions, transcripts and other support documents.

2. The moving party shall serve copies of its brief on all opposing parties together with a notice to file a responsive brief within twenty (20) days of service, and shall file proof of service of the notice.

3. Upon the failure of the moving party to timely file and serve its brief, the Court may, sua sponte or upon petition of the opposing party, order the matter stricken from the argument list.

4. Rebuttal briefs may be filed only with the permission of the Court.

B. Responsibility of the Opposing Party.

1. Any party in opposition to the matter shall file an original and one copy of its responsive brief within twenty (20) days of service of the moving party's brief. Concurrently, the opposing party shall serve copies of its brief on the moving party and any other opposing parties.

2. If an opposing party fails to file and serve its brief within the time period required, the Court may consider such failure to be a waiver of opposition and shall sua sponte, or upon petition of the moving party, either [a] grant the relief requested, so long as such action does not result in dismissal of the case; or [b] exclude the opposing party from oral argument.

C. Scheduling Oral Argument.

1. Any party may schedule a case for argument on the next scheduled argument court date by the filing of a praecipe with the Prothonotary on or before the Thursday which is four weeks preceding the day for argument, and further provided that the praecipe scheduling the case for argument or submission certifies that all briefs have been filed or that the opposition brief has not been timely filed.

2. Any party scheduling a case for argument or submission shall give written notice thereof to all other parties within two (2) days, and shall certify such notice on the record. Failure to give such notice may be grounds for striking the case from the list.

39-211.3. Listing By Agreement. The parties may

agree in writing to add a cause to the Argument List at any time so long as service of briefs may be made in accordance with the time requirements of Rule 39-211.2, supra. The Court may order a cause listed for Argument at the next scheduled Argument Court or on such other day as it may direct, and in that event, it may regulate the time for service of briefs.

39-211.4. Fact Determination. When the ascertainment of facts is necessary for the proper disposition of a cause listed for Argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

39-211.5. Oral Argument. The person seeking the Order applied for shall argue first, and may also argue in reply, if permitted by the Court, but such reply shall be limited to answering Arguments advanced by the respondent. In causes where there is more than one respondent, the order of Argument by the respondents shall be as directed by the Court.

39-211.6. Briefs. The form of briefs is governed by 39th Jud. Dist. C.R. No. 39-210 and briefs shall be filed with the Prothonotary and served as set forth in Rule 39-211.2, supra.

[39-211.7. Omitted]

[39-211.8. Omitted]

39-211.9. Disposition By Briefs Alone or Upon Oral Argument. Oral argument may be dispensed with provided that there is agreement of the parties and approval of the Court. The Court reserves the right to require oral argument in any case.

39-211.10. Striking Cases From the List. Cases may be continued or stricken from the argument list only pursuant to order of court. A party may request such an order of court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or nonconcurrence of all other parties as required by 39th Jud. Dist. C.R. No. 29-206.1.

<p>Case Name: _____</p> <p>Docket No.: _____</p>
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Cover Sheet, Oral Arguments
39th Jud. Dist. C. R. No. 39-211
(one copy to be filed by listing party; to be completed by Prothonotary,
and transmitted along with the Briefs to the assigned Judge)

	Date Filed	Rule Reference
Listing and Briefing of Cases		
1. <i>Moving party</i> files Praecipe to list cause for argument	_____	39-211.2
2. <i>Moving party</i> files two copies of brief [not later than twenty (20) days after listing matter for oral argument]	_____	39.211.2 A.1.
3. <i>Responding party</i> files two copies of brief [not later than twenty (20) days after service of moving party's brief]	_____	39-211.2 B.1.
Scheduling Oral Argument (only if all briefs have been filed)		

4. *Moving or Responding party* may file a Praecipe to schedule the case for oral argument [not later than Thursday which is four weeks preceding the date for oral argument] _____ 39-211.2 C.1.
- Prothonotary shall check one: _____ 39-211.2 C.1.
- all briefs have been filed
- opposition brief has not been timely filed
5. Party scheduling case for oral argument certifies having given notice to other parties that matter has been scheduled for oral argument [not later than two (2) days after filing praecipe to schedule the case for oral argument] _____ 39-211.2 C. 2.

Argument has been scheduled to be held on: _____

Exhibit A

[Pa.B. Doc. No. 02-1047. Filed for public inspection June 14, 2002, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Amendment of Local Civil Action Rule 39-1920.53(h); Misc. Doc. 2002-1425

Order of Court

May 28, 2002, Civil Action Rule No. 39-1920.53(h) for the Court of Common Please of the 39th Judicial District of Pennsylvania is hereby amended as follows, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

JOHN R. WALKER,
President Judge

Rule 39-1920.53(h). Hearing by Master.

(h) "The Standing Master shall be vested with the authority to issue directives for compliance in connection with discovery pertaining to the matters commissioned to the Master. **Any directive issued by the Master shall be considered an interim Order of Court for the purposes of contempt proceedings.** Upon a party's failure to comply with the directives of the Standing Master, the matter may be listed, at the discretion of the Master, for a hearing with the Court on the day and time regularly scheduled for support contempt hearings for a finding of contempt.

[Pa.B. Doc. No. 02-1048. Filed for public inspection June 14, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF OPTOMETRY [49 PA. CODE CH. 23] Therapeutic Certification

The State Board of Optometry (Board) amends §§ 23.201 and 23.202 (relating to qualifications for certification; and application procedure) to conform to the ruling by the Commonwealth Court (Court) in *Rand v. Pennsylvania State Board of Optometry*, 762 A.2d 392 (Pa. Cmwlth. 2000).

Statutory Authority

Section 3(b)(14) of the Optometric Practice and Licensure Act (act) (63 P. S. § 244.3(b)(14)) authorizes the Board to promulgate all rules and regulations necessary to carry out the purposes of the act.

Background and Need for the Final-Omitted Rulemaking

This final-omitted rulemaking is required by section 4.1 of the act (63 P. S. § 244.4a), as interpreted by the Court in *Rand*. In *Rand*, the Court determined that § 23.201 was "invalid and unenforceable." The Court remanded, instructing the Board to apply the criteria in section 4.1 of the act, to determine whether Dr. Rand met the qualifications to become certified to prescribe and administer pharmaceutical agents for therapeutic purposes. Because the Court has determined that § 23.201 is invalid and that the Board should apply the criteria in section 4.1 of the act, the Board is deleting § 23.201.

Section 23.202, which makes reference to § 23.201, is also being amended. The Board will simply replace the portions of § 23.202 that refer to optometrists meeting provisions of § 23.201 with references to the requirements in section 4.1 of the act.

Section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204) (CDL), permits State administrative agencies to promulgate regulations with proposed rulemaking omitted when the agency finds that the procedures for proposed rulemaking are, in the circumstances, "impracticable, unnecessary, or contrary to the public interest." The amendments make changes to conform to the decision of the Court interpreting the act and the § 23.201. The Court held that § 23.201 was invalid and the Court instructed the Board to apply the criteria in section 4.1 of the act, to determine an optometrist's eligibility for certification to prescribe and administer pharmaceutical agents. The Board finds that it is unnecessary to publish proposed rulemaking in this case because, given the Court's finding that § 23.201 is invalid, it must be stricken and given the Court's directive to apply the statutory criteria, it would be duplicative to amend the regulation to simply repeat the statutory language. In addition, the continued presence of § 23.201 has created public confusion. Finally, § 23.202 must be amended to replace references to the qualifications in § 23.201 with references to the qualifications in section 4.1 of the act.

Compliance with Executive Order 1996-1

The Board reviewed this final-omitted rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation." This final-omitted rulemaking addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

This final-omitted rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for certification to administer and prescribe pharmaceutical agents for therapeutic purposes must meet the requirements set forth in the act and in § 23.202.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 1, 2002, the Board submitted a copy of the final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-omitted rulemaking was deemed approved by the HPLC and by the SCP/PLC on May 21, 2002. IRRC met on May 30, 2002, and approved the final-omitted rulemaking.

Additional Information

Individuals who desire information are invited to submit inquiries to Deborah Smith, Board Administrator, State Board of Optometry, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations as adopted by this order, under the procedures specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202), has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are in this circumstance, unnecessary because the regulations conflict with section 4.1 of the act, as interpreted by the Court.

(2) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for administering the Board's authorizing statute.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 23, are amended by deleting § 23.201 and by amending § 23.202 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

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

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

STEVEN RETO, O.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 2954 (June 15, 2002).)

Fiscal Note: 16A-5210. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 23. STATE BOARD OF OPTOMETRY
 CERTIFICATION IN PHARMACEUTICAL AGENTS
 FOR THERAPEUTIC PURPOSES**

§ 23.201. (Reserved).

§ 23.202. Application procedure.

(a) An applicant for certification under section 4.1(a)(1) of the act (63 P.S. § 244.4a(a)(1)) shall submit the following to the Board:

(1) A completed application obtained from the Board together with the certification fee required by § 23.91 (relating to fees).

(2) Certification on a form provided by the Board from an accredited optometric educational institution in the

United States or Canada that the applicant graduated from the institution and that a condition for the applicant's graduation was the successful completion of a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes.

(3) Certification from the NBEO that the applicant obtained a passing score on the licensure examination to practice optometry which examination included the prescription and administration of pharmaceutical agents for therapeutic purposes.

(b) An applicant for certification under section 4.1(a)(2) of the act shall submit the following to the Board:

(1) A completed application obtained from the Board together with the certification fee required by § 23.91.

(2) Certification on a form provided by the Board from an accredited optometric educational institution in the United States or Canada that the applicant has successfully completed its course consisting of a minimum of 100 hours in the prescription and administration of pharmaceutical agents for therapeutic purposes.

(3) Certification from the NBEO that the applicant has obtained a passing score on an examination on the prescription and administration of pharmaceutical agents for therapeutic purposes, which examination was prepared and administered by a qualified and approved testing organization.

(c) On and after June 6, 1998, applicants for licensure as optometrists by examination who meet the qualifications set forth in the act shall be certified to prescribe and administer pharmaceutical agents for therapeutic purposes without further application.

[Pa.B. Doc. No. 02-1049. Filed for public inspection June 14, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]
Antlerless Deer Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendments:

Amend Subchapter C (relating to antlerless deer licenses) by changing the name of unsold tags to private land tags, defining public land and making the private land tags valid only on private land or on public land with a deer management plan approved by the Commission.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for these proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the April 9, 2002, meeting of the Commission and comments on these proposals can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend §§ 143.42, 143.49, 143.51, 143.54 and 143.55 to modify provisions for procedures for issuing antlerless deer licenses. The proposed amendments would change the name of unsold tag to private land tag, and make the private land tag valid only on private land or on public land with an approved deer management plan. These amendments are proposed under the authority contained in sections 2101 and 2722(g) of the code (relating to regulations; and authorized license-issuing agents).

2. Purpose and Authority

One of the primary tools that the Commission has available to manage the deer herd of this Commonwealth is the allocation of antlerless deer licenses. Unfortunately, this tool can lose a great deal of its effectiveness where large areas of private land are posted against hunting or simply not hunted. The proposed amendments will provide an incentive to hunters to seek access to private land to harvest more antlerless deer.

Section 2722(g) of the code directs the Commission to adopt regulations for "The administration, control, and performance of activities conducted pursuant to the provisions of this chapter." In addition, the Commission is restricting the use of private land tags under the authority contained in section 2101 of the code.

3. Regulatory Requirements

The proposed amendments will limit the unsold licenses to private land or to public land with a Commission-approved deed management plan.

4. Persons Affected

County treasurers and those wishing to harvest at least one antlerless deer could be affected by the proposed amendments.

5. Cost and Paperwork Requirements

The proposed amendments should not result in any additional cost or paperwork.

6. Effective Date

The amendments will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding these changes, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-141. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.42. Definitions.

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

* * * * *

Private land—Land that is not defined as public land.

* * * * *

[Unsold] Private land tag—An antlerless deer license permitting properly licensed persons to take an antlerless deer during any firearms antlerless deer season, archery or flintlock muzzleloader and muzzleloader deer seasons in the county of issue.

[Unsold] Private land tag application—The form contained in the "Hunting and Trapping Digest" used in applying for **[an unsold] a private land tag**.

Public land—Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

* * * * *

§ 143.49. Issuing licenses.

* * * * *

(c) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by standard first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no later than the third Monday in September, except for licenses issued under § 143.51(f) (relating to application and issuance of **[unsold] private land tags**) which shall be placed with the United States Postal Service no later than the fourth Monday in September. If more than one application is mailed to the county trea-

suror in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people.

§ 143.51. Application and issuance of [unsold] private land tags.

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth are eligible to receive [an unsold] a private land tag. Private land tags are valid only on private land or on public land with a deer management plan approved by the Commission.

(b) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only use the [unsold] private land application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

* * * * *

(c) [Unsold] Private land tags shall be validated by the addition of the county treasurer's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag and stamp the face of the license "private land only" with a stamp provided by the Commission.

(f) Beginning on the second Monday in September, residents and nonresidents of this Commonwealth are eligible to apply for one additional [unsold] private land tag by mail.

(g) The procedure for approval of a deer management plan is as follows:

(1) An application for approval of a deer management plan that would allow private land tags to be used on a designated area of public land shall be submitted by an authorized officer or employee of the political subdivision in the form required by the Director.

(2) An application for approval of a deer management plan that will allow the use of private land tags on a designated public land area shall contain the following information:

(i) The name of the political subdivision that is requesting approval of a deer management plan.

(ii) The name and address of the authorized officer or employee of the political subdivision who will be the contact person for the plan.

(iii) A map showing the location and boundaries of the area and the county, township and Commission deer management unit the site is located in.

(iv) A description of the management area delineated on the map in subparagraph (iii) including the size in acres, cover types (forested, nonforested), principal land uses, huntable areas and safety zones and hunter access points.

(v) A brief description of the area including access points that the person in control of the land wants to have posted on the Commission web site, as well as the name and address of a contact person for more information.

(vi) An explanation of deer management goals and objectives for the area. Goals include deer density, habitat condition, forest regeneration, other wildlife and recreational opportunities.

(vii) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing use of private land tags on the area. Area specific information shall be provided that supports the deer management goals and objectives such as deer density estimates, indices of deer abundance, buck/doe ratios, fawn/doe ratios, deer condition, habitat conditions, plant species abundance or diversity, forest regeneration and hunter success rates.

(3) Completed applications shall be received at least 2 months before the first day that applications for private land tags can be accepted. The person in control of the land will be notified of approval or disapproval at least 1 month before the first day that applications for private land tags can be accepted.

(4) Upon approval of the deer management plan, the person in control of the land will conspicuously post the site boundary and all public roadways traversing the property with signs provided by the Commission. Posting shall be completed by the opening date of the first fall antlerless deer season.

§ 143.54. Validity of license.

An antlerless deer license is valid for taking antlerless deer only in the county designated on the antlerless deer license. Private land tags are valid only on private land or on public land with a deer management plan approved by the Commission.

§ 143.55. Unlawful acts.

It is unlawful:

* * * * *

(5) For a person to apply for or receive more than one antlerless license or more than one [unsold] private land tag, except as specified in §§ 143.51(f), 143.52 and 143.53 (relating to application and issuance of [unsold] private land tags; procedure for unlimited antlerless licenses; and reapplication).

* * * * *

[Pa.B. Doc. No. 02-1050. Filed for public inspection June 14, 2002, 9:00 a.m.]

[58 PA. CODE CH. 141]
Deer; Muzzleloading

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendment:

Amend § 141.43 (relating to deer) by allowing any long gun muzzleloading firearm to be used in the early muzzleloading season to make available more options and opportunities to hunters.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for these proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the April 9, 2002, meeting of the Commission and comments on the proposal can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend § 141.43 to allow any long gun muzzleloading firearm to be used in the early muzzleloading season. This will make available more options and opportunities to hunters.

2. Purpose and Authority

Under the current provisions of § 141.43, those wishing to hunt deer during the flintlock muzzleloading and muzzleloading seasons are limited to single-barrel long guns manufactured prior to 1800 or a similar reproduction. Although this provided a primitive touch to the seasons, it severely limits the options available to those wishing to hunt deer during those seasons. As a result, the Commission is proposing to amend § 141.43 to allow the use of any .44 caliber or larger muzzleloading single barrel long gun during the early muzzleloading season.

Section 322(c)(5) of the code (relating to powers and duties of commission) authorizes the Commission to fix the type and number of devices which may be used to take game and wildlife. Section 2102(d) of the code (relating to regulations) directs the Commission to promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the device may be used for and the season when the device may be used.

3. Regulatory Requirements

The proposed amendment will authorize the use of any muzzleloading long gun during the early muzzleloading season, easing current restrictions.

4. Persons Affected

Individuals wishing to hunt with muzzleloading long guns during the early muzzleloader season will be affected by this proposal.

5. Cost and Paperwork Requirements

The proposed amendment should not result in any additional cost or paperwork.

6. Effective Date

The proposed amendment will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this proposed amendment, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-142. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer.

* * * * *

(b) *Flintlock muzzleloading [and muzzleloading] season.* Firearms lawful for use are original muzzleloading single-barrel long guns manufactured prior to 1800, or a similar reproduction of an original muzzleloading single-barrel long gun which:

* * * * *

(d) *Prohibitions. [It] While hunting deer during the flintlock muzzleloading season it is unlawful to:*

* * * * *

(3) Use or possess single projectile ammunition other than specified in subsection (b)(2) **and in section 2322(a)(4) of the act (relating to prohibited devices and methods).**

(4) Hunt, take or attempt to take deer through the use of a device not specifically described in [this] subsection **(b) or (c).**

(5) Hunt for or assist to hunt for deer during any flintlock muzzleloading [or muzzleloading] season that precedes the regular firearms season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.

(e) Muzzleloading season. Firearms lawful for use are muzzleloading single-barrel long guns which:

(1) Are .44 caliber or larger.

(2) Propel single projectile ammunition.

(f) Prohibitions. While hunting deer during muzzleloading season it is unlawful to:

(1) Use or possess single projectile ammunition other than specified in subsection (e)(2) and in section 2322(a)(4) of the act.

(2) Hunt, take or attempt to take deer through the use of a device not specifically described in subsection (e).

(3) Hunt for or assist to hunt for deer during any muzzleloading season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.

(g) Archery, special firearms, flintlock muzzleloader and muzzleloader seasons. When archery, special firearms, flintlock muzzleloader or muzzleloader seasons run concurrently, holders of any of the appropriate licenses or stamps may cooperate if pertinent provisions of this section and the act are met.

[(f)] (h) * * *

[Pa.B. Doc. No. 02-1051. Filed for public inspection June 14, 2002, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendments:

Add § 141.8a (relating to accompanying junior hunters) to clarify what accompany means as well as require those accompanying junior hunters to wear required safety orange; add § 141.19 (relating to killing game or wildlife to protect property) to list approved methods to kill game or wildlife for crop damage; and add § 141.41(5) and (6) (relating to general) to clarify the procedure of tagging and reporting of animals killed by accident or mistake.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the April 9, 2002, meeting of the Commission and comments on these proposals can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

Proposed Addition of § 141.8a

1. *Introduction*

The Commission is proposing to add § 141.8a to further clarify the term "accompany" as it is used in section 2711(a)(8) of the code (relating to unlawful acts concerning licenses) and require those accompanying junior hunters to wear required safety orange.

2. *Purpose and Authority*

Section 2711(a)(8) of the code requires persons accompanying junior hunters to be close enough that verbal instructions and guidance can be easily understood. Many sportsmen are questioning and do not clearly understand current language regarding accompanying junior hunters. Adding this language will clarify what "accompany" means as well as require those accompanying junior hunters to wear required safety orange. This can be accomplished by adding § 141.8a.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth. This amendment was proposed under this authority.

3. *Regulatory Requirements*

The proposed amendment would clarify the term "accompany" and require those accompanying junior hunters to wear required safety orange.

4. *Persons Affected*

Junior hunters and those accompanying them would be affected by this proposed amendment.

Proposed Addition of § 141.19

1. *Introduction*

The Commission is proposing to add § 141.19 to list approved methods to kill game or wildlife for crop damage.

2. *Purpose and Authority*

Section 2126(a)(2) of the code (relating to unlawful activities) provides that it is unlawful for persons killing game or wildlife for crop damage to use any method not approved by the Commission. The Commission has never formally listed approved methods. This can be accomplished by adding § 141.19.

Section 2102(a) of the code authorizes the Commission to promulgate regulations as it deems necessary and appropriate concerning game or wildlife in this Commonwealth. The amendment was proposed under this authority.

3. *Regulatory Requirements*

The proposed amendment will list approved methods to kill game or wildlife for crop damage.

4. *Persons Affected*

Farmers wishing to kill animals for crop damage would be affected.

Proposed Amendments to § 141.41

1. *Introduction*

The Commission is proposing to add § 141.41(5) and (6) to clarify the procedure for tagging and reporting of animals killed by accident or mistake.

2. *Purpose and Authority*

Section 2306 of the code (relating to killing game or wildlife by mistake) allows persons who have killed game or wildlife by mistake to deliver the animal to an officer of the Commission and pay restitution in lieu of penalty. There is often confusion regarding the tagging and reporting of animals killed by accident or mistake. The procedure can be clarified by amending § 141.41

Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The amendments were proposed under this authority.

3. *Regulatory Requirements*

The proposed amendments would clarify the procedure for tagging and reporting of animals killed by accident or mistake.

4. *Persons Affected*

Hunters who have killed animals by accident or mistake would be affected.

Cost and Paperwork Requirements

The proposed amendments should not result in any additional cost or paperwork.

Effective Date

The proposed amendments will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

Contact Person

For further information regarding the proposed amendments, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-144. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter A. GENERAL

§ 141.8a. Accompanying junior hunters.

It is unlawful while accompanying junior hunters under section 2711(a)(8) of the act (relating to unlawful acts concerning licenses) to be out of sight of or unable to physically or verbally control the junior hunter or to fail to comply with fluorescent orange requirements. Verbal instructions given through the use of an electronic or other sound amplification device do not meet this requirement.

§ 141.19. Killing game or wildlife to protect property.

(a) Persons authorized to kill game or wildlife under the authority of Chapter 21, Subchapter B of the act (relating to destruction for agricultural protection) shall be limited to use only those firearms and types of ammunition that have been approved by the Commission with regard to particular classifications, for the taking of game or wildlife during an open season.

(b) It is be unlawful for any person to use bows and arrows or crossbows and bolts or a muzzleloading firearm of any kind to kill game or wildlife under the authority of Chapter 21, Subchapter B of the act (relating to destruction for agricultural protection).

Subchapter C. BIG GAME

(Editor's Note: See 32 Pa.B. 2892, 2893 (June 15, 2002) for a proposed rulemaking concerning this section.)

§ 141.41. General.

It is unlawful to:

* * * * *

(5) Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.

(6) Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible or no later than 12 hours after the time of kill.

[Pa.B. Doc. No. 02-1052. Filed for public inspection June 14, 2002, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Crossbow

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendments:

Amend § 141.1 (relating to special regulations areas) by making crossbows lawful for hunting deer during any deer season in special regulations areas; § 141.41 (relating to general) by making it unlawful to hunt deer, bear

or elk with a crossbow that does not have a draw weight between 125 and 200 pounds; and § 141.43 (relating to deer) to require persons hunting deer during the archery seasons to have a valid disabled persons crossbow permit to take deer with a crossbow except in the special regulations areas.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the April 9, 2002, meeting of the Commission and comments on the proposals can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend §§ 141.1, 141.41 and 141.43 to make crossbows lawful for hunting deer during any deer season in the special regulations areas; to make it unlawful to use crossbows that do not have a draw weight between 125 and 200 pounds to hunt deer, bear or elk; and to require persons hunting deer during the archery seasons to have a valid disabled persons crossbow permit to take deer with a crossbow except in the special regulations areas.

2. Purpose and Authority

The Commission has allowed hunters in the special regulations areas to use crossbows with a draw weight between 125 and 200 pounds to take deer during the firearms seasons for deer. The Commission is now proposing to expand the use of crossbows to include any deer season in the special regulations areas and Statewide during deer, bear and elk firearms seasons.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to promulgate regulations relating to seasons and bag limits for hunting or furtaking and the number and types of devices and equipment allowed. Section 2102(d) of the code authorizes the Commission to promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used. The amendments were proposed under this authority.

3. Regulatory Requirements

The proposed amendments will allow the use of crossbows during any deer season in the special regulations areas and allow the use of crossbows Statewide during deer, elk and bear firearms seasons.

4. Persons Affected

Individuals wishing to hunt deer, elk or bear using a crossbow may be affected by these proposed amendments.

5. Cost and Paperwork Requirements

The proposed amendments should not result in any additional cost or paperwork.

6. Effective Date

The proposed amendments will be effective on final publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding these proposed amendments, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-143. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

(d) Permitted acts. It is lawful to:

* * * * *

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

Subchapter C. BIG GAME

(Editor's Note: See 32 Pa.B. 2891, 2892 (June 15, 2002) for a proposed rulemaking concerning this section.)

§ 141.41. General.

It is unlawful to:

(1) Hunt for big game birds or animals with arrows or crossbow bolts other than those tipped with broadheads of a cutting-edge design.

* * * * *

(4) Hunt for deer, elk or bear with a crossbow with a draw weight of less than 125 pounds or more than 200 pounds.

§ 141.43. Deer.

(a) Archery season. It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:

* * * * *

(5) Except in special regulations areas, hunt or take deer with a crossbow without a valid disabled persons crossbow permit.

* * * * *

[Pa.B. Doc. No. 02-1053. Filed for public inspection June 14, 2002, 9:00 a.m.]

[58 PA. CODE CH. 147]

Sale of Wildlife and Wildlife Parts

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendment:

Amend § 147.141 (relating to sale of wildlife and wildlife parts) to establish prices for the sale of elk or elk parts.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the April 9, 2002, meeting of the Commission and comments on the proposal can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend § 147.141 to provide a fee schedule for persons who wish to purchase elk or elk parts from the Commission.

2. Purpose and Authority

Under section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife), the ownership, jurisdiction and control of game and wildlife is vested in the Commission. Often game and wildlife comes into the possession of the Commission for various reasons including being accidentally killed on highways, being killed for crop damage or being unlawfully taken or removed from the wild. To avoid waste of these wildlife resources, the Commission issues permits to various persons to possess all or part of this game and wildlife. The fee schedule for these permits currently does not include elk.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to promulgate regulations as are necessary concerning game or wildlife in this Commonwealth. Section 2901(b) of the code (relating to authority to issue permits) authorizes the Commission to promulgate regulations for the issuance of any permit. In addition, section 2904(c) of the code (relating to permits) authorizes the Commission to set a reasonable fee for permits required but not specifically set forth in the section. The changes were proposed under this authority.

3. Regulatory Requirements

The proposed amendment will provide a fee schedule for persons wishing to purchase elk or elk parts from the Commission.

4. Persons Affected

Persons wishing to purchase elk or elk parts would be affected.

5. Cost and Paperwork Requirements

The proposed amendment would result in fees being established to obtain a permit to possess elk or elk parts.

6. Effective Date

The proposed amendment will be effective on final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this proposal amendment change, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-145. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS

Subchapter H. PROTECTED SPECIMEN

§ 147.141. Sale of wildlife and wildlife parts.

(a) Wildlife or parts of wildlife accidentally killed on the highway or by other causes, illegally taken, shot for crop damage or live deer removed from the wild, may be sold to a person under the following minimum fee schedule:

(1) [Buck head] Deer antlers—\$10 per point.

* * * * *

(12) Cow or spike elk head and hide—\$100.

(13) Elk cape—to include entire head—\$100 plus \$20 per point.

(14) Elk antlers—\$20 per point.

(15) Elk hide—\$25.

(16) Live elk—minimum of \$100.

(17) Any other species may be sold at public auction or through sealed bid.

* * * * *

[Pa.B. Doc. No. 02-1054. Filed for public inspection June 14, 2002, 9:00 a.m.]

[52 PA. CODE CH. 135]
State Game Land Roads

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2002, meeting, proposed the following amendment:

Amend § 135.48 (relating to State game lands roads open to vehicular traffic for disabled persons) to no longer require the person who accompanies a disabled hunter to have a valid hunting license.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the April 9, 2002, meeting of the Commission and comments on this proposal can be sent to the Director of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until July 1, 2002.

1. Introduction

The Commission is proposing to amend § 135.48 to no longer require the person who simply accompanies a disabled hunter to have a valid hunting license.

2. Purpose and Authority

Many times the only person available to accompany disabled persons in their vehicles on State game land roads open for travel to disabled persons does not hunt and does not possess a hunting license as currently required. This limits the hunting opportunities available to disabled hunters. As a result, at a public meeting held on April 9, 2002, the Commission proposed amending

§ 135.48 to only require individuals actually participating in the hunt to have a hunting license. This proposed amendment change should expand hunting opportunities for disabled hunters.

Section 2102(a) of the code (relating to regulations) directs the Commission to promulgate regulations, as it deems necessary and appropriate, concerning game or wildlife and hunting or furtaking in this Commonwealth. This provides the regulatory authority for the proposed amendment.

3. Regulatory Requirements

The proposed amendment will relax current requirements.

4. Persons Affected

Individuals accompanying disabled hunters and the hunters themselves will benefit from this proposal.

5. Cost and Paperwork Requirements

The proposed amendment should not result in any additional cost or paperwork.

6. Effective Date

The proposed amendment will be effective on final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this proposed amendment, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-147. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III GAME COMMISSION
CHAPTER 135. LANDS AND BUILDINGS
Subchapter C. STATE GAME LANDS

§ 135.48. State game lands roads open to vehicular traffic for disabled persons.

(a) Vehicular traffic permitted. Vehicular traffic will be permitted on designated roads on State game lands for persons issued a Disabled Persons Permit under section 2923(a) of the act (relating to disabled person permits).

* * * * *

(2) A permittee may be accompanied by only one person, and before participating in hunting in any manner that person shall be in possession of a valid Pennsylvania hunting or furtakers license. The permittee may also be accompanied by one or more of the permittee's children who hold a valid junior hunting or furtakers license.

* * * * *

[Pa.B. Doc. No. 02-1055. Filed for public inspection June 14, 2002, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 4210]

Eligibility for Mental Retardation Services and Supports

Purpose

The purpose of this statement of policy is to clarify several issues relating to eligibility for mental retardation services.

Background

The Mental Health and Mental Retardation Act of 1966 (act) (50 P.S. §§ 4101—4704) has been the basis for defining eligibility for services in the mental retardation system. Section 102 of the act (50 P.S. § 4102) states that "mental retardation means subaverage general intellectual functioning which originates during the developmental period and is associated with impairment of one or more of the following: (1) maturation, (2) learning and (3) social adjustment." Since passage of the act, new laws and regulations related to eligibility have been adopted. While there are several definitions of mental retardation adopted by professional organizations, the Diagnostic and Statistical Manual IV (DSM IV) is the most universally applied definition. The DSM IV states that the onset of mental retardation must occur before the 18th birthday.

Current statutes, regulations and the Office of Mental Retardation's (OMR) Medicaid waivers contain certain age standards for eligibility determinations:

1. The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C.A. §§ 15001—15115) states that a developmental disability is attributable to a mental or physical impairment that begins before 22 years of age and that results in substantial functional limitation in three or more areas of major life activity.

2. Section 6210.63(3) (relating to diagnosis of mental retardation) provides that the [ICF/MR] applicant's or recipient's conditions were manifest before the applicant's or recipient's 22nd birthday.

3. The Consolidated Waiver, the Person/Family Directed Supports Waiver and DPW Mental Retardation Bulletin 00-99-14 entitled "Individual Eligibility for Medicaid Waiver Services" states that the individual has had these conditions of intellectual and adaptive functioning manifested before the individual's 22nd birthday.

This statement of policy clarifies eligibility for mental retardation services and supports and is not intended to define eligibility for services in the Medicaid Program. Further, eligibility for waiver, ICF/MR or other age criteria must be determined by the existing eligibility standards for those services.

Discussion

The DSM IV uses age of onset in the developmental period, cognitive functioning and adaptive skills to identify mental retardation. The OMR will apply these criteria to all eligibility determinations for mental retardation services and supports. The DSM IV (see Appendix A) defines the developmental period as before the 18th birthday. However, the OMR will define the developmental period as before the 22nd birthday for the onset of

eligibility for mental retardation services and supports in accordance with the current laws and statutes identified previously.

Policy

It is the policy of the OMR to use the following criteria to determine eligibility for mental retardation services and supports in accordance with § 4210.101 (relating to services provided by a base service unit).

(*Editor's Note:* The regulations of the Department, 55 Pa. Code Chapter 4210, are amended by adding a statement of policy in § 4210.101a to read as set forth in Annex A.)

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-BUL-063. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART VI. MENTAL HEALTH/MENTAL RETARDATION MANUAL

Subpart C. ADMINISTRATIVE AND FISCAL MANAGEMENT

CHAPTER 4210. DESCRIPTION OF SERVICES AND SERVICE AREAS INTAKE PROCEDURES

§ 4210.101a. Clarification of eligibility determinations—statement of policy.

(a) The essential feature of mental retardation is significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety. The onset must occur before the individual's 22nd birthday.

(1) Except as specified in subsection (b)(2), significantly subaverage general intellectual functioning shall be determined by a standardized, individually administered, intelligence test in which the overall full scale IQ score of the test and of the verbal/performance scale IQ scores are at least two standard deviations below the mean taking into consideration the standard error of measurement for the test. The full scale IQ shall be determined by the verbal and performance IQ scores (See Appendix A—DSM IV).

(2) Diagnosis of mental retardation is made by using the IQ score, adaptive functioning scores and clinical judgment when necessary. Clinical judgment is defined as reviewing the person's test scores social and medical history, overall functional abilities, and any related factors to make an eligibility determination. Clinical judgment is used when test results alone cannot clearly determine eligibility. The factors considered in making an eligibility determination based on clinical judgment shall be decided and documented by a licensed psychologist, a certified school psychologist, a physician or a psychiatrist. In cases when individuals display widely disparate skills or achieve an IQ score close to 70, clinical judgment should be exercised to determine eligibility for mental retardation services.

(3) If eligibility cannot be determined through a review of the individual's record and social history, necessary

testing (for example, adaptive functioning) shall be completed by a licensed psychologist, a certified school psychologist, a physician or a psychiatrist. This includes determining the eligibility for an individual who is 22 years of age or older, has never been served in the mental retardation service system and has no prior records of testing. Clinical judgment may be used to determine whether the age of onset of mental retardation occurred prior to the individual's 22nd birthday.

(b) Everyone can be evaluated or assessed.

(1) Standard tests with adaptations for the individual's visual, motor and language impairments are available and valid. Other efforts to adapt the IQ test to the individual's particular visual, motor and language impairments shall be described and documented.

(2) Developmental scales may be used for people who do not or cannot participate in testing. The use of these scales reflects a necessity to use scoring matrices for populations outside the sample used to develop the normative data. They should only be used when no other standard testing technique is available.

(c) Genetic conditions and syndromes defined by particular physical features or behaviors such as Klinefelter syndrome are not, by themselves, sufficient to qualify for a mental retardation eligibility determination.

(d) The policy for legal and illegal aliens is as follows:

(1) Citizenship is not an eligibility requirement for receipt of mental retardation services and supports in this Commonwealth. The only distinction in this matter is between those who are lawfully in this country (both citizens and aliens) and those who are here unlawfully (illegal aliens).

(2) Illegal aliens are not eligible for the Medicaid Program unless an emergency medical condition is present (42 U.S.C.A. § 1396b(v)). Counties are not required to provide mental retardation services for illegal aliens.

(e) An individual who is currently eligible for mental retardation services will remain eligible for mental retardation services unless eligibility testing indicates otherwise.

(f) An individual moving into this Commonwealth from another location will receive a mental retardation eligibility determination for mental retardation services based on the clarification described in this section.

(g) Except for waiver services, appeals from a denial of eligibility follow the county administrative process designed for appeals under 2 Pa.C.S. §§ 551—555 and 751—754 (relating to Local Agency Law) and appealing through the courts. The Local Agency Law is a State law governing procedures for appeals of local agency determinations.

(h) Fiscal issues, such as access to testing and payment for testing, should be referred to the appropriate Office of Mental Retardation Regional Office for resolution.

Appendix A

The following information is quoted from the Diagnostic and Statistical Manual (DSM) IV:

"The essential feature of Mental Retardation is significantly subaverage general intellectual functioning (Criterion A) that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communication, self-care, home living, social/

interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety (Criterion B). The onset must occur before age 18 years (Criterion C). Mental Retardation has many different etiologies and may be seen as a final common pathway of various pathological processes that affect the functioning of the central nervous system.

General intellectual functioning is defined by the intelligence quotient (IQ or IQ-equivalent) obtained by assessment with one or more of the standardized, individually administered intelligence tests (e.g., Wechsler Intelligence Scales for Children—Revised, Stanford-Binet, Kaufman Assessment Battery for Children). Significantly subaverage intellectual functioning is defined as an IQ of about 70 or below (approximately 2 standard deviations below the mean). It should be noted that there is a measurement error of approximately 5 points in assessing IQ, although this may vary from instrument to instrument (e.g., Wechsler IQ of 70 is considered to represent a range of 65—75). Thus, it is possible to diagnose Mental Retardation in individuals with IQs between 70 and 75 who exhibit significant deficits in adaptive behavior. Conversely, Mental Retardation would not be diagnosed in an individual with an IQ lower than 70 if there are no significant deficits or impairments in adaptive functioning. The choice of testing instruments and interpretation of results should take into account factors that may limit test performance (e.g., the individual's socio-cultural background, native language, and associated communicative, motor, and sensory handicaps). When there is significant scatter in the subtest scores, the profile of strengths and weaknesses, rather than the mathematically derived full-scale IQ, may more accurately reflect the person's learning abilities. When there is a marked discrepancy across verbal and performance scores, averaging to obtain a full-scale IQ can be misleading.

Impairments in adaptive functioning, rather than a low IQ, are usually the presenting symptoms in individuals with Mental Retardation. Adaptive functioning refers to how effectively individuals cope with common life demands and how well they meet the standards of personal independence expected of someone in their particular age group, socio-cultural background, and community setting. Adaptive functioning may be influenced by various factors, including education, motivation, personality characteristics, social and vocational opportunities, and the mental disorders and general medical conditions that may coexist with Mental Retardation. Problems in adaptation are more likely to improve with remedial efforts than is the cognitive IQ, which tends to remain a more stable attribute.

It is useful to gather evidence for deficits in adaptive functioning from one or more reliable independent sources (e.g., teacher evaluation and educational, developmental, and medical history). Several scales have also been designed to measure adaptive functioning or behavior (e.g., the Vineland Adaptive Behavior Scales and the American Association on Mental Retardation Adaptive Behavior Scale). These scales generally provide a clinical cutoff score that is a composite of performance in a number of adaptive skill domains. It should be noted that scores for certain individual domains are not included in some of these instruments and that individual domain scores may vary considerably in reliability. As in the assessment of intellectual functioning, consideration should be given to the suitability of the instruments to the person's socio-cultural background, education, associated handicaps, motivation, and cooperation. For instance, the presence of significant handicaps invalidates

many adaptive scale norms. In addition, behaviors that would normally be considered maladaptive (e.g., dependency, passivity) may be evidence of good adaptation in the context of a particular individual's life (e.g., in some institutional settings)."¹

¹ Reprinted with permission from the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision. Copyright 2000 American Psychiatric Association

[Pa.B. Doc. No. 02-1056. Filed for public inspection June 14, 2002, 9:00 a.m.]

NOTICES

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 June 4, 2002.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-1-01	Stonebridge Bank Exton Chester County	624 Willowbrook Lane West Goshen Chester County	Opened
6-25-01	First Cornerstone Bank King of Prussia Montgomery County	2 W. Baltimore Pike Media Delaware County	Opened
4-4-02	Northwest Savings Bank Warren Warren County	720 N. Main Street Meadville Crawford County (Drive-Up Facility)	Opened
5-30-02	Northwest Savings Bank Warren Warren County	3140 Cape Horn Road Red Lion York County	Filed
6-4-02	Keystone Savings Bank Bethlehem Northampton County	235 Main Street Emmaus Lehigh County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-02	Sun Bank Selinsgrove Snyder County	<i>Into:</i> 90 Maynard Street Williamsport Lycoming County <i>From:</i> 2 E. Mountain Avenue South Williamsport Lycoming County	Effective
6-4-02	Keystone Savings Bank Bethlehem Northampton County	<i>To:</i> 301 Town Center Blvd. Forks Township Northampton County <i>From:</i> 1800 Sullivan Trail Forks Township Northampton County	Filed

SAVINGS INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
2-14-02	East Stroudsburg Savings Association Stroudsburg Monroe County	Routes 940 and 115 Blakeslee Tobyhanna Township Monroe County	Opened

CREDIT UNIONS

No activity.

FRANCES A. BEDEKOVIC,
Acting Secretary

[Pa.B. Doc. No. 02-1057. Filed for public inspection June 14, 2002, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, June 26, 2002. The meeting will be held at 10 a.m. in

Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031. Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PAULETTE JOHNSON,
Chairperson

[Pa.B. Doc. No. 02-1058. Filed for public inspection June 14, 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0054046	Perry and Sandra Godshall 830 Kulp Road Perkiomenville, PA 18074	Montgomery County New Hanover Township	UNT to Deep Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0062901 Minor Renewal	Leon Leinbach 7280 Borman Road New Tripoli, PA 18066-4316	Lynn Township Lehigh County	Unnamed tributary to Ontelaunee Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080713	Pennsy Supply, Inc. 1 Clearspring Road Annville, PA 17003	Lebanon County North Londonderry and North Annville Townships	7D—Killinger Creek	Y
PA0084565	East Prospect Borough Authority P. O. Box 334 East Prospect, PA 17317	York County Lower Windsor Township	7I—Cabin Creek	Y
PA0084956	Pequea Sewer Services 69 Scotland Drive Quarryville, PA 17566	Lancaster County Providence Township	7K—Pequea Creek	Y
PA0008427 Transfer	NRG Energy Center Harrisburg, Inc. P. O. Box 3357 Harrisburg, PA 17105-3357	Dauphin County City of Harrisburg	7C—Paxton Creek	Y
PA0087637	Mountain View Terrace MHP 1190 Wyndsong Drive York, PA 17403	Cumberland County Upper Frankford Township	7B—UNT to Condoguinet Creek	Y
PA0087505	Cooperative Milling Inc. P. O. Box 26234 Richmond, VA 23260-6234	Adams County Straban Township	13D—Rock Creek	Y
PA0029297	South Mountain Restoration Center 10058 South Mountain Road South Mountain, PA 17261	Franklin County Quincy Township	13C—Rocky Moun- tain Creek	Y
PA0024147	Cumberland Township Authority 1370 Fairfield Rd. Gettysburg, PA 17325	Adams County Cumberland Township	13D—Willoughby Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0115312	Loyalsock Township Supervisors 2501 East Third Street Williamsport, PA 17701	Lycoming County Loyalsock Township	Grafius Run SWP 10B	Y
PA0209473	North Center Township Supervisors R. R. 2, Box 2605 Berwick, PA 18603	Columbia County North Center Township	Fester Hollow SWP 5D	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.*

PA0058467, Industrial Waste, **Brandywine Realty Trust**, 630 Allendale Road, King of Prussia, PA 19406. This application is for issuance of an NPDES permit to discharge untreated noncontact cooling water from the Brandywine Realty Cooling Tower in Norristown Borough, **Montgomery County**. This is a new discharge to unnamed tributary to Trout Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1,800 GPD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature	Within limits of 6.0—9.0 Standard Units at all times		110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		
Total dissolved solids	1,000	2,000	2,500

The EPA Waiver is in effect.

A notification was published in the local newspaper to satisfy The Clean Stream's Law requirements.

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

PA#0011517, Industrial, **Keystone Cement Company**, P. O. Box A, Route 329, Bath, PA 18014-0058. This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Activity: Renewal of Industrial Waste NPDES Permit.

The receiving stream, Monocacy Creek, is in the State Water Plan Watershed #2C and is classified for: HQ-CWF. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 003 based on a design flow of 0.256 mgd 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
Temperature	Within limits of 6.0—9.0 Standard Units at all times.		110°F
pH	Within limits of 6.0—9.0 Standard Units at all times.		

The proposed effluent limits for Stormwater Outfall 004 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Within limits of 6.0—9.0 Standard Units at all times.		Monitor/Report
COD			Monitor/Report
Oil and Grease			Monitor/Report
pH	Within limits of 6.0—9.0 Standard Units at all times.		
Total Suspended Solids			50
Total Kjeldahl Nitrogen			Monitor/Report
Total Phosphorus			Monitor/Report
Iron (Dissolved)			Monitor/Report

The EPA Waiver is in effect.

PA#0023469, Sewage, **Honesdale Borough**, 958 Main Street, Honesdale, PA 18431. This proposed facility is located in Texas Township, **Wayne County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage into the Lackawaxen River.

The receiving stream, Lackawaxen River, is in the State Water Plan watershed #1B and is classified for: HQ-TSF. The nearest downstream public water supply intake for Stroudsburg/East Stroudsburg Water Supply located on Delaware River is 95 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.18 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20.0	30.0	40.0
(11-1 to 4-30)	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ -N			
(5-1 to 10-31)	12.0	18.0	24.0
(11-1 to 4-30)	20.0		
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper		Monitor and Report	
Total Lead		Monitor and Report	
Total Zinc		Monitor and Report	

Point Source 002 serves as a combined sewer relief necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers. In accordance with the Department's EPA approved CSO strategy, a special permit requirement is included in Part C of this permit. The permittee shall develop and submit a plan of action and an implementation schedule as provided for in the permit.

The EPA waiver is not in effect.

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

PA#0246808, CAFO, **Clair Hurst**, 788 Kingpen Road, Kirkwood, PA 17536. This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Proposed Activity: The Clair Hurst farm is an existing swine and dairy operation with a total AEUs of 507.4. An estimated quantity of total annual manure production is 5,682 tons. The dairy part of the operation consists of 95 lactating, dry, heifers and calves producing 360,000 gallons of liquid manure and 537 tons of solid manure. Approximately 200,000 gallons of the liquid manure is used on the farm and 160,000 gallons exported from the farm; 316 tons of solid dairy manure is applied to cropland and 221 tons of solids is used on pasture; 875,000 gallons of liquid pig manure is produced with 287,500 gallons being applied on the farm and 587,500 gallons being exported from the farm. The dairy operation relies on gravity fed earthen lagoon located downgrade from the milking facility and dairy barn. The structure can hold approximately 335,000 gallons of manure. The swine manure storage system was designed and built in 1998. The dimensions are 101' x 294' with a 6 foot manure storage vault beneath the animal living area. The storage capacity is 1.4 million gallons.

The receiving stream, West Branch Octoraro Creek, is in the State Water Plan watershed 7-K and is classified for: HQ-CWF.

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.

PAG#123559, CAFO, **Hogos, Inc.**, 2 Hospital Drive, Tyrone, PA 16686. This proposed facility is located in Greenwood Township, **Perry County**.

Description of Proposed Activity: The Hogos, Inc. is an existing 2,050 head swine operation with a total AEUs of 598.55. This farm is located at 710 Foutz Valley Road, Millerstown, PA. An estimated quantity of total annual manure production is 6,332 tons. Of the 1,519,593 gallons of liquid swine manure produced on the farm, 1,112,400 gallons is used on the farm with 407,193 gallons being exported to neighboring farms. The manure storage system is an existing HDPE/Earthen Lined manure storage structure with a compacted clay bottom and HDPE lined inner embankment. A leak detection system is located around the perimeter of the manure storage structure.

The receiving stream, tributary to the Juniata River, is in the State Water Plan watershed 12-B and is classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a 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.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.

PA0093181, Industrial Waste, SIC, NA, **Industrial Waste, Inc.**, P. O. Box 406, Darlington, PA 16115. This application is for renewal of an NPDES permit to discharge treated leachate from Darling disposal site in Darlington Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, East Fork State Line Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is not applicable.

Outfall 001: existing discharge, design flow of 0.198 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Suspended Solids			30	60	
Ammonia Nitrogen (5-1 to 9-30)			3.0	6.0	
(10-1 to 4-30)			4.5	9.0	
Manganese			1.0	2.0	
Cadmium			0.001	0.002	
Copper			0.012	0.002	
Lead			0.005	0.01	
Nickel			0.063	0.126	
Iron			1.5	3.0	
Dissolved Solids			2,350	4,700	
Sulfate			600	1,200	

Outfall 001: existing discharge, design flow of 0.198 MGD

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Nitrate and Nitrite			20	40	
Zinc			0.08	0.16	
Total Residual Chlorine			0.5	1.25	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0024481, Sewage, **Borough of Meyersdale**, 613 Second Street, P. O. Box 60, Meyersdale, PA 15552. This application is for renewal of an NPDES permit to discharge treated sewage from Meyersdale STP in Summit Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Casselman 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 Ohiopyle Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.71 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	11.0	16.5		22.0
(11-1 to 4-30)	25.0	38.0		50.0
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	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other conditions: Outfalls 003—007 will be permitted as combined sewer outfalls.

The EPA waiver is in effect.

PA0219215, Sewage, **West Alexander Borough Municipal Authority**, P. O. Box 299, West Alexander, PA 15376. This application is for issuance of an NPDES permit to discharge treated sewage from West Alexander Borough Municipal Authority Wastewater Treatment Plant in West Alexander Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Wheeling 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 Village of Bellaire, OH Water Department located on Ohio River about 3.2 miles downriver from the Wheeling Creek mouth.

Outfall 001: new discharge, design flow of 0.064 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5 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.

PA0238791, Sewage, **Rae Kent Gardner**, P. O. Box 43, Warren, PA 16365-0043. This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Activity: a new permit for a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Emlenton Municipal Authority on the Allegheny River located at Emlenton, approximately 84 miles below point of discharge.

The receiving stream, unnamed tributary of Morse Run, is in watershed 16-B and classified for: HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
	Flow		Monitor and Report
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform (all year)		200/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
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. 4502402, Sewerage, **Coolbaugh Township**, 5550 Memorial Boulevard, Tobyhanna, PA 18466. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: Part II permit to construct a 16,000 gallon equalization tank at the Coolbaugh Township WWTP.

WQM Permit No. 6402402, Sewerage, **Waymart Area Authority**, P. O. Box 3300, Waymart, PA 18472-0224. This proposed facility is located in Waymart Borough and Canaan Township, **Wayne County**.

Description of Proposed Action/Activity: The Waymart Area Authority is proposing a sewer line extension, wastewater treatment plant upgrade, interceptor sewer and effluent pipeline construction in the Borough of Waymart and Canaan Township.

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

WQM Permit No. 4902401, Sewerage SIC 4952, **David A. Dyer**, R. R. 1, Box 359, Watsonstown, PA 17777. This proposed facility is located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: Application for a single residence small flow treatment facility.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 0402401, Sewerage, **Raymond L. Cerasi**, 1205 Pleasant Street, Aliquippa, PA 15001. Application for the construction and operation of a small flow single residence sewage treatment plant to serve the Cerasi residence located in Raccoon Township, **Beaver County**.

Application No. 5602402, Sewerage, **Laurel Highlands Municipal Authority**, 164 Jubilee Street, Rockwood, PA 15557. Application for the construction and operation of a sewage treatment plant to serve the New Centerville Borough and Milford Township Sanitary Sewer Project located in the New Centerville Borough, **Somerset County**.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No 2502411, Sewerage, **Patti M. Hurta**, 4819 Leacock Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

WQM Permit No 6202406, Sewerage, **Daniel R. Trask**, R. R. 1, Box 184, Spring Creek, PA 16436. This proposed facility is located in Columbus Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant discharging to tributary to Coffee Creek.

WQM Permit No 4302410, Sewerage, **Jill A. Rock**, 206 Hopper Road, Transfer, PA 16154. This proposed facility is located in Delaware Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant discharging to Lawango Run Tributary.

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 PAS10G527, Stormwater, **Toll Brothers-Oreleans Homebuilders, K. Hovnanian Builders, Inc.**, 257 Birchwood Drive, West Chester, PA 19380, has applied to discharge stormwater associated with a construction activity located in Upper Uwchlan Township, **Chester County** to tributary to Pickering Creek (HQ-TSF).

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q239	Edward Sweeney 38 N. 4th St. Allentown, PA	Lehigh County S. Whitehall Township	Little Lehigh Creek HQ-CWF
PAS10Q240	Heritage Building Group 3326 Old York Rd. Suite 100 Furlong, PA 18925	Lehigh County City of Allentown	Little Lehigh Creek HQ-CWF

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10U172	Ashley Development Corp. 559 Main St., Suite 300 Bethlehem, PA 18018	Northampton County Williams Township	Frya Run HQ-CWF, MF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Berks County Conservation District, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533; (610) 372-4657.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10C051	Robert Hanna Maidencreek Plaxa Co. P. O. Box 96 Blandon Rd. Temple, PA 19605	Maidencreek Township Berks County	Peters Creek EV-CWF

Bedford County Conservation District, 702 W. Pitt Street, Suite 4, Bedford, PA 15009, (814) 623-6706.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS100422	Dan Harris Breezewood Proving Grounds 4626 Robinsonville Road Clearville, PA 15535	Monroe Township Bedford County	East Branch of Sideling Hill Creek EV

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and

available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

Permit No. 4602502, Public Water Supply.

Applicant	Pennsylvania American Water Company
Township	Upper Providence
Responsible Official	William Kelvington 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS

Consulting Engineer Pennsylvania American Water Company
4 Wellington Boulevard
Wyomissing, PA 19610

Application Received Date May 28, 2002

Description of Action Installation of a temporary ammonia feed system at the existing Mennonite Road Booster Station to convert a section of the water to chloramine disinfection.

Permit No. 4602501, Public Water Supply.

Applicant **Martech Medical**

Township Towamencin

Responsible Official Frank X. Browne, Ph.D., P. E.
1101 S. Broad Street
Lansdale, PA 19446

Type of Facility PWS

Consulting Engineer F. X. Browne, Inc.
1101 S. Broad Street
Lansdale, PA 19446

Application Received Date May 24, 2002

Description of Action Installation of six activated carbon filters.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0602506, Public Water Supply.

Applicant **Pennsylvania Suburban Water Company**

Municipality Centre Township

County **Berks**

Responsible Official Morrison Coulter, President and COO
762 West Lancaster Avenue
Bryn Mawr, PA 19010-3489

Type of Facility PWS

Consulting Engineer William A. LaDieu
CET Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112

Application Received Date May 17, 2002

Description of Action Construction Permit application for a new community water system. The system is to consist of one well, hypochlorite disinfection, orthophosphate addition for corrosion control, storage and distribution. The applicant seeks approval to use the well at a rate of up to 60 gallons per minute.

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

Permit No. 5302502, Public Water Supply.

Applicant **Rush Township**
P. O. Box 152
Philipsburg, PA 16866-0152

Township Rush Township, **Centre County**

Responsible Official Joan T. Cowher
Rush Township
P. O. Box 152
Philipsburg, PA 16866-0152

Type of Facility PWS

Consulting Engineer Thomas M. Levine, P. E.
Richard H. Bulger, Jr. & Associates, Inc.
P. O. Box 331
Martinsburg, PA 16662-0331

Application Received Date May 14, 2002

Description of Action Construction of 14,000-feet of 6", 8" and 12" transmission and distribution mains and modifications to the Moshannon Valley Regional Business Park Pump Station.

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 **Greenwaltz Water Company**

Township or Borough Washington Township

Responsible Official Ted Williams, President
Greenwaltz Water Company
2521 Delabole Road
Bangor, PA 18013

Type of Facility Bulk Water Hauling System

Application Received Date May 28, 2002

Description of Action Source name change from Well No. 1 (W-1) to Frontier Spring #2

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 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:

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Nallo Property (4445 Shimerville Road), Upper Milford Township, **Lehigh County**. Vincent M. Carbone, Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a Notice of Intent to Remediate (on behalf of Relay Service, James D. Nallo and Margaret Brady-Nallo, Shimerville Road, Emmaus, PA) concerning the remediation of soils found or suspected to have been contaminated with lead. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on May 10, 2002.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

East Petersburg Mobil, East Petersburg Borough, **Lancaster County**. Laird Geoenvironmental Sciences, Inc., 3223 Market Street, Camp Hill, PA 17070, on behalf of BL & B Associates, 550 East King Street, P. O. Box 949, York, PA 17405, submitted a Notice of Intent to

Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Intelligencer Journal* on May 16, 2002.

Shipley Oil Company, Washington Township, **York County**. Laird Geoenvironmental Sciences, Inc., 3223 Market Street, Camp Hill, PA 17070, on behalf of Grace A. Harbold, 1900 Baltimore Pike, East Berlin, PA 17316 and James Robinson, 1880 Baltimore Pike, East Berlin, PA 17316, submitted a Notice of Intent to Remediate site soils contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Hanover Evening Sun* on May 30, 2002.

York County Judicial Center, City of York, **York County**. Engineering Consulting Services, Ltd., 1340 Charwood Road, Suite P, Hanover, MD 21076, on behalf of the County of York, One West Marketway West, York, PA 17401, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead, solvents and BTEX. The applicant proposes to remediate the site to meet the Site-Specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Dispatch/York Daily News* on May 16, 2002.

Former Reading Gray Iron Casting, City of Reading, **Berks County**. The Greater Berks Development Fund, 19 North Sixth Street, Suite 200, P. O. Box 8621, Reading, PA 19603-6821 and the Reading Redevelopment Authority, 815 Washington Street, Room 3-03, Reading, PA 19601-3190 submitted a Notice of Intent to Remediate site soils contaminated with lead, heavy metals, BTEX, PHCs, PAHs and solvents. The site is located in a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Times/Reading Eagle* on May 11, 2002.

Former Reading Iron Company Oley Street Storeyard, City of Reading, **Berks County**. The Greater Berks Development Fund, 19 North Sixth Street, Suite 200, P. O. Box 8621, Reading, PA 19603-6821 and the Reading Redevelopment Authority, 815 Washington Street, Room 3-03, Reading, PA 19601-3190 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs, solvents and cyanide. The site is located in a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Times/Reading Eagle* on May 11, 2002.

Former Reading Iron Company Pennsylvania Lines LLC Railspur, City of Reading, **Berks County**. The Greater Berks Development Fund, 19 North Sixth Street, Suite 200, P. O. Box 8621, Reading, PA 19603-6821 and the Reading Redevelopment Authority, 815 Washington Street, Room 3-03, Reading, PA 19601-3190 submitted a Notice of Intent to Remediate site soils contaminated with PCBs, lead, heavy metals, BTEX, PHCs and PAHs. The site is located in a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Times/Reading Eagle* on May 11, 2002.

Former Reading Iron Company Metropolitan Edison Company Parcel, City of Reading, **Berks County**. The Greater Berks Development Fund, 19 North Sixth Street, Suite 200, P. O. Box 8621, Reading, PA

19603-6821 and the Reading Redevelopment Authority, 815 Washington Street, Room 3-03, Reading, PA 19601-3190 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead, heavy metals, PHCs, PAHs and solvents. The site is located in a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Times/Reading Eagle* on May 11, 2002.

Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.

Former Philipsburg Sunoco (Petrolec), Philipsburg Borough, **Centre County**. Environmental Remediation & Recovery, Inc. (ER&R), on behalf of Russell Real Estate, R. D. 1, Box 179, Curwensville, PA 16833, has submitted a Notice of Intent to Remediate soil contaminated with lead, BTEX and PAHs. The applicant proposes to meet the Special Industrial Area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philipsburg Progress* on March 14, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 301316, Keystone Env. Svc. Inc., 1100 S. Pottsville Pike, P. O. Box 127, Shoemakersville, PA 19555-0127, Perry Township, **Berks County**. Application has been determined to be administrative complete on May 30, 2002.

RESIDUAL WASTE GENERAL PERMITS

Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR083, Sunoco Inc. (R & M), 10 Penn Center, Philadelphia, PA 19103. General Permit Numbered WMGR 083 is for the processing and beneficial use of dewatered dredge initially from the Fort Mifflin Confined Disposal Facility, located in the City of Philadelphia and the Pedricktown Confined Disposal Facility, located in Salem County, NJ. Central Office received the application on April 10, 2002, and determined to be administratively complete on May 29, 2002.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800)

654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 100361, McKean County SWA, P. O. Box 448, Mount Jewett, PA 16740-0448, Sergeant Township, **McKean County**. Municipal waste landfill major permit application for implementation of Radiation Protection Plan. The application was received by the Northwest Regional Office on May 31, 2002.

Comments concerning the application should be directed to A. Patrick Boyle, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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. 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: Mark Wejkszner, Acting New Source Review Chief, (570) 826-2531.

39-304-007B: Tyler Pipe (Penn, Ransom Industries LP, 101 North Church Street, Macungie, PA 18062) for installation of an air cleaning device to control particulate emissions from the sand handling operations in Macungie Borough, **Lehigh County**.

48-399-051: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042-3186) for construction of a product packing operation and associated air cleaning device in Easton, **Northampton County**.

35-399-038: Flexible Foam Products, Inc. (P. O. Box 124, Spencerville, OH 45887) for construction of a polyurethane foam manufacturing facility in the PEI Industrial Park in Archbald Borough, **Lackawanna County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

10-338A: Superior Adsorbents, Inc. (AC Valley Industrial Park, 3751 Oneida Valley Road, Emlenton, PA 16373) for construction of a resin bonded filter manufacturing facility in Allegheny Township, **Butler County**.

42-158F: Temple Inland Forest Products Corp. (R. R. 1, Hutchins Road, Mt. Jewett, PA 16740) for modification to the particleboard flaking system by installing two new flakers and chip silo and associated control device (baghouse) for the sources at the Particleboard Plant in the Mt. Jewett Complex in Sergeant Township, **McKean County**. The facility is a Title V Facility.

61-012C: OMG Americas—Franklin (Two Mile Run Road, Franklin, PA 16323) for post construction of eight reactors and installation of Venturi scrubber for VOC control in the light color process in Sugarcreek Borough, **Venango County**.

62-017H: United Refining Co. (15 Bradley Street, Warren, PA 16365) for modification of FCC, DHT1 and DHT2 units and installation of storage tank to meet EPA Low Sulfur Gasoline requirements in the City of Warren, **Warren County**. The facility is a Title V Facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0221: Upper Moreland-Hatboro Joint Sewer Authority (2875 Terwood Road, Willow Grove, PA 19090) for installation of three scrubbers as a control for a municipal sewage treatment plant in Upper Moreland Township, **Montgomery County**. This facility is a natural minor facility. Scrubbers control emissions of hydrogen sulfide with 100% overall control efficiency. The plan approval will contain recordkeeping and operating restrictions to keep the facility operating within the allowable emissions and all applicable air quality requirements.

15-0018A: Wyeth-Ayerst Pharmaceuticals, Inc. (31 Morehall Road, Paoli, PA 19301) for installation three I.C. engines in East Whiteland Township, **Chester County**. This facility is a minor facility. Total emissions increase is 6.6 tons of nitrogen oxides per year. The plan approval will contain recordkeeping and operating restrictions to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Mark Wejkszner, Acting New Source Review Chief, (570) 826-2531.

39-309-057: Lafarge North America (5160 Main Street, Whitehall, PA 18052) for replacement/installation of an air cleaning device (fabric collector) for the A-frame clinker storage building at the Whitehall Plant in Whitehall Township, **Lehigh County**. The particulate emissions from the new fabric collector will not exceed the best available technology standard of 0.02 grain/DSCFT (10.16 tpy). However, the replacement of the existing 11,500 ACFM fabric collector with the new 15,000 ACFM fabric collector will result in an overall particulate emission increase of 2.32 tpy. The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

13-305-002: Northampton Fuel Supply Co. (1 Horwith Drive, Northampton, PA 18067-9728) for construction of a coal refuse crushing and screening plant in Banks Township, **Carbon County**. This facility is a non-Title V facility. The construction will process culm and silt by using a feeder hopper, double deck screen, impact crusher and five conveyors, all of which are powered by two diesel generators. Particulate emissions from the operation will be reduced through the use of a water spray dust suppression system on the conveyors and through a water truck with a pressurized spray bar. The use of the diesel generators will result in emissions of 14.80 tpy of nitrogen oxides, 12.17 tpy of carbon monoxide and 1.4 tpy of VOCs. The operation is subject to NSPS Subpart Y of the Federal Standards of Performance for Coal Preparation Plants, 40 CFR 60.250—60.254. The

plan approval will include all appropriate monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

21-05031B: Community Refuse Service, Inc. d/b/a Cumberland County Landfill (620 Newville Road, Newburg, PA 17240) for operation of a portable stone crushing plant. This source may be operated at Cumberland County Landfill (**Cumberland County**), Sandy Run Landfill (**Bedford County**) and Mosteller Landfill (**Somerset County**) in accordance with 25 Pa. Code § 127.631. The installation of this source will result in the potential to emit 33.1 tpy of NO_x and 6.6 tpy of particulate matter. The plan approval will include monitoring, record keeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality standards. The plan approval will be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

36-05079B: Chester County Solid Waste Authority (P. O. Box 476, Honey Brook, PA 19344) for installation of an enclosed ground flare to combust landfill gas generated at the Lanchester Landfill in Caernarvon Township, **Lancaster County**. This facility is a Title V facility. The installation of this source will result in the potential to emit 33.1 tpy of NO_x, 52.0 tpy of SO_x and 5.2 tpy of VOCs. The approval will include monitoring, record keeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality standards. The plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date.

38-03039: Martin's Wood Products (650 Houtztown Road, Myerstown, PA 17067) for installation of a wood furniture finishing system in Jackson Township, **Lebanon County**. VOC emissions from the facility will be limited to 20 tpy.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

21-05031B: Community Refuse Service, Inc. d/b/a Cumberland County Landfill (620 Newville Road, Newburg, PA 17240) for operation of a portable stone crushing plant. This source may be operated at Cumberland County Landfill (**Cumberland County**), Sandy Run Landfill (**Bedford County**) and Mosteller Landfill (**Somerset County**) in accordance with 25 Pa. Code § 127.631. The installation of this source will result in a potential to emit 33.1 tpy of NO_x, 6.6 tpy of particulate matter. The approval will include monitoring, record keeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality standards. The plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date.

65-00943A: Duke Energy Yukon, LLC (5400 Westheimer Court, Houston, TX 77056) for installation of a 640 MW peaking electric generating facility (Yukon Energy) in Sewickley Township, **Westmoreland County**.

Based on the information provided by the applicant and on the Department's analysis of that information, this installation will result in facility emission of no more than 152 tons of SO₂, 619 tons of NO_x, 572 tons of CO, 26 tons of VOC and 138 tons of particulate matter each year.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions for Plan Approval 65-00943A:

1. This Plan Approval authorizes Duke Energy Yukon, LLC to construct an electrical generation facility at Yukon Generating Station located in Sewickley Township, Westmoreland County. (25 Pa. Code § 127.12b)

2. The sources at this facility will include eight GE Model 7EA combustion turbine generators and one fire-water pump engine. The turbines will operate in simple cycle service, each rated at 80 MW. (25 Pa. Code § 127.12b)

3. Turbines shall be equipped with dry low NO_x combustors for use during the combustion of natural gas and water injection for use during the combustion of fuel oil. (25 Pa. Code § 127.12b)

4. Supporting equipment at this site will include plant and instrument air compressors, sumps, sump pumps, firewater pumps, a 150 HP diesel fire-water pump engine and four 635,000 gallon, aboveground, fuel oil storage tanks. (25 Pa. Code § 127.12b)

5. Emission rates from each turbine, during the combustion of natural gas, shall not exceed the values identified. The following emission limits do not apply during startup and shutdown. (25 Pa. Code § 127.12b)

Pollutant	Hourly Emission Rate—Gas	
	ppmvd@15% O ₂	Pound/Hr (1 Hr Avg.)
NO _x	9 (3-hr avg.)	38
CO	25	111
SO ₂		7.0
VOCs		3.4
PM ₁₀		11
H ₂ SO ₄		1.1

6. Emission rates from each turbine, during the combustion of fuel oil, shall not exceed the following values. The following emission limits do not apply during startup and shutdown. (25 Pa. Code § 127.12b)

Pollutant	Hourly Emission Rate—Oil	
	ppmvd @15% O ₂	Pound/Hr (1 Hr Avg.)
NO _x	42 (3-hr avg.)	194
CO	20	49
SO ₂		61
VOCs		5.5
PM ₁₀		26
H ₂ SO ₄		9.3

7. The owner/operator shall be limited to 250 startups and 250 shutdowns per engine per year. The duration of each startup or each shutdown shall be limited to 1 hour. The owner/operator shall keep records to determine compliance with this condition. These records shall be kept onsite for a period of 5 years and be made available to the Department upon request. (25 Pa. Code § 127.12b)

8. Emissions during startup or shutdown shall be limited to the following: (25 Pa. Code § 127.12b)

- NO_x—42.5 lbs (gas) -194 lbs (oil)
- CO—111 lbs (gas) -60.1 lbs (oil)
- VOC—3.4 lbs (gas) -5.5 lbs (oil)

9. Operations at this facility shall be limited to 2,500 hours per 12 consecutive months per turbine. (25 Pa. Code § 127.12b)

10. Fuel oil combustion for each turbine shall be limited to 500 hours per 12 consecutive months. (25 Pa. Code § 127.12b)

11. The annual average sulfur content of the fuel oil shall not exceed 0.05 weight percent. (25 Pa. Code § 127.1)

12. For periods during firing distillate oil with a weight percent greater than 0.02%, combined turbine operating hours shall be limited to 11 hours in any rolling 3-hour period and 35 hours in any rolling 24-hour period. (25 Pa. Code § 127.12b)

13. For periods during firing distillate oil with a weight percent equal to or less than 0.02%, combined turbine

operating hours shall be limited to 43 hours in any rolling 24-hour period. (25 Pa. Code § 127.12b)

14. Duke Energy Yukon shall continue to investigate the commercial availability of low sulfur (0.02 weight percent or less) distillate fuel oil and shall purchase and burn low sulfur distillate fuel oil containing less than 0.02 weight percent when it becomes commercially available. (25 Pa. Code § 127.12b)

15. Total emissions from the Duke Energy Yukon Facility shall not exceed the following, on a 12 consecutive month rolling average basis: (25 Pa. Code § 127.12b)

Source Name	Facility Annual Emission Limits (TPY)						
	NO _x	CO	VOC	SO ₂	H ₂ SO ₄	Lead	PM ₁₀
CT #1	77.4	71.5	3.25	19	2.9	0.0037	17
CT #2	77.4	71.5	3.25	19	2.9	0.0037	17
CT #3	77.4	71.5	3.25	19	2.9	0.0037	17
CT #4	77.4	71.5	3.25	19	2.9	0.0037	17
CT #5	77.4	71.5	3.25	19	2.9	0.0037	17
CT #6	77.4	71.5	3.25	19	2.9	0.0037	17
CT #7	77.4	71.5	3.25	19	2.9	0.0037	17
CT #8	77.4	71.5	3.25	19	2.9	0.0037	17
Fire-Water Pump Engine	0.12	0.03	0.01	0.001	0	0	0.01
Fugitive Emissions (Tank Losses)			0.512				
Total	619	572	26	152	24	0.03	138

16. Owner/operator shall secure 712 tons of NO_x ERCs. ERCs shall be properly generated, certified by the Department and processed through the registry in accordance with 25 Pa. Code § 127.206(d)(1). Upon transfer, owner/operator shall provide the Department with documentation clearly specifying the details of the ERC transaction.

17. The combustion turbines are subject to the applicable requirements of the 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

18. The four 635,000-gallon fuel oil storage tanks are subject to the applicable requirements of 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels.

19. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both the EPA and the Department at the following addresses, unless otherwise noted: Director, Air, Toxics and Radiation, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103; Department of Environmental Protection, Regional Air Quality Manager, Office of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

20. Owner/operator shall comply with the applicable reporting requirements of 40 CFR 48c, 60.7, 60.49a, 60.116b(d) and 60.334(c).

21. In accordance with 40 CFR 60.334(a), the owner/operator shall install and operate a continuous monitoring system to monitor and record the fuel consumption at all times and the ratio of water to fuel being fired in the turbines. This system shall be accurate to within ± 5% and must be approved by the Department.

22. Owner/operator shall monitor the sulfur content and nitrogen content of the fuel being fired in each turbine in accordance with 40 CFR 60.344(a). Upon approval from the EPA, an alternate custom fuel-monitoring program may be utilized. (25 Pa. Code § 127.12b)

23. Owner/operator shall install, certify, maintain and operate continuous emission monitoring systems in accordance with 25 Pa. Code Chapter 139, the Department's *Continuous Source Monitoring Manual*, 40 CFR Part 75, 25 Pa. Code Chapter 145 and applicable requirements of 40 CFR 60, Subpart GG. At a minimum the systems shall measure and record the following for each turbine:

- Both the mass emission rate and concentration of NO_x emissions (as NO₂)
- Percent Oxygen or Carbon Dioxide
- Fuel Flow Monitor
- Heat Input rate
- Stack Flow rate

24. In accordance with 40 CFR 60.335(c)(2), the monitoring device required by 40 CFR 60.334 shall be used to determine the fuel consumption and the water-to-fuel ratio necessary to comply with turbine NO_x emission limitations at 30, 50, 75 and 100% of peak load or at four points in the normal operating range of the gas turbine, including the minimum point in the range and peak load. All loads shall be corrected to ISO conditions using the appropriate equations as supplied by the turbine manufacturer.

25. Owner/operator shall record the hours of operation of each of the turbines and the amount and type of fuel consumed, on a daily basis. (25 Pa. Code § 127.12b)

26. In accordance with 40 CFR 60.334(c), owner/operator shall record daily and shall report semiannually, in accordance with 40 CFR 60.7(c), any 1-hour period during which the average water-to-fuel ratio, as measured by the continuous water and fuel measuring system, falls below the ratio that was determined during the stack test to demonstrate compliance with NO_x emission limitations. Owner/operator shall also report any period during which the actual fuel-bound nitrogen content exceeds the fuel-bound nitrogen content determined during the stack test to demonstrate compliance with the NO_x emission limitations.

A substitute recordkeeping and reporting program may be utilized as an alternative to the monitoring requirements of 40 CFR 60.334(a) and 60.335(c)(2) upon approval from the EPA.

Owner/operator shall also report any period of fuel-oil combustion during which the actual fuel-bound sulfur content of the fuel oil exceeds 0.05 weight percent based on sampling results.

27. Compliance with the turbine emission limitations for NO_x, CO, SO₂, VOC and PM₁₀, while using both fuel oil and natural gas, shall be demonstrated through performance stack testing on each turbine. (25 Pa. Code § 127.12b)

A. All stack testing shall be performed in accordance with 40 CFR 60.8 and 60.335, 25 Pa. Code Chapter 139 and the most recent version of the Department's *Source Testing Manual*.

B. Two copies of the stack test protocol shall be submitted to the Department at least 60 days in advance of the stack test date. Stack testing shall not take place until owner/operator has received written approval of the stack test protocol.

C. Company shall notify the Department of the date and the time of the stack test at least 2 weeks prior to the tests so that an observer may be present.

D. Two copies of the stack test results shall be submitted to the Department within 60 days of completion of the test.

E. Stack testing shall be performed within 60 days of achieving maximum firing rate but no later than 180 days after the initial startup.

F. Owner/operator shall record all pertinent operating data during the stack test and include this data with the stack test results.

G. CEM data may be used to determine compliance with emission limitations in lieu of stack testing.

28. The combustion turbines are subject to the Title IV Acid Rain Program of the 1990 Clean Air Act Amendments and shall comply with all applicable provisions of Title IV, including the following:

- 40 CFR Part 72—Permits Regulations
- 40 CFR Part 73—Sulfur Dioxide Allowance System
- 40 CFR Part 75—Continuous Emissions Monitoring
- 40 CFR Part 77—Excess Emissions

29. The combustion turbines are subject to the applicable requirements of the NO_x Budget Program established in 25 Pa. Code Chapter 145.

30. In accordance with 25 Pa. Code §§ 123.1 and 123.2, there shall be no fugitive emissions from this facility except those that arise from the use of roads. All reasonable actions shall be taken to minimize fugitive emissions that arise from use of roads. Reasonable actions shall include, but shall not be limited to paving, sweeping and application of water or other dust suppressants. In no case shall fugitive emissions arising from the use of roads be permitted to cross the property line.

31. In accordance with 25 Pa. Code § 123.31, owner/operator shall not permit the emission of any malodorous air contaminants from any source in a manner that the malodors, as determined by the Department, are detectable outside the owner/operator's property.

32. The opacity of the exhaust from all sources at this facility shall not exceed 10% at any time. Opacity shall be

measured using EPA Reference Method 9, found at 40 CFR 60, Appendix A. (25 Pa. Code § 127.1)

33. The equipment at this gas turbine generating station shall be equipped with silencers and/or mufflers. The turbines, generators and gas compressors at this gas turbine generating station shall be enclosed in structures designed to minimize sound levels. (25 Pa. Code § 127.12b)

34. Per 25 Pa. Code § 127.13, if the construction is not commenced within 18 months of issuance of this Plan Approval, or if there is more than an 18-month lapse in construction, a new Plan Approval application shall be submitted and the ERCs previously specified shall expire for use as offsets.

35. Owner/operator shall submit a Title V Operating Permit Application within 120 days of startup of the sources and/or pollution control devices. (25 Pa. Code § 127.505(a))

36. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided that the following conditions are met: (25 Pa. Code § 127.12b(d))

A. The Department must receive written notice from the owner/operator of the anticipated date that sources will commence operation.

B. Operation is authorized only to facilitate the startup and shakedown of the sources, to permit operation of the sources pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

C. This condition authorizes temporary operation of the sources for a period of 180 days from the start of commencement of operation, provided that the Department receives notice from the owner/operator under subpart (A).

D. Owner/operator may request an extension of this Plan Approval if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons that compliance has not been established.

E. The notice submitted by the owner/operator under subpart (A) prior to the expiration date of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the start-up.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

43-310F: Dufenco Farrell Corp. (15 Roemer Boulevard, Farrell, PA 16121) for reactivation of the No. 3 Reheat Furnace in Farrell, **Mercer County**. The permit will be subject to the following conditions:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

2. The concentration of particulate matter in the effluent gas shall not exceed 0.04 grain/dscf.

3. The concentration of sulfur oxides, expressed as SO₂, in the effluent gas shall not exceed 500 ppm, by volume, dry basis.

4. The source shall burn only natural gas.

5. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the source shall not exceed a NO_x emission factor of 0.1 lb/mmBtu.

6. A stack test shall be performed in accordance with the provisions of 25 Pa. Code Chapter 139 to show compliance with the NO_x emission factor of 0.1 lb/mmBtu. The stack test shall also demonstrate a CO emission factor in lb/mmBtu. The stack test shall be performed while the aforementioned source is operating at the maximum rated capacity as stated on the application.

7. The source shall be operated and maintained in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

The previous conditions will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate the best available technology for the source.

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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

67-05009: STI Capital Co. (P. O. Box 85376, San Diego, CA 92186-5376) for operation of its York Cogeneration Plant in Springettsbury Township, **York County**. This permit action is a renewal of the facility's operating permit that was issued in 1997.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

62-00141: National Fuel Gas Supply Corp.—Roystone Compressor Station (Star Route Box 574, Sheffield, PA 16347) for operation of a Natural Gas Compressor Station in Sheffield Township, **Warren County**.

61-00198: Handsome Lake Energy LLC (173 Cornplanter Lane, Kennerdell, PA 16374) for operation of ten combustion turbine engines and a fuel heater in Rockland Township, **Venango County**. The source is major due to its being subject to the Acid Rain Program.

25-00501: McInnes Steel Co. (441 East Main Street, Corry, PA 16407) for their facility in Corry City, **Erie County**. The facility's air emission sources are miscellaneous combustion units both greater than and less than 2.5 mmBtu/hr, test sample cutting, billet grinding, oil quenching, grit blasting, 14 heat treat furnaces, 3 car bottom forge furnaces, 10 miscellaneous forge furnaces, miscellaneous storage tanks and 3 degreasers.

61-00147: Department of Public Welfare—Polk Center (Route 62, P. O. Box 94, Polk, PA 16342) for their facility in Polk Borough, **Venango County**. The facility's air emission sources are three 600 hp boilers, 12 miscellaneous combustion units and 11 miscellaneous/stand-by generators.

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.

09-00047: Warminster Fiberglass Co. (725 County Line Road, Southampton, PA 18966) for operation of a fiberglass products manufacturing facility in Upper Southampton Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The facility has the potential to emit 9.6 TPY of styrene. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00090: National Service Industries (303 Eagleview Boulevard, Exton, PA 19341) for operation of an envelope manufacturing and printing facility in Uwchlan Township, **Chester County**. The permit is for a non-Title V (State only) facility. The facility has the potential to emit 15.67 TPY of VOCs and 7.49 TPY of total HAPs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00089: American Cremation Services, Inc. (1859 Stout Drive, Warwick, PA 18974) for the human crematory in Warwick Township, **Bucks County**. The permit is for a non-Title V (State only) facility. 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.

22-05033: Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011) for operation of its Steelton Asphalt Plant in Steelton Borough, **Dauphin County**. The site has the following potential annual emissions: 223 tpy of CO, 16 tpy of NO_x, 11 tpy of VOC, 10 tpy of PM-10 and 3 tpy of SO_x. 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.

36-05094: Keystone Wood Specialties, Inc. (P. O. Box 10127, Lancaster, PA 17605) for wood kitchen cabinet finishing operations in East Lampeter Township, **Lancaster County**. The annual emissions of the VOC and PM from the operation are less than 10 tons and 1 ton respectively. The Synthetic Minor Operating Permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-03079: Hercon Laboratories Corp. (101 Sinking Spring Lane, Emigsville, PA 17318-0467) for operation of a solvent coater controlled by a natural gas fired, 2.1 mmBtu/hr incinerator in Manchester Township, **York County**. The annual emissions of VOC, NO_x and PM from the operation are less than 1 ton each. The Natural Minor Operating Permit will contain monitoring, recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.

17-00047: Howes Leather Corp. (50 Cooper Road, Curwensville, PA 16833) for their leather tanning and finishing facility in Curwensville Borough, **Clearfield County**. The facility's main sources include two natural gas/#2 fuel oil fired boilers, #2 fuel oil fired boiler, leather dipping, drying and buffing operations. The facility has taken restrictions to limit potential sulfur oxides (SO_x)

emissions below Title V thresholds. The Facility has the potential to emit VOCs, particulate matter (PM₁₀), nitrogen oxides (NO_x) and carbon monoxide (CO) below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

59-00012: Dietrich's Milk Products, LLC (P. O. Box 102, Middlebury Center, PA 16935) for their food product manufacturing facility in Middlebury Township, **Tioga County**. The facility's main sources include a natural gas/#2 fuel oil fired boiler, a natural gas fired boiler, powdered milk drying system and lactose drying system. The facility has the potential to emit VOCs, PM₁₀, NO_x, SO_x and CO below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

04-00067: International Mill Service (1155 Business Center Drive, Suite 200, Horsham, PA 19044) for operation of a steel slag processing plant in Midland Borough, **Beaver County**.

11-00416: Pheasant and Shearer (240 Atlantic Street Johnstown, PA 15904) for operation of a Hammermill Flex Tooth Crusher in East Taylor Township, **Cambria County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

10-00270: Lectromat, Inc. (Route 309, P. O. Box 608, Mars, PA 16046) for a Natural Minor Operating Permit for manufacture of resin-coated electrical insulation materials in Adams Township, **Butler 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, 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

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17860136 and NPDES Permit No. PA 0115631. E. M. Brown, Inc., P. O. Box 767, Clearfield, PA 16830. Renewal of an existing bituminous surface mine permit in Cooper Township, **Clearfield County**, affecting 88.2 acres. Receiving streams: Browns Run and unnamed tributary of Moshannon Creek and Grassflat Run, all tributaries to the West Branch of the Susquehanna River. Application received April 19, 2002.

17960106 and NPDES Permit No. PA 0220302. Bell Resources, Inc., R. D. 2, Box 281, Curwensville, PA 16833. Renewal of an existing bituminous surface mine permit in Penn and Pike Townships, **Clearfield County**, affecting 124.8 acres. Receiving streams: Porter Run to West Branch Susquehanna River; unnamed tributaries of Passmore Run to Passmore Run, Passmore Run to West Branch Susquehanna River; unnamed tributaries of Kratzer Run to Kratzer Run, Kratzer Run to Anderson Creek, Anderson Creek to West Branch Susquehanna River. Application received April 24, 2002.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

65920104. Albert F. Stiffler (141 Locust Road, Box 42-C, Normalville, PA 15469). Revision application received to change the postmining land use from forestland to pastureland at a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 100 acres. Receiving streams: unnamed tributaries to Welty Run, classified for the following uses: HQ-CWF.

The first downstream potable water supply intake from the point of discharge is the Westmoreland County Municipal Authority. Application received May 30, 2002.

03950114 and NPDES Permit No. 0201928. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Renewal application for continued reclamation only of a bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 221.6 acres. Receiving streams: unnamed tributary to Sugar Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 31, 2002.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

32020104 and NPDES Permit No. PA0249033. Thomas J. Smith, Inc., R. D. 1, Box 260D, Shelocta, PA 15774, commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in South Mahoning Township, **Indiana County**, affecting 78.5 acres. Receiving streams: unnamed tributary to Little Mahoning Creek classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 22, 2002.

32860115 and NPDES Permit No. PA0597864. Paul F. Becker Coal Company, 1593 Old Route 22, Duncansville, PA 16635, permit renewal for reclamation for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Banks Township, **Indiana County**, affecting 78.1 acres. Receiving streams: two unnamed tributaries to South Branch Bear Run and an unnamed tributary to Straight Run classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 24, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

32840701. NPDES Permit # N/A, Tanoma Coal Co., Inc. (600 Rayne Run Rd., Mario Center, PA 15759), to revise the permit for the Tanoma No. 2 Refuse Area in Rayne Township, **Indiana County** to transfer 5.5 surface acres from the Tanoma Mine and add a passive treatment system, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed 5.5, CRDP Refuse Disposal Acres Proposed 5.5, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received April 15, 2002.

03871303. NPDES Permit #PA0213667, TJS Mining, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), to renew the permit for the Darmac #2 deep mine in Plumcreek and Armstrong Townships, **Armstrong and Indiana Counties**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received April 19, 2002.

03961302. NPDES Permit #PA0214990, TJS Mining, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), to renew the permit for the TJS No. 4 deep mine in Plumcreek Township, **Armstrong County** to, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional

discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received April 19, 2002.

03831305. NPDES Permit #PA0002283, Keystone Coal Mining Corp. (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Jane Mine in Plumcreek Township, **Armstrong County** to, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received May 3, 2002.

63841304. NPDES Permit #PA011643, Laurel Run Mining Co. (P. O. Box 355, Eighty Four, PA 15330), to renew the permit for the Vesta Mine in North Bethlehem Township, **Washington County** to, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received May 24, 2002.

Noncoal Applications Received

Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

10010309 and NPDES Permit No. PA 0241938. Annandale Sandstone (219 Goff Station Road, Boyers, PA 16020). Revision to an existing noncoal surface mining permit operation in Venango Township, **Butler County** affecting 16.0 acres. Receiving streams: UNT to Seaton Creek, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Revision to remove incidental coal at the previously referenced site. Application received May 29, 2002.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 472, Jefferson Township, **Greene County**, 23.8 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m. on July 15, 2002, to be considered. Telephone inquiries shall be directed to Dan Henry, Division of Mine Hazards at (717) 783-7747.

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 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.

E09-839. Borough of Perkasio, P. O. Box 275, Perkasio, PA 18994, Perkasio Borough, **Bucks County**, ACOE Philadelphia District.

To remove, replace and maintain an existing three span pedestrian bridge over the East Branch of Perkiomen Creek (TSF) on Market Street with a 6-foot wide and 75 linear foot of single span pedestrian bridge located immediately downstream from the existing bridge. Work will also include approximately 520 linear feet of stream bank stabilization (Telford, PA Quadrangle N: 22.0 inches; W: 5.2 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E01-234. Steve DeFriece, Biglerville Borough Authority, 33 Musselman Avenue, Biglerville, PA 17307 in Butler Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 30-foot by 40-foot pole-style building for storage of various equipment and vehicles within the floodplain of an unnamed tributary to the Conewago Creek (WWF). The building will be located on the Biglerville Borough's Wastewater Treatment Facility's property approximately 25 miles south of Biglerville Borough. (Biglerville, PA Quadrangle N: 8.05 inches; W: 16.90 inches) in Butler Township, Adams County.

E05-303. H. Richard Wolf, 7825 East Road, Pasadina, MD 21122, in Harrison and Napier Townships, **Bedford County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 45 feet across the channel of the Raystown Branch of the Juniata River (WWF) at a point at Chestnut Street (Bedford, PA Quadrangle N: 1.2 inches; W: 13.7 inches) in Harrison and Napier Townships, Bedford County.

E06-571. Jeffrey Smallman, Pennsylvania Department of Transportation 5-0, 1713 Lehigh Street, Allentown, PA 18103 in the City of Reading, **Berks County**, ACOE Philadelphia District.

To construct and maintain a concrete bridge having a single span of 76.4 feet with a minimum underclearance of 22 feet across Angelica Creek (CWF) on SR 0010, Section 01B, Segment 0280, Offset 2079 located about 0.8 mile north from its intersection with SR 724 (Reading, PA Quadrangle N: 11.05 inches; W: 6.9 inches) in the City of Reading, Berks County.

E07-357. Richard Bowen, Morris Management, P. O. Box 1252, Altoona, PA 16603 in Logan Township, **Blair County**, ACOE Baltimore District.

To impact a total of 3.69 acres of wetlands consisting of palustrine emergent, palustrine open water and palustrine scrub/shrub wetlands and 4.716 linear feet of ten unnamed tributaries to Brush Run (WWF) at a point upstream of Route 99 for the purpose of constructing a Regional Power Center Shopping Mall (Hollidaysburg, PA Quadrangle N: 16.4 inches; W: 6.2 inches) in Logan Township, Blair County. The applicant will create 3.69 acres of emergent wetlands and 4.716 linear feet of stream channel as mitigation for the impacts.

E07-358. Paul Detweiler, New Enterprises Stone & Lime Co., Inc., P. O. Box 77, New Enterprise, PA 16664 in Taylor Township, **Blair County**, ACOE Baltimore District.

To widen an existing bridge with a 24-foot span and a 5.3 foot underclearance by constructing an extension with a 39.4-foot span and a 5.3-foot underclearance across the channel of Halter Creek (WWF) at a point approximately 1,200 feet downstream of Route 36 (Roaring Spring, PA Quadrangle N: 17.4 inches; W: 3.9 inches) in Taylor Township, Blair County.

E21-340. Walter S. Beaston, Upper Mifflin Township, 455 Whiskey Run Road, Newville, PA 17241 in Upper Mifflin Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain two concrete wingwalls along the abutments of an existing bridge across Three Square Hollow Run (WWF) to prevent scouring of the abutments located on Township Road T-393, 400 feet southwest of its intersection with Bridge Water Road (T-393) (Newville, PA Quadrangle N: 6.5 inches; W: 16.5 inches) in Upper Mifflin Township, Cumberland County.

E21-341. Christine Murphy, Hempt Bros. Inc., 205 Creek Road, Camp Hill, PA 17011 in Lower Allen Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain sinkhole repairs in and around Cedar Run (CWF) from a point at Lisburn Road crossing of the stream, then upstream to the pond at the north side of the Camp Hill State Correctional Institution for the purpose of correcting sinkhole problems associated with a limestone mining operation (Lemoyne, PA Quadrangle N: 17.8 inches; W: 6.0 inches) in Lower Allen Township, Cumberland County.

E28-299. Sheri Franz, Dominion Transmission, Inc., 445 W. Main Street, Clarksburg, WV 26301 in Fannett and Washington Townships, **Franklin County**, ACOE Baltimore District.

To operate and maintain approximately 42.0 miles of an existing 30-inch natural gas pipeline (PL 1). The pipeline crosses the following streams: Narrows Branch Tuscarora Creek (CWF), 5 unnamed tributaries to the Narrows Branch Tuscarora Creek (CWF), Burns Creek (CWF), Doylestown Stream (CWF), 8 unnamed tributaries to the Doylestown Stream (CWF), Dry Run (CWF, MF), 8 unnamed tributaries to Dry Run (CWF, MF), West Branch Conococheague Creek (CWF, MF), 5 unnamed tributaries to the West Branch Conococheague Creek (CWF, MF), Condoguinet Creek (HQ-CWF), 3 unnamed tributaries to the Condoguinet Creek (HQ-CWF), 12 unnamed tributaries to Dennis Creek (CWF), Marshall Hollow (CWF), Wilson Run (TSF), Back Creek (TSF), 4 unnamed tributaries to Back Creek (TSF), Conococheague Creek (WWF), 6 unnamed tributaries to the Conococheague Creek (WWF), Muddy Run (HQ-CWF), 2 unnamed tributaries to Muddy Run (HQ-CWF), Marsh Run (WWF), 4 unnamed tributaries to the West Branch Antietam Creek (CWF) and 3 wetland crossings in the Doylestown Stream, Dennis Creek and Wilson Run Watersheds. The project starts near Concord Narrows (Blairs Mills, PA Quadrangle N: 1.7 inches; W: 10.6 inches) in Fannett Township, Franklin County and ends near Rocky Forge (Smithburg, PA Quadrangle N: 17.4 inches; W: 16.2 inches) Township, Franklin County.

E28-302. Richard Bender, Bender Land Associates, LTD, 8614 Rice Road, Shippensburg, PA 17257 in Letterkenny Township, **Franklin County**, ACOE Baltimore District.

To: (1) remove previously constructed steel beams with concrete footings; (2) maintain a previously constructed single span covered bridge having a span of 16.0 feet and an underclearance of 7.5 feet, a previously constructed concrete wall and greenhouse structure in the floodway; (3) construct a driveway for a proposed office building in the floodway; and (4) construct the restoration of about 2,000 linear feet of previously dredged stream channel all in the channel and floodway of an unnamed tributary to Condoguinet Creek (WWF) (Roxbury, PA Quadrangle N: 11.3 inches; W: 2.85 inches) in Letterkenny Township, Franklin County.

E44-117. James Eppley, Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105 in Armagh Township, **Mifflin County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a bridge having a clear span of 21 feet, 11-inches and an underclearance of four 29-inch culverts in the channel of Swift Run (HQ-CWF) at a point at Havice Valley Road (Coburn, PA Quadrangle N: 12.3 inches; W: 5.4 inches) in Armagh Township, Mifflin County.

E67-720. Gregory Brennenman, 790 Arbor Drive, Red Lion, PA 17356 in York Township, **York County**, ACOE Baltimore District.

To remove two existing structures then construct and maintain a 5-foot, 1-inch by 16-foot, 4-inch corrugated steel low profile box culvert in Barshinger Creek (CWF) located approximately 10,000 feet upstream of the confluence with the East Branch Codorus Creek. (York, PA Quadrangle N: 0.2 inch; W: 2.35 inches) in York Township, York County.

E67-721. Mark Caporaletti, Hawk Lake Golf Course, 1605 Loucks Road, York, PA 17404 in West Manchester Township, **York County**, ACOE Baltimore District.

To over excavate three sinkholes in a linear arrangement each having an average diameter of 10 feet then choking off the throat of each sinkhole with boulders and capping the boulders with concrete along an unnamed tributary to Willis Run (WWF) (West York, PA Quadrangle N: 18.5 inches; W: 4.0 inches) in West Manchester Township, York County.

E67-722. Bruce Schott, 2733 Pleasant Hill Road, Hanover, PA 17331 in West Manheim Township, **York County**, ACOE Baltimore District.

To excavate a 110-foot by 125-foot area in and along the channel of Furnace Creek (WWF) to construct a nonjurisdictional pond (Manchester, MD-PA Quadrangle N: 22.2 inches; W: 8.3 inches) in West Manheim Township, York County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E17-369. Pennsylvania Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. SR 1011 Bridge Replacement, in Cooper Township, **Clearfield County**, ACOE Baltimore District (Frenchville, PA Quadrangle N: 4.3 inches; W: 4.1 inches).

To remove an existing bridge and construct, operate and maintain a single cell precast concrete box culvert to carry SR 1011 across an unnamed tributary to Browns Run (CWF) to improve public highway safety. The single cell box culvert shall be constructed with a minimum span of 8-feet, rise of 4.5-feet, skew of 60-degrees and depressed 1.0-foot. The bridge replacement project will permanently impact 0.05-acre of wetland and 75-feet of waterway that is located on SR 1011 approximately 2,000-feet north of T-730 and SR 1011 intersection. The 0.05-acre of wetland impacted by the project are deemed de minimis and replacement wetlands will not be required.

E18-340. Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. Right Branch-Hyner Run Road Rehabilitation, in Chapman Township, **Clinton County**, ACOE Pittsburgh District (Slate Run, PA Quadrangle N: 6.2 inches; W: 10.1 inches).

To operate and maintain nine roadway cross drains along Spring Run (HQ-CWF); and modify, operate and maintain three public road crossings to carry Right Branch-Hyner Run across Spring Run. The modification of the public road crossings shall consist of removing the three 36-inch diameter plastic culvert pipes; reinstalling culverts pipes with a minimum depression of 0.5-foot into the stream bed; and installing stream bank scour protection along culvert outlets. All instream activity shall be conducted during stream low flow. Culvert modification work shall be completed in dry work conditions by fluming or dam and pumping stream flow around work areas. Since Spring Run is a wild trout stream, no construction or future repair work shall be conducted in or along Spring Run between October 1 and December 31 without prior written approval of the Fish and Boat Commission. The project will not impact wetlands while impacting 150-feet of waterway that is located along the western right-of-way of SR 0044 approximately 1-mile

west of Right Branch-Hyner Run Road and SR 0044 intersection. This permit also authorize the construction, operation, maintenance and removal of temporary diversions and/or cofferdams; upon completion of the stream bank stabilization activities, all temporary structures shall be removed with the stream channel restored to pre-existing geometry, profile and pattern.

E53-376 Kettle Creek Watershed Association, HCR 62, Box 157A, Renovo, PA 17764. Stream Bank Stabilization-Headgate, in Stewardson Township, **Potter County**, ACOE Pittsburgh District (PA Quadrangle N: 10.0 inches; W: 6.0 inches).

To construct, operate and maintain 11 rock J-hook structures and four cross-vanes structures in the channel of Kettle Creek (EV) to stabilize 3,000-feet of stream bank. Construction and maintenance of the rock structures shall be conducted during stream low flow conditions. Since Kettle Creek is a stock trout fishery, no construction or future maintenance work shall be conducted on the rock structures between March 31 and June 15 without prior written permission from the Fish and Boat Commission. The project will temporarily impact 3,000-feet of water and 500-square feet of wetland that is located along the eastern right-of-way of SR 0144 at the confluence of Kettle Creek and Headgate Hollow Run. This permit also authorizes the construction, operation, maintenance and removal of a temporary wetland and stream crossings that will temporarily impact 500-square feet of wetland. All temporary stream and wetland crossings shall be constructed of clean rock that is free of fines. Upon project completion, all temporary structures shall be removed and the disturbed areas restored to original contours and elevations.

E59-430. Melissa Lindsey, R. R. 1, Box 299, Canton, PA 17724. Bridge Crossing in Rutland Township, **Tioga County**, ACOE Baltimore District (Rutland, PA Quadrangle N: .1 inch; W: .9 inch).

The application proposes to install a 33 linear foot-bridge constructed on concrete footings across Bailey Creek, CWF. The bridge will have an underclearance of 5 feet from the bed of the stream to the bottom cord of the I-beams. The application proposes to impact 50 linear feet of stream and does not intend to impact any wetlands.

E59-431. Donald W. Trowbridge, 222 Granger Street, Blossburg, PA 16912. Culvert Crossing, in Rutland Township, **Tioga County**, ACOE Baltimore District (Rutland, PA Quadrangle N: 4.2 inches; W: 15.3 inches).

The permit application proposes to install an 104-inch diameter steel culvert. The culvert is proposed to have a length of 30 linear feet and will be installed in the same location of an existing ford. The permit also proposes associated fill over the crossing and on the approaches. The existing contours allow for a natural overflow spillway on the north side of the crossing to support higher flows. The permit proposes to impact 100 linear feet of stream and does not impact any wetlands.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E20-519, City of Titusville, 107 North Franklin Street, Titusville, PA 16354, Phase II Wastewater Treatment Plant Upgrades Project, in City of Titusville, **Crawford County**, ACOE Pittsburgh District (Titusville North, PA Quadrangle N: 22.5 inches; W: 4.25 inches).

To increase the efficiency of the treatment process at the wastewater treatment plant and pump stations and to eliminate the amount of combined sewer overflows. This

project also includes upgrades at the three pump stations to improve system operation. In addition to the WWTP and pump station upgrades, the construction of approximately 2,400 lineal feet of parallel interceptor sewer from South Brown Street to the WWTP will be undertaken. The location of the treatment plant and the new interceptor sewer are located in the 100-year floodplain of Oil Creek (CWF).

All project construction activities will be located in the City of Titusville and involves the installation of approximately 5,000 lineal feet of 24-inch diameter PVC sanitary sewer and 765 lineal feet of 12-inch HDPE storm sewer.

This project will result in the construction of one new, stormwater outfall discharging to Trout Run (CWF) at the flowing location:

	<i>Latitude</i>	<i>Longitude</i>
Proposed Outfall 020	41 37'16"	79 40'26"

The project also involves the construction of one sanitary sewer stream crossing of an unnamed tributary to Church Run (CWF) at the flowing location:

	<i>Latitude</i>	<i>Longitude</i>
Stream Crossing	41 37'24"	79 39'23"

E62-384, Mead Oil Company, P. O. Box 667, Sheffield, PA 16347. Mead Oil Company Pipeline Project, in Mead Township and Cherrygrove Township, **Warren County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 18.8 inches; W: 14.6 inches).

Construct and maintain an 11,525 foot long, 3-inch diameter and 2-inch diameter natural gas pipeline to extend existing lines to provide gas to a local business. The pipeline will cross underneath (by trenching) Little Arnot Run (EV). The stream crossing is approximately 1.6 miles northeast of the intersection of SR 2001 and Gregerson Road.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

EA21-003. New Cumberland Borough, 1120 Market Street, New Cumberland, PA 17070, New Cumberland Borough, **Cumberland County**, ACOE Baltimore District.

To authorize under 25 Pa. Code § 105.12(a)(16), the construction and maintenance of 3,000 linear feet of stream stabilization by establishing riparian buffers and installing gabion baskets and riprap channel lining in the Yellow Breeches Creek (HQ-CWF) for the purpose of stabilizing and protecting the stream banks to eliminate sediment pollution caused by bank erosion located in New Cumberland Borough Park (Steelton, PA Quadrangle N: 17.3 inches; W: 15.7 inches) in New Cumberland Borough, Cumberland County.

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. PA0057151, Sewage, **Cynthia Robinson**, 1414 Newman Road, Pennsburg, PA 18073. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal and transfer to discharge into an unnamed tributary to Perkiomen Creek.

NPDES Permit No. PA0056219, Sewage, **Skippack Township**, 1455 Sumneytown Pike, P. O. Box 164, Skippack, PA 19474. This proposed facility is located in Skippack Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal and transfer to discharge into an unnamed tributary to Skippack Creek.

WQM Permit No. 1501426, Sewerage, **West Vincent Township**, P. O. Box 163, 2200 Flowing Springs Road, Birchrunville, PA 19421. This proposed facility is located in West Vincent Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment plant with a spray irrigation system to serve the proposed Weatherstone Subdivision.

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

NPDES Permit No. PA0007757, Industrial Waste, **BPB America, Inc.**, 5301 W. Cypress Street, Tampa, FL 33607. This proposed facility is located in Exeter Township, **Luzerne County** and discharges to the N. Branch Susquehanna River.

Description of Proposed Action/Activity: Renewal of existing NPDES Permit.

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

NPDES Permit No. PA0083607, Sewage, **Northern Lebanon County Authority**, P. O. Box 434, Jonestown, PA 17038. This proposed facility is located in Union Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Forge Creek in Watershed 7-D.

NPDES Permit No. PA0086932, Sewage, **Yorkana Mobile Home Park**, 330 Ridge Road, York, PA 17402. This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Cabin Creek in Watershed 7-I.

NPDES Permit No. PA0083020, Sewage, **Forbes Road School District**, 263 Red Bird Drive, Waterfall, PA 16689-9734. This proposed facility is located in Taylor Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Elders Branch Wooden Bridge Creek in Watershed 12-C.

NPDES Permit No. PA0082368, Amendment No. 1, Sewage, **Abbottstown-Paradise Joint Sewer Authority**, P. O. Box 505, Abbottstown, PA 17301. This proposed facility is located in Hamilton Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters of Beaver Creek in Watershed 7-F.

NPDES Permit No. PA0044598, Sewage, **Susquehanna Area Regional Airport Authority, Harrisburg International Airport STP**, 208 Airport Drive, Middletown, PA 17057. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Susquehanna River (Post Run) in Watershed 7-C.

NPDES Permit No. PA0246425 and WQM Permit No. 2902401, Sewage, **Dublin Township Supervisors (Fort Littleton STP)**, 29195 Great Cove Road, Fort Littleton, PA 17223. This proposed facility is located in Dublin Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities, sewers and appurtenances and pump stations (T-426 and T-460) with authorization to discharge to Little Aughwick Creek in Watershed 12-C.

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/operation of pump stations.

NPDES Permit No. PA0008303, Industrial Waste, **Pennsylvania Steel Technologies, Steelton Plant**, 215 South Front Street, Steelton, PA 17113-2594. This proposed facility is located in Steelton Borough, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-C (Clark and Paxton Creeks).

NPDES Permit No. PA0083879, Industrial Waste, **Waste Systems International, Inc.**, 995 Landfill Road, Hopewell, PA 16650. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Sandy Run in Watershed 11-D.

NPDES Permit No. PA0246441, CAFO, **Deer Stone Ag, Willow Brook Farm**, 10049 Ferguson Valley Road, Lewistown, PA 17044. This proposed facility is located in Granville Township, **Mifflin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 763-AEU swine concentrated animal feeding operation.

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

WQM Permit No. 5902403, Sewerage SIC 4952, **Blossburg Municipal Authority**, 245 Main Street, Blossburg, PA 16912. This existing facility is located in Blossburg Borough, **Tioga County**.

Description of Proposed Action/Activity: Renovation of sewage treatment plant trickling filter and chlorine contact tank.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0206041, Industrial Waste, **Washington Penn Plastics Company, Inc.**, 2080 North Main Street, Washington, PA 15301-0236 is authorized to discharge from a facility located at Arden Plant, South Strabane Township, **Washington County** to receiving waters named Chartiers Creek.

NPDES Permit No. PA0218936, Industrial, **AES Hoytdale, LLC**, 1901 Butterfield Road, Suite 650, Downers Grove, IL 60515 is authorized to discharge from a facility located at AES Hoytdale Power Project, Big Beaver Borough, **Beaver County** to receiving waters named Beaver River (001) and unnamed tributary to Beaver River (002).

NPDES Permit No. PA0097390, Sewage, **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123 is authorized to discharge from a facility located at Vekaplast STP, Marion Township, **Beaver County** to receiving waters named Connoquenessing Creek.

NPDES Permit No. PA0216241, Sewage, **J. V. Rigging, Inc.**, Box 4097, 740 Greensburg Road, New Kensington, PA 15068 is authorized to discharge from a facility located at J.V. Rigging, Inc. STP, Plum Borough, **Allegheny County** to receiving waters named unnamed tributary of Pucketa Creek.

NPDES Permit No. PA0217476, Sewage, **Edward L. Soloski**, 301 South Jefferson Street, Kittanning, PA 16201 is authorized to discharge from a facility located at the Audubon Estates Sewage Treatment Plant, East Franklin Township, **Armstrong County** to receiving waters named unnamed tributary to Glade Run.

NPDES Permit No. PA0217654, Sewage, **Seward-St. Clair Township Sanitary Authority**, P. O. Box 494, Seward, PA 15954 is authorized to discharge from a

facility located at Sugar Run Sewage Treatment Plant, St. Clair Township, **Westmoreland County** to receiving waters named Conemaugh River.

Permit No. 0471424-A1, Sewerage, **Department of Conservation and Natural Resources, Bureau of State Parks**, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. Modifications of existing sewage pumping station and wastewater treatment plant located in Hanover Township, **Beaver County** to serve Raccoon Creek State Park Pump Station and Wastewater Treatment Plant.

Permit No. 2602401, Sewerage, **Connellsville Municipal Authority**, P. O. Box 925, Connellsville, PA 15425. Construction of Sanitary Relief Sewer located in City of Connellsville, **Fayette County** to serve the Davidson Avenue/Sycamore Street Sanitary Relief Sewer.

Permit No. 6302401-A1, Sewerage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. Construction of interceptor modifications located in Peters Township, **Washington County** to serve Valley Brook Interceptor Service Area.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2002403, Sewerage, **Charles C. and Shelley A. Voll**, 20252 Westhaven Lane, Rocky River, OH 44116. This proposed facility is located in Beaver Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence to Middle Branch Conneaut Creek.

WQM Permit No. 2002404, Sewerage, **Thomas G. Herrmann**, 7179 Linesville Road, Hartstown, PA 16131. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence to an unnamed tributary to Shenango River.

WQM Permit No. 4301426, Sewerage, **Thomas E. and Garnet L. Johnson**, 127 Pitts Road, Jamestown, PA 16134. This proposed facility is located in Greene Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence to a tributary to Shenango River.

WQM Permit No. 3702403, Sewerage, **James D. Welker**, R. R. 3, Box 87, New Castle, PA 16105. This proposed facility is located in Neshannock Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a single residence discharge to an unnamed tributary to Shenango River.

WQM Permit No. 2002405, Sewerage, **Ralph E. and Janet M. Payne**, 25938 Eureka Road, Edinboro, PA 16412. This proposed facility is located in Cussewago Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to an unnamed tributary to Cussewago Creek.

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10D075-R	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	Bucks	Northampton Township	Churchville Reservoir TSF
PAS10G486	Michael D. Smith 3393 Sanatoga Road Pottstown, PA 19426	Chester	North Coventry Township	Unnamed tributary of Schuylkill River
PAS10J056	Rivertown Developers, LP 1200 River Road Conshohocken, PA 19428	Delaware	City of Chester	Delaware River WWF

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 & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Valley and Caln Townships Chester County	PAR10G478	Realen Homes 1040 Stoney Hill Road Yardley, PA 19067	West Branch Brandywine Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Penn Township Chester County	PAR10G454	Fred Ham 316 Schoolhouse Road West Grove, PA 19390	West Branch White Clay Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Marlborough Township Chester County	PAR10G476	School House Lane 1595 Paoli Pike West Chester, PA 19380	Tributary to East Branch Red Clay Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Sadsbury Township Chester County	PAR10G475	Airport Industrial Mall 204 Bentley Drive East Fallowfield, PA	Buck Run/West Branch Brandywine Creek TSF, WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
London Grove Township Chester County	PAR10G474	Elizabeth Schellenger 452 North Guernsey Road West Grove, PA 19390	Tributary to East Branch White Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Schwenksville Borough Montgomery County	PAR10T848	Perkiomen Valley School District 3 Iron Bridge Drive Collegeville, PA 19426	Perkiomen Creek WF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Skippack Township Montgomery County	PAR10T839	Rotelle Builders 219 Niantic Road Barto, PA 19504	Unnamed tributary to Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Northampton County City of Bethlehem Lower Saucon Township	PAR10U181	Frederick Kaczor UGI Utilities, Inc. 2121 City Line Road Bethlehem, PA 18017	Saucon Creek CWF	Northampton County Conservation District (610) 746-1971
Northampton County City of Bethlehem Lower Saucon Township	PAR10U181	Carl Myers UGI Energy Services, Inc. 1100 Berkshire Blvd. Suite 305 Wyomissing, PA 19610	Saucon Creek CWF	Northampton County Conservation District (610) 746-1971
Northampton County Upper Mt. Bethel Township	PAR10U174	Stephen Setar Upper Mt. Bethel Dev. Corp. P. O. Box 73 Stroudsburg, PA 18360	Slateford Creek Bridge T734 to Mouth CWF Jacoby Creek CWF	Northampton County Conservation District (610) 746-1971
Schuylkill County Tremont and Frailey Townships	PAR105815	Rausch Creek North Rausch Creek Motorsports Garrett Group L. P. 978 Gap Street Valley View, PA 17983	Lower Rausch Creek CWF	Schuylkill County Conservation District (570) 622-3742

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
North Heidelberg Township Berks County	PAR10C415	Gel-Bare Farms Ernest Gelsinger 482 Kricks Mill Rd. Robesonia, PA 19551	UNT to a tributary of Tulpehocken Creek WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533-0520 (610) 372-4657
South Hanover Township Dauphin County	PAR10I125-R1	AACA Museum Inc. 501 West Governor Road Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
South Hanover and West Hanover Townships Dauphin County	PAR10I299	Caring Community Church of God 101 W. Granada Ave. Hershey, PA 17033	Beaver Creek Kellock Run	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
North Cornwall Township Lebanon County	PAR10P180	Mill Bridge Dev. P. Henry Yingst, President 411 Chestnut Street Lebanon, PA 17042	Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Armstrong City East Franklin Township	PAR10B047	Pennsylvania Department of Transportation 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701	Limestone Run WWF	Armstrong County Conservation District (724) 548-3425
Beaver County Aliquippa City	PAR100287	Beaver County Corporation Economic Development Jim Palmer 250 Insurance Street Suite 300 Beaver, PA 15009	Ohio River WWF	Beaver County Conservation District (724) 774-7090
Beaver County Brighton Township	PAR100295	Four Way Properties Ltd. Partnership c/o Lewis Pappan 1198 Mulberry Street Bridgewater, PA 15009	UNT Bradys Run TSF	Beaver County Conservation District (724) 774-7090
Fayette County German and Luzerne Townships	PAR10L079	Texas Eastern Transmission, L.P. 540 Westheimer Court Houston, TX 77056	Middle Run WWF Browns Run WWF	Fayette County Conservation District (724) 438-4497
Washington County West Finley Township	PAR10W208	Columbia Gas Transmission 950 Manifold Road Washington, PA 15301	Spottedtail Run WWF UNT to Robinson Run WWF	Washington County Conservation District (724) 228-6774
Butler County Cranberry Township	PAR10E184	W&H Construction, Inc. 4243 Hunt Road Cincinnati, OH 45242	Unnamed tributary to Brush Creek WWF	Butler County Conservation District (724) 284-5270
Erie County Millcreek Township	PAR10K195	Department of Conserva- tion and Natural Re- sources Presque Isle State Park P. O. Box 8510 Erie, PA 16505-0510	Unnamed tributary to Lake Erie WWF, MF	Erie County Conservation District (814) 796-6700

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Mercer County West Salem Township	PAR104378	David Eichenlaub Skyline Development P. O. Box 806 Indianola, PA 15051	Unnamed tributary to Booth Run WWF	Mercer County Conservation District (724) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Town of Bloomsburg Columbia County	PAR204819	Kawneer Co., Inc. 500 East 12th Street Bloomsburg, PA 17815	Neals Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
West Chillisquaque Township Northumberland County	PAR804817	Milton Transportation Inc. P. O. Box 355 Milton, PA 17847	Storm drain to West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Somerset Township Somerset County	PAR206132	Somerset Foundry & Machine Co. 809-831 S. Edgewood Ave. Somerset, PA 15501	East Branch	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Somerset Township Washington County	PAR706120	Better Materials Corp. Dunningsville Plant 339 Somerset Drive Eighty Four, PA 15330	North Branch of Pidgeon River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Paint Township Clarion County	PAR708312	IA Construction Corporation P. O. Box 290 Homer City, PA 15748	Unnamed tributary of Clarion River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Warren Warren County	PAR808312	Crossett, Inc. P. O. Box 946 Warren, PA 16365-2867	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of New Castle Lawrence County	PAR238330	Consolidated Container Company Double R Plastics 5605 N. Mac Arthur Blvd. Suite 360 Irving, TX 75038	Neshannock Creek to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oil City Venango County	PAR238329	Consolidated Container LLC Continental Plastic Containers Plant 65 5605 N. MacArthur Blvd. Suite 360 Irving, TX 75038	Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Hempfield Township Mercer County	PAR608338	Frank Crash Auto Wrecking 480 Mercer Road Greenville, PA 16125	Unnamed feeder to the Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAR608339	Frank Crash Auto Wrecking 31 Conneaut Lake Road Greenville, PA 16125	Little Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Bradford Township McKean County	PAR808314	Crossett, Inc. P. O. Box 946 Warren, PA 16365-2867	Rutherford Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Township Mercer County	PAR808303	Hovis Trucking Company Inc. P. O. Box 550 Grove City, PA 16127	Unnamed tributary to Wolf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Girard Borough Erie County	PAR158302	Beaver Paint Company 710 Beaver Road Girard, PA 16417	Unnamed tributary to Elk Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Franklin County Letterkenny Town- ship	PAG043584	Lynn E. Myers 699 Wise Drive Wilmore, KY 40390	Lehman Run WWF	DEP—SCRO Water Management 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Anthony Township Lycoming County	PAG044949	Duane Martzall 3290 Pine Run Road Linden, PA 17744	Pine Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Huston Township Centre County	PAG044929	Clark A. and Kathy M. Reese 801 Silverdale Road Julian, PA 16844	UNT to Mudlick Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Beaver Township Crawford County	PAG048808	Charles C. and Shelley A. Voll 20252 Westhaven Lane Rocky River, OH 44116	Middle Branch Conneaut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
South Shenango Township Crawford County	PAG048809	Thomas G. Herrmann 7179 Linesville Road Hartstown, PA 16131	Unnamed tributary to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Glade Township Warren County	PAG048457	Donald E. Shinn 736 Cobham Park Road Warren, PA 16365-4420	Glade Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Erie County	PAG048459	Dennis P. Borczon and Mary Anne Albaugh 6155 Bridlewood Drive Fairview, PA 16415	Bear Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Mercer County	PAG048452	Eugene N. Cianci 185 Williamson Road Greenville, PA 16125	Unnamed tributary to Little Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048405	Michael D. Holman 13771 Arneman Road Edinboro, PA 16412	Unnamed tributary to Conneauttee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Mercer County	PAG048782	Thomas E. and Garnet L. Johnson 127 Pitts Road Jamestown, PA 16134	Tributary to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048440	Jeffrey L. Groft P. O. Box 45 Venus, PA 16364-0045	Unnamed tributary to East Sandy Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Neshannock Township Lawrence County	PAG048804	James D. Welker R. R. 3, Box 87 New Castle, PA 16105	Unnamed tributary to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cussewago Township Crawford County	PAG048812	Ralph E. and Janet M. Payne 25938 Eureka Road Edinboro, PA 16412	Unnamed tributary to Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048811	Ellen J. Cullen 9544 Old Waterford Road Erie, PA 16509	Unnamed tributary to Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG048465	Mark J. Corey 5845 Jordan Road Erie, PA 16510	Unnamed tributary to Fourmile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048461	Harry L. Evanoff 9324 Thelma Drive Erie, PA 16510-5132	Unnamed tributary of Four Mile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Walt's Best Gas Station 930 Old Berwick Road Bloomsburg, PA 17815 Town of Bloomsburg Columbia County	PAG054823	Walter Shoeman, Jr. 930 Old Berwick Road Bloomsburg, PA 17815	Kinney Run	Northcentral Regional Office 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 321-6550

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
Penn Township York County	PAG083506	Penn Township WWTP 20 Wayne Avenue Hanover, PA 17331-3313	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Southampton Township Franklin County	PAG083507	Shippensburg Borough WWTP 963 Avon Drive Shippensburg, PA 17257	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Middlesex Township Cumberland County	PAG083570	Borough of Carlisle Carlisle Region Water Pollution Control Facility 53 West South Street Carlisle, PA 17013	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
Ramer 2 Farm Biosolids Site Buffington Township Indiana County	PAG086106	City of Johnstown 241 Asphalt Road Johnstown, PA 15906	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Ramer 3 Farm Biosolids Site Buffington Township Indiana County	PAG086106	City of Johnstown 241 Asphalt Road Johnstown, PA 15906	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
District Township Berks County	PAG093539	George Benjamin 112 Merkle Road Bechtelsville, PA 19502	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
East Hanover Township Dauphin County	PAG093504	Walter's Septic Service R. D. 2 Box 4240 Grantville, PA 17028	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
Craig Farm Biosolids Site Plumcreek Township Armstrong County	PAG096110	J & D Septic Service Inc. P. O. Box 28 Elderton, PA 15736-0028	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Juniata County Monroe Township	PAG123554	Scott Ehrisman R. R. 1, Box 606 Richfield, PA 17086	Cocolamus Creek TSF	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.

Operations Permit issued to **Pennsylvania-American Water Company**, 4 Wellington Boulevard, Wyomissing, PA 19610, PWSID #1460046, Limerick Township,

Montgomery County on May 29, 2002, for the operation of facilities approved under Construction Permit #4600508.

Operations Permit issued to **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912 PWSID #1090137, Buckingham Township, **Bucks County** on May 29, 2002, for the operation of facilities approved under Construction Permit #0900505.

Operations Permit issued to **Philadelphia Suburban Water Company** PWSID #1460073, Tincum Township, **Delaware County** on May 21, 2002, for the operation of facilities approved under Construction Permit #2300504.

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

Operations Permit issued to **Greenwaltz Water Co.**, 2521 Delabole Road, Bangor, PA 18013, PWS #3486479, Washington Township, **Northampton County**, on May 30, 2002, for the operation of facilities approved under Construction Permit # N/A.

Operations Permit issued to **Great Spring Waters of America, Inc.**, 405 Nestle Way, Breinigsville, PA 18031, PWS #3396420, Stroud Township, **Monroe County**, on May 21, 2002, for the operation of facilities approved under Construction Permit #4501504.

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

Permit No. 4146292-Amendment 14, Public Water Supply.

Applicant	Danone Waters of North America Inc. One Aqua Penn Drive Milesburg, PA 16853
Township	Boggs Township
County	Centre
Type of Facility	PWS
Consulting Engineer	Sweetland Engineering & Assoc., Inc. 600 Science Park Road State College, PA 16803

Permit to Construct May 24, 2002
Issued

Permit No. 3614, Public Water Supply.

Applicant **State College Borough Water Authority**
1201 West Branch Road
State College, PA 16801

Township Harris Township

County **Centre**

Type of Facility PWS—Well #2, a steel storage tank and chlorination of Well #2

Permit to Operate May 17, 2002
Cancelled

Permit No. 4685, Public Water Supply.

Applicant **State College Borough Water Authority**
1201 West Branch Road
State College, PA 16801

Township Harris Township

County **Centre**

Type of Facility PWS—Well #4 and chlorination of Well #4

Permit to Operate May 17, 2002
Cancelled

Permit No. 6407, Public Water Supply.

Applicant **State College Borough Water Authority**
1201 West Branch Road
State College, PA 16801

Township Harris Township

County **Centre**

Type of Facility PWS—Well #6

Permit to Operate May 17, 2002
Cancelled

Permit No. Minor Amendment, Public Water Supply.

Applicant **Galeton Borough Authority**
2 Sherman Street
Galeton, PA 16922

Township West Branch Township

County **Potter**

Type of Facility PWS—3,500 feet of 8-inch transmission main

Consulting Engineer Larson Design Group, Inc.
P. O. Box 487
1000 Commerce Park Drive
Williamsport, PA 17703-0487

Permit to Construct May 13, 2002
Issued

Permit No. 4101501, Public Water Supply.

Applicant **Hidden Valley Mobile Home Park**
c/o Vernon Pettengill, Owner
Box 133
Linden, PA 17744

Township Woodward Township

County **Lycoming**

Type of Facility PWS—operation of three greensand filters with potassium permanganate chemical feed

Permit to Operate May 20, 2002
Issued

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 5600509, Public Water Supply.

Applicant **Confluence Borough Municipal Authority**
P. O. Box 6
Confluence, PA 15424

Borough or Township Confluence Borough

County **Somerset**

Type of Facility Production well, backup well and well water treatment facility

Consulting Engineer L. Robert Kimball and Associates

Permit to Construct June 19, 2001
Issued

Permit No. 6302502, Public Water Supply.

Applicant **Pennsylvania American Water Company**
P. O. Box 1290
300 Galley Road
McMurray, PA 15317

Borough or Township Chartiers Township

County **Washington**

Type of Facility Gretna Road Finished Water Booster Pump Station

Permit to Construct May 23, 2002
Issued

Operations Permit issued to **Central City Water Authority**, 241 Sunshine Avenue, Central City, PA 15926, PWSID #4560045, Shade Township, **Somerset County** on May 28, 2002, for the operation of facilities approved under Construction Permit #5600508.

Permit No. 5699502, Minor Amendment, Public Water Supply.

Applicant **Confluence Borough Municipal Authority**
P. O. Box 6
Confluence, PA 15424

Borough or Township Confluence Borough
Lower Turkeyfoot and Addison Townships

County **Somerset**

Type of Facility Water system improvements

Consulting Engineer L. Robert Kimball and Associates

Permit to Construct July 23, 1999
Issued

Permit No. 5699501-T1, Minor Amendment, Public Water Supply.

Applicant **Confluence Borough Municipal Authority**
P. O. Box 6
Confluence, PA 15424

Borough or Township Lower Turkeyfoot Township

County	Somerset
Type of Facility	Liquid chemical feed system for corrosion control
Permit to Construct Issued	May 21, 2002
Permit No. 466W006-T1, Minor Amendment. Public Water Supply.	
Applicant	Confluence Borough Municipal Authority P. O. Box 6 Confluence, PA 15424
Borough or Township	Lower Turkeyfoot Township
County	Somerset
Type of Facility	Well #1
Permit to Construct Issued	May 21, 2002
Permit No. 4560033-T1, Minor Amendment. Public Water Supply.	
Applicant	Confluence Borough Municipal Authority P. O. Box 6 Confluence, PA 15424
Borough or Township	Lower Turkeyfoot Township
County	Somerset
Type of Facility	Two slow sand filters and a 12,000 gallon surge (storage) tank
Permit to Construct Issued	May 21, 2002
Permit No. 1125-T1, Minor Amendment. Public Water Supply.	
Applicant	Confluence Borough Municipal Authority P. O. Box 6 Confluence, PA 15424
Borough or Township	Confluence Borough
County	Somerset
Type of Facility	Drake Run as a source of supply, the distribution system and disinfection (germicide)
Permit to Construct Issued	May 21, 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.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WA56-535B. Succession to Water Rights. The Department has acknowledged that **Confluence Borough Municipal Authority**, Confluence Borough, **Somerset County** has given notice that it succeeded to all rights and obligations under the permit issued to the former Citizens Water Company, Confluence Borough, Somerset County on September 14, 1999.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reed Township	179 Rupp Road Halifax, PA 17032	Dauphin

Plan Description: Approval of a revision to the Official Sewage Plan of Reed Township, Dauphin County. Project involves construction of an 1,800 gpd small flow sewage treatment facility tributary to the Susquehanna River to serve five residential units and two offices at the Allen McCormack property in the Village of Benvenue. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reynoldsville Borough	460-5 Main Street Reynoldsville, PA 15851	Jefferson

Plan Description: The approved plan provides for up-grading the West Side Pump Station in accordance with the Reynoldsville Sewage Authority's Long Term Control Plan to reduce Combined Sewer Overflows. To increase flow equalization by the creation of a wet-well and to increase pumping capacity by replacing the current pneumatic ejector pods with submersible pumps. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Prompt Interim Response

Blue Bird Fabrics Corporation Site City of York, York County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has initiated a prompt interim response at Blue Bird Fabric Corporation, 600 North Hartley Street, York, York County, PA (Site). This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Site consists of a facility that is approximately one city block in size and contains four floors. The Site has remained abandoned since 1996 subsequent to the corporation's filing of Chapter 7 bankruptcy. There is limited information available regarding the operational history of the Site.

On April 26, 2002, the Department responded to the Site as a result of the discovery of numerous abandoned drums and containers inside the property. City officials

were called to the site to investigate a report of a vagrant inside the premises. Upon entering, they found numerous drums and containers throughout the building that reportedly contained acids, caustics, flammable liquids and solids. Department emergency response team members were dispatched to the Site and obtained material safety data sheets and other various site-related documentation.

The Department hired an environmental emergency contractor to over-pack leaking drums and containers, clean up spilled hazardous substances and secure the building. Several vats were also discovered in the building. Priority was given to the collection and removal of hazardous substances that were determined to be flammable. Eleven drums containing approximately 2,300 pounds of material were removed from the Site. An estimated inventory of remaining materials includes more than 200 containers (less than 1-gallon to 55-gallon capacity), which may contain hazardous substances.

The Site is located in a commercial/residential area in the City of York. Edgar Fahs Smith Middle School and Madison Elementary School are both within 1/4 mile of the Site. Although the doors to the building are currently secure, a trespasser into the buildings would be at risk to direct contact threats from the substances in the drums and various other containers. A portion of the basement in the building has an earthen floor and may have been impacted by former facility operations.

The Department has considered three alternatives for a Site response. The following are brief descriptions of these alternatives.

1. *No Action*—This alternative will involve no action by the Department at the Site and is retained as a baseline for comparison with other alternatives. Under this alternative, no further action will be taken by the Department. Abandoned drums and containers and potentially contaminated soil will remain at the Site.

2. *Removal for Disposal/Treatment of Drums and Containers*—This alternative involves taking action to sample the drums and containers, perform a waste characterization and remove and transport drums to appropriate disposal/treatment facilities.

3. *Sampling and Removal of Contaminated Soil*—A portion of the Site facility basement, where drums are present, is earthen. Characterization of soil in this area will be performed to determine if soil contamination exists above regulatory direct contact standards. Soil contamination above regulatory standards will be removed and transported for disposal/treatment.

The Department has chosen to implement Alternatives 2 and 3. Both comply with applicable, relevant and appropriate requirements, will reduce hazardous constituent concentrations below regulatory standards, remove direct contact threats and are cost effective. These alternatives are protective of human health, safety, welfare and the environment by eliminating the risk from further release of hazardous substances at the Site.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. § 6020.506(b)) and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record, which contains information about this Site and which supports the Department's decision to perform this action at the Site, is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 by contacting Ryan Kostival at (717)

705-4843. The Administrative Record can also be reviewed at the Department's York District Office, 150 Roosevelt Avenue, York, PA 17404-3333 from 8 a.m. to 4 p.m. by contacting Jane Mendoza at (717) 771-4459.

The administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on June 15, 2002, and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before September 13, 2002, by mailing them to Ryan Kostival at the previous address.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for July 31, 2002, at 7 p.m. at the Lincoln Fire Station, 800 Roosevelt Avenue, York, PA. Persons wishing to present formal oral comment at the hearing should register before 4 p.m. on July 26, 2002, by calling Sandra Roderick at (717) 705-4931.

If no person registers to present oral comments, by July 26, 2002, the hearing will not be held, but will be replaced with an informational meeting. Persons interested in finding out if the hearing will be held, should contact Sandra Roderick at the previous number.

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 call Sandra Roderick at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 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:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Lancaster County Central Park Shuts Environmental Library, West Lampeter Township, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of Lancaster County Department of Parks and Recreation, 950 Eshelman Mill Road, Lancaster, PA 17602-1206, submitted a final report concerning remediation of site soils and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to the Statewide Health standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Newberry Rail Yard—SEDA-COG, City of Williamsport, **Lycoming County**. Converse Consultants, 2738 West College Avenue, State College, PA 17837, on behalf of SEDA-COG, R. R. 1, Box 372, Lewisburg, PA 17827, has a Remedial Investigation Report and a Final Report concerning remediation of soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs and PAHs. These reports are intended to document remediation of the site to meet 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 refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or 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:

Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Former Liquid Carbonic Industries Corporation, Laurel Run Borough, **Luzerne County**. John Walker, P.G., Project Director, INTEX Environmental Group, Inc., 6205 Easton Road, Pipersville, PA 18947 submitted a Final Report (on behalf of Relay Service Praxair, Inc., P. O. Box 237, Industrial Drive, Keasbey, NJ 08832) concerning the characterization and remediation of site soils and groundwater found or suspected to have been contaminated with petroleum hydrocarbons, metals, PCBs, solvents and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved on May 6, 2002.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Knipe Estate, Cumru Township, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Knipe Estate, c/o Allfirst Trust, 110 South Paca Street, Mail Code 109-742, Baltimore, MD 21210, submitted a final report concerning remediation of site soils contaminated with lead, BTEX and PAHs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on May 28, 2002.

Diesel Spill Area at Junction of Routes 222 and 30, City of Lancaster, **Lancaster County**. ECS Claims Administrators, LLC, 520 Eagleview Boulevard, P. O. Box 616, Exton, PA 19341-0636, submitted a final report within 90 days of release concerning remediation of site soils contaminated with PHCs. The final report did not demonstrate attainment of the Statewide Health standard and was disapproved by the Department on May 29, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PAD987335379, Babcock & Wilcox Company, 20 S. Van Buren Ave, P. O. Box 351, Barberton OH, 44203.

Post-closure care of a hazardous waste landfill in Koppel and Big Beaver Boroughs, **Beaver County**. Permit issued in the Regional Office on May 31, 2002.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 100904, Centre County Solid Waste Authority, R. R. 2 Box 501, Bellefonte, PA 16823-9802, for the Dale Summit Transfer Station located in College Township, **Centre County**. Permit issued for a Radiation Protection Action Plan. The permit was issued by the Williamsport Regional Office on May 31, 2002.

Persons interested in reviewing the permit may contact John C. Hamilton, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 300845, Meadville Redi Mix Concrete Inc., R. R. 6 Box 418, Meadville, PA 16335-8605, East Fairfield Township, **Crawford County**. Renewal of the facility's operating permit and modification for landfill expansion and implementation of Radiation Protection Plan. The permit was issued by the Northwest Regional Office on May 17, 2002.

Persons interested in reviewing the general permit may contact A. Patrick Boyle, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

GP-65-00207: Omnova Solutions, Inc. (1001 Chambers Avenue, Jeannette, PA 15644) on May 31, 2002, for construction and operation of two Industrial Combustion Co., Model No. LNDG-145P-30 natural gas-fired boilers with flue gas recirculation rated at 12.5 mmBtu/hr under GP-1 at the Jeannette Plant in Jeannette, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

33-152: Dominion Transmission, Inc.—Stoney Run Station (Route 36, Boomersville, PA 15767) on May 31, 2002, for operation of a natural gas production facility in Gaskill Township, **Jefferson County**.

24-123: Superior Greentree Landfill (635 Toby Road, Kersey, PA 15846) on May 31, 2002, for operation of a portable mineral processing plant in Fox Township, **Elk County**.

43-293: Atlas Resources, Inc.—Garvis Compressor Station (275 Centertown Road, Grove City, PA 16127) on May 31, 2002, for the operation of a natural gas production facility in Grove City, **Mercer 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.

46-0224: Harleysville Mutual Insurance Co. (355 Maple Avenue, Harleysville, PA 19438) on May 31, 2002, for operation of two emergency generators in Lower Salford Township, **Montgomery County**.

09-0073A: Leonard Kunkin Associates (Cherry Lane, Souderton, PA 18932) on May 31, 2002, for operation of two blasting booths in Newtown Borough, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

36-03136A: K and M Woodworking (82 South Groffdale Road, Leola, PA 17540) on May 29, 2002, for construction of three paint spray booths controlled by a dry arrestor and fiberglass filter pads in Upper Leacock Township, **Lancaster County**.

67-05069B: CEMEX, Inc. (P. O. Box 220, Thomasville, PA 17364) on May 24, 2002, for installation of three bin vent dust collectors at its Thomasville facility in Jackson Township, **York County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

04-00446D: AES Beaver Valley, LLC (394 Frankfort Road, Monaca, PA 15061) on May 28, 2002, for installation of #5 air low NOx firing system at the Beaver Valley Cogeneration Plant in Potter Township, **Beaver County**.

30-00143A: Dana Mining Co. of PA, Inc. (P. O. Box 1209 Morgantown, WV 26507) on May 28, 2002, for construction of a coal screening plant in Dunkard Township, **Green County**.

63-00016B: Allegheny Energy Supply Co., LLC (4350 Northern Pike, Monroeville, PA 15146) on May 31, 2002, for installation of low NOx burners on Boiler 33 at Allegheny Energy Supply Mitchell facility in Union Township, **Washington County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.

61-193B: National Fuel Gas—Henderson Station (Route 965, Summerville, PA 15864) on May 21, 2002, for installation of a control device in Mineral Township, **Venango County**.

25-994A: Advanced Mold Technologies, Inc. (2004 West 16th Street, Erie, PA 16505) on May 28, 2002, for construction of a plating process in Erie, **Erie County**.

16-035A: The Commodore Corp. (Route 66 North, Clarion, PA 16214) on May 24, 2002, for operation of various sources in Clarion, **Clarion 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.

15-0095B: Longwood Gardens, Inc. (401 East Street Road, Kennett Square, PA 19348) on June 3, 2002, for operation of two 800 kW emergency generators in East Marlborough Township, **Chester County**.

15-0086A: Bakery Feeds, Inc. (97 Westbrook Drive, Honey Brook, PA 19344) on June 3, 2002, for operation of a regenerative thermal oxidizer in Honeybrook Township, **Chester County**.

09-0035B: Coltec Industrial Products, Inc. (23 Friends Lane, Newtown, PA 18940) on June 3, 2002, for operation of a PTFE manufacturing line lubricant in Newtown Township, **Bucks County**.

23-0024A: Hanson Aggregates PA, Inc. (523 West Forge Road, Glen Mills, PA 19342) on June 3, 2002, for operation of an aeropulse baghouse in Middletown Township, **Delaware County**.

46-0024: McNeil Consumer and Specialty Pharmaceuticals (7050 Camp Hill Road, Fort Washington, PA 19034) on June 3, 2002, for operation of a dust collection system in Whitmarsh Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.

22-301-058: Department of Agriculture (2301 North Cameron Street, Harrisburg, PA 17110) on May 15, 2002, for construction of an animal health laboratory multichambered incinerator, controlled by a Venturi Wet Scrubber and a mist eliminator in Susquehanna Township, **Dauphin County**. This plan approval was extended.

36-05015B: Dart Container Corp. of PA (60 East Main Street, P. O. Box 546, Leola, PA 17540-0546) on May 25, 2002, for modification of the direct injection foam processing operation at its Leola Plant in Upper Leacock Township, **Lancaster County**. 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.

32-055C: EME Homer City Generation L.P. (1750 Power Plant Road, Homer City, PA 15748) on May 23, 2002, for installation of Units 1—3 at Homer City Station in Center Township, **Indiana 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.

25-035A: Molded Fiber Glass Co. (55 Fourth Avenue, Union City, PA 16438) on May 30, 2002, for a surface coating process in Union City, **Erie County**.

37-023C: Orion Power Midwest—New Castle Plant (SR 168 South, West Pittsburg, PA 16160-0325) on May 31, 2002, for a selective noncatalytic reduction system on boilers nos. 3—5 in Taylor Township, **Lawrence County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

41-00018: Springs Window Fashions L.P. (8601 Route 405, Montgomery, PA 17752) on May 3, 2002, for the change of ownership of the Montgomery Plant in Montgomery Borough, **Lycoming County** from Springs Window Fashions Division, Inc. to Springs Window Fashions L.P. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. This is Revision No. 1.

49-00019: Sunoco Partners Marketing and Terminals L.P. (1801 Market Street—26/10 PC Philadelphia, PA 19103-1699) on April 5, 2002, for the change of ownership of the Northumberland Terminal in Point Township, **Northumberland County** formerly owned by Atlantic Refining and Marketing Corp. and operated by Sunoco Inc. (R and M). This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

47-00002: Great Dane L.P. (R. R. 8, Box 281, Danville, PA 17821) on April 12, 2002, for the change of ownership of the Danville facility in Limestone Township, **Montour County** formerly owned by Strick Corp. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

18-00001: Columbia Gas Transmission Corp. (P. O. Box 1273, Charleston, WV 25325) on May 16, 2002, to extend the stack test deadline for three natural gas transmission engines until October 31, 2002, at the Renovo Station in Chapman Township, **Clinton County**. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. This is Revision No. 1.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

42-00174: McKean County Solid Waste Authority Landfill (LR 42034 Hutchins Road, Sergeant, PA 16740) on May 24, 2002, for the landfill in Sergeant Township, **McKean County**. The facility's air emission sources are the landfill and the enclosed and temporary vent flare and a 30,000-gpd-leachate treatment plant with associated controls.

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.

22-05038: Prudential Insurance Co. of America (Two Ravinia Drive, Suite 1400, Atlanta, GA 30346) on May 31, 2002, for operation of its gas and No. 4 oil fired boilers at the Harrisburg East Mall in Swatara Township, **Dauphin County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637

41-00004: Rochelle Furniture (Thomas Avenue, Montgomery, PA 17752) on May 23, 2002, for their wood furniture manufacturing facility in Montgomery Borough, **Lycoming County**. The facility's main sources include a natural gas fired boiler, seven coating dip tanks, two coating spray booths, cleaning operations and woodworking operations. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00014: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 16, 2002, for their Asphalt Plant No. 1 and Aggregates Plant No. 2 in Spring Township, **Centre County**. The facility's main sources include a drum mix asphalt concrete plant, a limestone crushing plant consisting of a primary, secondary and portable crushing operation and unpaved roadways. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00047: Furman Foods, Inc. (P. O. Box 500, Cannery Road, Northumberland, PA 17857-0502) on May 10, 2002, for operation of their vegetable canning facility, which includes two natural gas/# 2 fuel oil fired boilers, one #2 fuel oil fired boiler and one diesel emergency generator in Point Township, **Northumberland County**. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

59-00010: Eagle Family Foods, Inc. (125 East Avenue, Wellsboro, PA 16901) on May 22, 2002, for operation of their cream canning facility, which includes two natural gas/# 2 fuel oil fired boilers, one #2 fuel oil fired boiler, one natural gas fired steam generator and one sugar unload silo in Wellsboro Borough, **Tioga County**. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

33-00085: Symmco Inc.—Sykesville Plant (101 South Park Street, P. O. Box F, Sykesville, PA 15865) issued a Natural Minor Operating Permit May 24, 2002, for operation of the facility's air contamination sources consisting of a three gas fired sintering furnaces and five electric sintering furnaces in Sykesville Borough, **Jefferson 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.

Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.

09-00073: Leonard Kunkin Associates, Inc. (Box 47, Lexington, PA 18932) has been issued an amended Title V Operating Permit to address issues of an appeal on October 15, 2001, for their facility in Lexington, **Berks County**. The requirements for the monitoring and recording of hours of operation have been removed from the space heaters. The testing requirement has been changed to testing the worst-case mix for each as applied coating to show compliance with limits in 25 Pa. Code § 129.52. One site level requirement was removed to clarify the date in which the facility has to submit the Compliance Certification Form to the EPA and the Department.

15-00026: American Inks and Coatings Corp. (330 Pawling Road, Valley Forge, PA 19482) has been issued an amended Title V Operating Permit to incorporate issues that were brought about by an appeal on September 26, 2001, for their facility in Valley Forge, **Chester County**. Changes were made to capacities to boilers and two-roll mills. Limits from a previous permit were added. Changes were made to the monitoring and record keeping requirements for the boilers, the two-roll mills and the storage tanks. Only natural gas is used in the boilers and water heater at the facility so references to monitoring and recording No. 2 Fuel Oil were removed. A specialty coating process that has gone from the plan approval stage to an operating permit was added to the Title V.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

43-00310: Duferco Farrell Corp. (15 Roemer Blvd., Farrell, PA 16121) on May 24, 2002, to incorporate conditions from Plan Approval 43-310E (#21/22 Coil and Annealing Furnace Shop) into their Title V Operating Permit originally issued on July 14, 2000, in Farrell, **Mercer County**. This is an administrative amendment.

43-00310: Duferco Farrell Corp. (15 Roemer Blvd., Farrell, PA 16121) on May 24, 2002, to incorporate Plan Approval 43-310C (#4 Tandem Mill) and 43-310D (#7 Pickle Line) into their Title V Operating Permit originally issued on July 14, 2000, in Farrell, **Mercer County**. This is a minor modification.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

65-00792: AMI Doduco, Inc. (1003 Corporate Lane, Export, PA 15632) will increase particulate emissions from the vertical sanding operation by less than 1 pound per year at Plant No. 5 in Murrysville, **Westmoreland County**. This increase in emissions has been approved by the Department as a de minimis emission increase in accordance with 25 Pa. Code § 127.449.

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.

19950102R. N & L Coal Company (1380 Tioga Street, Coal Township, PA 17866-3855), renewal of an existing anthracite surface mine, coal refuse reprocessing and disposal operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 961.3 acres, receiving stream: none. Application received February 14, 2002. Renewal issued May 30, 2002.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17000111 and NPDES Permit No. PA 0243019. Gregg Barrett Coal, Lot #5, Capricorn Court, Clearfield, PA 16830. Revision to an existing bituminous surface mine permit for a change in permit acreage from 47.5 to 57.3 acres. The permit is located in Ferguson Township, **Clearfield County**. Receiving streams: unnamed tributaries to Watts Creek and Watts Creek to the West Branch of the Susquehanna River. Application received February 20, 2002. Permit issued May 29, 2002.

17000106 and NPDES Permit No. PA 0242934. G & S Timber, Inc., R. R. 3, Box 213, Clearfield, PA 16830. Revision to an existing bituminous surface mine permit, located in Bigler Township, **Clearfield County**, for a change in land use from forestland to unmanaged natural habitat. Application received April 8, 2002. Permit issued May 30, 2002.

Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.

65920104 and NPDES Permit No. PA0201545. Albert F. Stiffler (141 Locust Road, P. O. Box 42-C, Normalville, PA 15469). Transfer of permit formerly issued to Mehalic Brothers for continued operation and reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting

100 acres. Receiving streams: unnamed tributaries to Welty Run. Application received February 28, 2002. Transfer permit issued May 30, 2002.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

32841302. NPDES Permit #PA0007803, Pennsylvania Mines, LLC (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Greenwich No. 1 and No. 1 Mine in Green and Susquehanna Townships, **Indiana and Cambria Counties**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued May 23, 2002.

32841317. NPDES Permit #PA0037109, Helvetia Coal Co. (P. O. Box 219, Shelocta, PA 15774), to renew the permit for the Lucerne No. 9 Mine in Young and Conemaugh Townships, **Indiana County** to, for reclamation only, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued April 23, 2002.

Noncoal Permits Actions

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

7574046C5 and NPDES Permit #PA0613029. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809), renewal of NPDES Permit in Southampton Township, **Cumberland County**, receiving stream: unnamed intermittent stream to Green Spring Creek. Application received April 15, 2002. Renewal issued May 28, 2002.

6477SM4A1C3 and NPDES Permit #PA0612677. John F. Walter Excavating, Inc. (P. O. Box 175, Newville, PA 17241), renewal of NPDES Permit in Middlesex Township, **Cumberland County**, receiving stream: unnamed tributary to Condoguinet Creek. Application received April 1, 2002. Renewal issued May 29, 2002.

Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.

17020801. Michael Buhler, 148 Grant Road, Ridgway, PA 15853. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Huston Township, **Clearfield County** affecting 2 acres. Receiving streams: Horning Run, tributary to Bennetts Branch. Application received February 6, 2002. Permit issued May 29, 2002.

08020802. Robert D. English, R. R. 1, Box 1116, Laceyville, PA 18623. Commencement, operation and restoration of a Small Industrial Mineral (Bluestone) permit in Tuscarora Township, **Bradford County** affecting 1 acre. Receiving streams: Tuscarora, tributary to Susquehanna River. Application received March 13, 2002. Permit issued May 29, 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.

21024032. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Middlesex Township, **Cumberland County** with an expiration date of May 31, 2003. Permit issued May 29, 2002.

38024013. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Anville Township, **Lebanon County** with an expiration date of September 6, 2002. Permit issued May 29, 2002.

67024013. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of May 31, 2003. Permit issued May 29, 2002.

46024027. J. D. Morrissey (9119 Frankford Avenue, Pittsburgh, PA) and **Austin Powder** (P.O. Box 289, Northampton, PA 18067), construction blasting in Whitmarsh Township, **Montgomery County** with an expiration date of September 14, 2002. Permit issued May 29, 2002.

45024030. Rick Rufe Drilling & Blasting (R. R. 6 Box 6360D, Saylorsburg, PA 18353) and **Austin Powder** (P.O. Box 289, Northampton, PA 18067), construction blasting in Hamilton Township, **Monroe County** with an expiration date of July 3, 2002. Permit issued May 29, 2002.

06024028. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting in Spring Township, **Berks County** with an expiration date of July 31, 2002. Permit issued May 30, 2002.

09024015. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Warrington Township, **Bucks County** with an expiration date of June 14, 2005. Permit issued May 30, 2002.

28024015. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Antrim Township, **Franklin County** with an expiration date of August 30, 2002. Permit issued May 30, 2002.

28024016. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Washington Township, **Franklin County** with an expiration date of June 30, 2007. Permit issued May 30, 2002.

06024027. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting in Exeter Township, **Berks County** with an expiration date of June 30, 2002. Permit issued May 30, 2002.

40024008. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Hazle Town-

ship, **Luzerne County** with an expiration date of May 2, 2003. Permit issued May 30, 2002.

35024009. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Dunmore Borough, **Lackawanna County** with an expiration date of May 2, 2003. Permit issued May 30, 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 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-908. Southeastern PA Transportation Authority, 1234 Market Street, Philadelphia, PA 19107, Whitmarsh Township, **Montgomery County**, ACOE Philadelphia District.

To operate and maintain a 99 foot-long, three-span railroad bridge with a channel clearance of 15 feet supported by six 5-foot diameter caissons supported piers across Sandy Run (TSF). The pre-existing bridge No. 15.54 failed on June 17, 2001, as a result of flooding from Tropical Storm Allison. Authorization was granted to SEPTA by the Department by an Emergency Permit EP4601315, dated June 22, 2001, to remove the damaged arch bridge and replace it at the same location with a new superstructure bridge. The bridge is associated with SEPTA, R-5 line, which serves Center City Philadelphia. The project site is located approximately 800 feet west of the intersection of SR 309 ramp and Pennsylvania Avenue (Ambler, PA Quadrangle N: 1.5 inches; W: 11.6 inches).

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

E58-247. Borough of Little Meadows, P. O. Box 434, Little Meadows, PA 18801. The Borough of Little Meadows, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of Dewing Creek, consisting of a 21.0-foot x 6.25-foot concrete box culvert with its invert depressed 1.0 foot below streambed elevation. The structure is known as Little Meadows Bridge No. 2. The project includes the construction of two stormwater outfall structures (24-inch and 15-inch) along the left bank of Dewing Creek. The project is located along Cemetery Road, approximately 400 feet west of SR 0858 (Little Meadows, PA-NY Quadrangle N: 21.7 inches; W: 1.4 inches).

E40-590. Luzerne County Board of Commissioners, Luzerne County Courthouse, 200 North River Street,

Wilkes-Barre, PA 18711-1001. Hanover Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To repair and maintain an existing single-span steel girder bridge, having a span of approximately 30 feet and an underclearance of approximately 5.7 feet, across Solomon Creek. Work will include repairing the concrete bearing seat under the upstream fascia beam and restoring the rotated beam to its original position. The structure, known as County Bridge #24001, is located along Breaker Road (T-860), approximately 0.5 mile downstream of the SR 2002 crossing of Solomon Creek (Wilkes-Barre West, PA Quadrangle N: 18.4 inches; W: 8.4 inches).

E40-591. Luzerne County Board of Commissioners, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. New Columbus Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To repair and maintain an existing single-span steel pony truss bridge, having a span of 53.3 feet and an underclearance of 8.0 feet, across Pine Creek. Work will include repair of a deteriorated floor beam and stone masonry bearing seats and abutments. The structure, known as County Bridge #42504, is located along Pine Creek Road (Stillwater, PA Quadrangle N: 5.8 inches; W: 4.6 inches).

E40-592. Luzerne County Board of Commissioners, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. Hollenback Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To repair and maintain an existing single-span steel pony truss bridge, having a span of 82.1 feet and an underclearance of 13.0 feet, across Wapwallopen Creek. Work will include placement of new steel stringers to replace deteriorated beams and repair of a stone masonry backwall and bridge seat. The structure, known as County Bridge #45802, is located along T-375 (Bridge Road), approximately 0.5 mile east of the SR 3012 crossing of Wapwallopen Creek (Sybertsville, PA Quadrangle N: 10.6 inches; W: 11.3 inches).

E40-593. Luzerne County Board of Commissioners, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. Huntington Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To repair and maintain an existing single-span steel pony truss bridge, having a span of 71.2 feet and underclearance of 13.0 feet, across Huntington Creek. Work will include replacement of a deteriorated stringer and placement of additional stringers and repair of bearing seats. The structure, known as County Bridge #46016, is located along T-451 (Hubbards Flats), immediately east of the intersection of T-451 and SR 4006 (Shickshinny, PA Quadrangle N: 8.9 inches; W: 13.5 inches).

E40-594. Luzerne County Board of Commissioners, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. Sugarloaf Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To repair and maintain an existing single-span steel truss bridge, having a span of 105.0 feet and an underclearance of 12.5 feet, across Nescopeck Creek. Work will include plating the deficient lower chord mem-

bers and encasing the deteriorated floor beam in concrete. The structure, known as County Bridge #57305, is located along T-336 (Mill Hill Road), approximately 0.1 mile east of the intersection of T-336 and T-429 (Sybertsville, PA Quadrangle N: 1.4 inches; W: 14.0 inches).

E40-587. Russell L. Dado, 12 North Mountain Boulevard, Mountaintop, PA 18707. Fairview Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a building addition (having a footprint of 20 feet by 20.5 feet), associated parking areas and a stormwater outfall swale in the floodway along the left bank of Big Wapwallopen Creek. The project is located along the west side of SR 0309 (Wilkes-Barre West, PA Quadrangle N: 6.9 inches; W: 1.5 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E01-231. Eric Baker, 342 Peach Glen-Idaville Road, Gardners, PA 17324 in Tyrone and Huntington Townships, **Adams County**, ACOE Baltimore District.

To construct and maintain a 4-foot by 24-foot wooden footbridge across Bermudian Creek (WWF) (Mount Holly Springs, PA Quadrangle N: 2.9 inches; W: 12.7 inches) in Tyrone and Huntington Townships, Adams County.

E21-335. East Pennsboro Township, 98 South Enola Drive, Enola, PA 17025 in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District.

To remove an existing stream crossing and to construct and maintain: (1) a 78-foot long reinforced concrete box culvert having a clear span of 14 feet and a rise of 5.0 feet, depressed 6-inches into the streambed; (2) R-6 rock riprap at the upstream entrance and R-6 rock riprap at the downstream outlet of the culvert; (3) a 9-foot long gabion wingwall at the left bank culvert entrance and a 9-foot long concrete wingwall at the right culvert entrance; and (4) about 50 linear feet of R-8 rock riprap placed along the left downstream bank to protect the roadway embankment from erosion, all in an unnamed tributary to the Condoguinet Creek (WWF), locally known as Possum Hollow Creek, located on Magaro Road (T-625) about 0.3 mile upstream of the confluence of Possum Hollow Creek and the Condoguinet Creek (Harrisburg, PA Quadrangle N: 5.2 inches; W: 8.1 inches) in East Pennsboro Township, Cumberland County.

E36-729. HERCO, Inc., 100 W. Hersheypark Drive, Hershey, PA 17033 in East Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To remove an existing elevated pedestrian walkway not in compliance with ADA rules and regulations and to construct and maintain a 125-foot long, two span prefabricated steel bridge in compliance with current ADA rules and regulations across a manmade canal tributary to Mill Creek (CWF) at a point located within the Dutch Wonderland Amusement Park (Leola, PA Quadrangle N: 5.8 inches; W: 13.2 inches) in East Lampeter Township, Lancaster County.

E67-715. Thomas Golden, 148 Charles Street, Felton, PA 17322 in Felton Borough, **York County**, ACOE Baltimore District.

To maintain a bridge structure which was authorized and constructed using an emergency permit issued November 7, 2001, and to place riprap protection around the abutments across Pine Run (CWF) (Stewartstown, PA Quadrangle N: 19.5 inches; W: 8.9 inches) in Felton Borough, York County.

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

E14-414. Historical and Museum Commission, P. O. Box 160A, Harrisburg, PA 16827. Water Obstruction and Encroachment Joint Permit Application, in Harris Township, **Centre County**, ACOE Susquehanna River Basin District (State College, PA Quadrangle N: 5.5 inches; W: 6.25 inches).

To remove an existing footbridge and construct and maintain a 10-foot by 62-foot long steel beam, wooden decked footbridge over Spring Creek, which is located at the Pennsylvania Military Museum along SR 0322 in Boalsburg. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-417. Penns Valley Conservation Association, 249 Madisonburg Pike, Madisonburg, PA 16852. Cattle Crossings, in Penn, Haines, Gregg, Potter and Haines Townships, **Centre County**, ACOE Baltimore District (Madisonburg, PA Quadrangle N: 0.79 inch; W: 2.93 inches).

To minimize and stabilize 25 farm sites adjoining Penns Creek and its tributaries, which includes Pine Creek, with stream bank fencing and livestock crossings/drinking ramps. Permission is given initially to construct and maintain: 1) a 12-foot by 20-foot cattle crossing with associated stream bank fencing in an unnamed tributary to Pine Creek on the Roger Thoms Farm; 2) a 12-foot by 40-foot cattle crossing with associated stream bank fencing in an unnamed tributary to Pine Creek on the Jason Lehman farm; and 3) a 12-foot by 12-foot cattle crossing with associated stream bank fencing in an unnamed tributary to Pine Creek on the Jason Lehman farm as the first 3 of 25 sites. Additional farm sites may be proposed as funding becomes available. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E17-360: Pennsylvania Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. T-315 Bridge Replacement, in Burnside Township, **Clearfield County**, ACOE Baltimore District (Burnside, PA Quadrangle N: 7.9 inches; W: 3.2 inches).

To remove an existing single-span bridge and construct, operate and maintain a two-span prestressed concrete spread box beam bridge to carry T-315 across the West Branch, Susquehanna River. The two-span bridge shall be constructed with a minimum clear span along the centerline of 170.6-feet, underclearance of 14.1-feet and a skew of 77-degrees. All instream construction work for bridge shall be completed during stream low flow conditions. The project is located along the western right-of-way of SR 0219 approximately 500-feet west of T-315 and SR 0219 intersection. This permit authorizes a maximum permanent wetland impact of 0.03-acre. The 0.03-acre of permanent wetland impacts are deemed de minimis and the permittee shall not be required to mitigate the wetland impacts with replacement wetlands. The 0.019-acre of wetland and 0.067-acre of waterway that will be temporarily impacted for the bridge construction shall be fully restored. This permit also authorizes the construction, operation, maintenance and removal of temporary cofferdams and causeways. All temporary structures shall be constructed of clean rock that is free of fines. Upon completion of bridge construction, all temporary structures shall be removed with the areas of river channel and floodplain restored to original geometry, contours and elevations.

E17-364. Pennsylvania Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830, SR 4003—Section 000 Box Culvert, in Brady Township, **Clearfield County**, ACOE Pittsburgh District (DuBois, PA Quadrangle N: 10.6 inches; W: 5.0 inches).

To remove an existing structure and construct, operate and maintain a reinforced concrete box culvert to carry SR 4003, Section 000 across an unnamed tributary to Stump Creek. The precast concrete box culvert shall have a minimum span of 16-feet, rise of 5-feet and depressed 1-0 foot. The project is located along the eastern right-of-way of SR 0119 approximately 1.2-miles east of SR 4003 and SR 0119 intersection. The project will permanently impact 0.05-acre of wetland which is deemed de minimis and the permittee will not be required to mitigate the impacts with replacement wetlands.

E18-333. Department of Conservation and Natural Resources, Forest District #10, HCR 62 Box 90, Renovo, PA 17764. Small Projects Joint Permit Application, in Beech Creek and Bald Eagle Townships, **Clinton County**, ACOE Susquehanna River Basin District (Howard NW, PA Quadrangle N: 10.2 inches; W: 1.50 inches).

To remove six existing structures along various hiking trails in the Sproul State Forest and construct and maintain two 4.5 foot by 19 foot wooden bridges and a 4.5 foot by 24 foot wooden bridge over and unnamed tributary to Mill Branch, a 4.5 foot by 24 foot wooden bridge over Mill Branch, a 4.5 foot by 14 foot wooden bridge over Boiler Run and a 4.5 foot by 12 foot wooden bridge over an unnamed tributary to the North Fork of Tangascootack Creek all of which are located 7.0 miles north of Lock Haven, west of the intersection of SR 0120 and Eagleton Road, the trails of which intersect with Eagleton Road, in Beech Creek and Bald Eagle Townships, Clinton County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-338. SBA Communications Corp., 239 Main Street, Dickson City, PA 18519. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Bald Eagle Township, **Clinton County**, ACOE Susquehanna River Basin District (Mill Hall, PA Quadrangle N: 21.0 inches; W: 6.1 inches).

To construct and maintain a 190' monopole wireless communications tower located on the Clinton Country Club grounds. This project proposes to have a no impact on Bald Eagle Creek, which is, designated a WWF and does not propose to impact any jurisdictional wetlands.

E18-343. Mill Hall Agway, 76 Pennsylvania Avenue, Mill Hall, PA 17751. Mill Hall Agway storage shed, in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 19.85 inches; W: 15.00 inches).

To: 1) maintain two 6-inch by 6-inch wooden posts to support a porch roof; and 2) a 12-foot by 16-foot storage shed on wooden skids anchored to the ground, both in the 100-year floodway of Fishing Creek located 200 feet south of the Peale Avenue and Pennsylvania Avenue intersection. This permit was issued under section 105.13(e) "Small Projects."

E19-226. United States Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, PA 16801. Stream stabilization in Mount Pleasant, Scott and

Orange Townships, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 7.75 inches; W: 7.25 inches).

To construct and maintain approximately 1,500 feet of stream bank stabilization including j-hooks and cross vane structures and riparian tree planting. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-501. Keith Edler, 484 Knipe Road, Liberty, PA 16930. Water Obstruction and Encroachment Permit Application, in Pine Township, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 9.96 inches; W: 7.53 inches).

To remove and maintain a gravel bar measuring 400 feet by 92 feet in Little Pine Creek located along the northern right-of-way of SR 4001, 1.5 miles west of the intersection of SR 0287 and SR 4001. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-502. Ann McCracken, 245 Compton Road, Cincinnati, OH 45215. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Lycoming Township, **Lycoming County**, ACOE Susquehanna River Basin District (Salladasburg, PA Quadrangle N: 16.18 inches; W: 3.3 inches).

To remove an existing wooden structure and construct and maintain a 10-foot long by 3-foot high wooden structure in Little Gap Run, all of which is located 0.75 mile north of the intersection SR 0973 and T-688, in Lycoming Township, Lycoming County. This permit was issued under section 105.13(e) "Small Projects."

E55-185. Pennsylvania Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit application, in Monroe Township, **Snyder County**, ACOE Susquehanna River Basin District (Northumberland, PA Quadrangle N: 0.85 inch; W: 12.3 inches).

To perform 45 feet of streambed paving in an unnamed tributary to the Susquehanna River underneath an existing structure located on SR 0015, Segment 0090 at offset 1489. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-425. Northern Tioga School District, 110 Ellison Road, Elkland, PA. School addition in Elkland Borough, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 21.3 inches; W: 7.5 inches).

To construct, operate and maintain three building additions with a total area 70,605 square feet in the 100-year flood fringe. The intended uses are for a gymnasium, greenhouse and nurse's office. This permit was issued under section 105.13(e) "Small Projects."

E60-152: Borough of Lewisburg, 55 North Fifth Street, Lewisburg, PA 17837. Kidsburg, in Borough of Lewisburg, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 7.6 inches; W: 1.5 inches).

To operate and maintain 300 cubic yards of fill material in the floodway of Limestone Run. This permit also authorizes the construction, operation and maintenance of 200 linear feet of ornamental iron fencing along the left top of stream bank. This project is located north of the St. Louis and Sixth Streets intersection. This permit was issued under section 105.13(e) "Small Projects."

E60-153. Diane M. Houser, R. R. 1, Box 44B, Allenwood, PA 17810. Pool and fence in Floodway, in Gregg

Township, **Union County**, ACOE Baltimore District (Montoursville, PA Quadrangle N: 18.79 inches; W: 9.40 inches).

To construct and maintain 80 linear feet by 4-foot high tubular Delgard aluminum fence and a 18-foot by 36-foot inground pool within the left floodway of an unnamed tributary to White Deer Hole Creek located 4,300 feet southeast from the SR 44 and T524 intersection (Montoursville, PA Quadrangle N: 18.79 inches; W: 9.40 inches) in Gregg Township, Union County. This permit was issued under section 105.13(e) "Small Projects."

E60-154. Mark Bilger, R. R. 4, Box 92, Mifflinburg, PA 17844. Water obstruction and encroachment permit application, in West Buffalo Township, **Union County**, ACOE Susquehanna River Basin District (Mifflinburg, PA Quadrangle N: 15.09 inches; W: 9.23 inches).

To construct and maintain nine structural support piers for a 20-foot by 23-foot second floor residential addition which is located in the floodway of the North Branch of Buffalo Creek located along the northern right-of-way of T-394 in West Buffalo Township, Union County. This permit was issued under section 105.13(e) "Small Projects."

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-353, Pennsylvania Department of Transportation, District 10, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. SR 422 and SR 68 interchange, Segments 0390, 0401 Offsets 292.71, 1,937.16 across Connoquenessing Creek, in Butler and Summit Townships, **Butler County**, ACOE Pittsburgh District Saxonburg, PA Quadrangle N: 22.5 inches; W: 17.0 inches).

To conduct the following activities associated with the improvement of the SR 422 and SR 68 interchange:

1. To modify and maintain the existing four-span bridge across Connoquenessing Creek on SR 422 by widening the existing bridge piers and constructing a wider superstructure.

2. To realign the channel of Connoquenessing Creek affecting a total reach of approximately 380 feet and the mouth of a tributary to Connoquenessing Creek (Shearer Run) including the installation of a rock vane, rock j-hook vane and rock cross vane, grading of the banks and installation of riprap and natural bank stabilization measures.

3. To realign and stabilize approximately 150 feet of a tributary to Connoquenessing Creek (Shearer Run) west of Shearer Road.

E10-356, Highway Equipment Company, 22035 Perry Highway, Zelienople, PA 16063, Butler County Ravine Fill, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 22.4 inches; W: 16.2 inches).

To fill a de minimis (0.043 acre) area of two wetland areas and enclose approximately 340 feet of a tributary to Brush Creek having a contributory drainage area of less than 100 acres for the expansion of an existing Highway Equipment Company storage area west of SR 19 approximately 0.5 mile south of SR 528 (Mars, PA Quadrangle N: 22.4 inches; W: 16.2 inches) in Jackson Township, Butler County.)

E20-514, David Stone, 16238 Harmonsburg Road, Meadville, PA 16335. Mickey's Central Firestation Deck-

ing Removal/Replacement, in City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 2.6 inches; W: 3.7 inches).

To remove approximately 45 feet of the existing superstructure, repair the existing stone walls and to install and maintain a two-story wood deck superstructure at the upstream end of the existing stream enclosure having a clear span of 23 feet and an underclearance of 8 feet in Mill Run upstream of Park Avenue north of West Center Street adjacent to Mickeys Central Fire Station restaurant (Meadville, PA Quadrangle N: 2.6 inches; W: 3.7 inches) in the City of Meadville, Crawford County.

E20-516, National Fuel Gas Distribution Corporation, 1100 State Street, Erie, PA 16501. SC-621, French Creek Crossing, in Cambridge Springs Borough, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 10.2 inches; W: 8.3 inches).

To install and maintain a 4-inch-diameter natural gas pipeline across French Creek approximately 250 feet upstream of SR 1025 (Cambridge Springs, PA Quadrangle N: 10.2 inches; W: 8.3 inches) in Cambridge Springs Borough, Crawford County.

E42-290, Pennsylvania Department of Transportation, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. SR 4005, Segment 0112, Across Kendall Creek, in City of Bradford, **McKean County**, ACOE Pittsburgh District (Pittsburgh, PA Quadrangle N: 16.7 inches; W: 16.8 inches).

To remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear, normal span of 56.1 feet and a minimum underclearance of 6.76 feet across Kendall Creek on SR 4005 approximately 0.2 mile north of SR 46 (Derrick City, PA-NY Quadrangle N: 16.7 inches; W: 16.8 inches) in the City of Bradford, McKean County.

E43-296, Grove City College, 100 Campus Drive, Grove City, PA 16127, Grove City College—Rainbow Bridge Reconstruction, in Grove City Borough, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 5.8 inches; W: 11.3 inches).

To remove the existing Rainbow Bridge and to reconstruct and maintain a three-span reinforced concrete arch pedestrian bridge having two clear end spans of 26 feet and a center clear span of 38 feet and a maximum underclearance of approximately 18 feet across Wolf Creek approximately 1,000 feet upstream of East Main Street (Grove City, PA Quadrangle N: 5.8 inches; W: 11.3 inches) in Grove City Borough, Mercer County.

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of May 2002, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

NOTICES

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<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Beattie	851 Bangor Road Nazareth, PA 18064	Testing
James Bistline	61 Sunset Drive Carlisle, PA 17013	Testing
Edward Cummins	140 Walnut Street Spring City, PA 19475	Testing
Michael Cush Park House Associates	P. O. Box 273 Gilbert, PA 18331	Mitigation
Kevin Deppe	P. O. Box 987 Cherryville, PA 18035	Testing
EnviroSpec, Ltd.	100 Fourth Street Honesdale, PA 18431	Testing
Enviroquest, Inc.	1738 North Third Street Suite A Harrisburg, PA 17102	Mitigation
Paul Fletcher Alpha Energy Laboratories, Inc.	2501 Mayes Road, Suite 100 Carrollton, TX 75006	Laboratory
Adam Ginocchi	407 Jenny Lane New Castle, PA 16101	Testing
Benjamin Gromicko	501 Eland Village Phoenixville, PA 19460	Testing
Housecheck, Inc.	P. O. Box 731 Valley Forge, PA 19482	Testing
Robert Kerecz	634 West Broad Street Bethlehem, PA 18018	Testing
Mark Kuloszewski	113 Valley Street Exeter, PA 18643	Testing and Mitigation
G. Richard Lininger, Jr. Penn-Mar Services	122 Madison Avenue Waynesboro, PA 17268	Mitigation
Frank Marsico	504 Woodcrest Drive Mechanicsburg, PA 17050	Testing
William Monturano Absolute Data, Inc.	2848 South Smedley Street Philadelphia, PA 19145	Testing
Surekha Paunikar Alpha Environmental, Inc.	2430 Rosewood Lane Havertown, PA 19083	Testing
Sydney Porter	125 Argyle Road Ardmore, PA 19003	Testing
Edward Schluth	242 Newtown Road Warminster, PA 18974	Testing
Gregory Stewart G. J. Stewart	5 Franklin Street Millvale, PA 15209	Mitigation
Robert Wills	4562 Laurence Court Bensalem, PA 19020	Testing

BUREAU OF DEEP MINE SAFETY

Requests for Variance

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau), has received the following requests for variance. The following notifications contain a summary of the requests. A complete copy of a variance request may be obtained by contacting Allison Gaida at (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 a 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 (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 221(d) of the act (52 P. S. § 701-211) requires that when a ventilation interruption occurs, the mine foreman shall order the electric power to be disconnected from the affected portions of the mine and withdraw the personnel immediately from the face areas. It further provides for evacuation of personnel from the mine; and after the ventilation is restored, a thorough examination must be made before workers can return to their work.

Summary of the Request: **Penn American Coal, L.P.** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Burrell Mine**.

Summary of the Request: **Rosebud Mining Company** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has

operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Clementine Mine**.

Summary of the Request: **TJS Mining, Inc.** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Darmac #2 Mine**.

Summary of the Request: **TJS Mining, Inc.** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Darmac #3 Mine**.

Summary of the Request: **Rosebud Mining Company** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Dutch Run Mine**.

Summary of the Request: **Genesis, Inc.** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or

to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Genesis #17 Mine**.

Summary of the Request: **GM & S Coal Corporation** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Geronimo Mine**.

Summary of the Request: **Rosebud Mining Company** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Josephine #3 Mine**.

Summary of the Request: **Rosebud Mining Company** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has

operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Logansport Mine**.

Summary of the Request: **Parkwood Resources, Inc.** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Parkwood Mine**.

Summary of the Request: **Penn View Mining, Inc.** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Penn View Mine**.

Summary of the Request: **Rosebud Mining Company** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Roaring Run Mine**.

Summary of the Request: **Rosebud Mining Company** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain

electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Stitt Mine**.

Summary of the Request. **TJS Mining, Inc.** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **TJS #4 Mine**.

Summary of the Request. **Rosebud Mining Company** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Tracy Lynne Mine**.

Summary of the Request. **Rosebud Mining Company** requests a variance during the stoppage of main mine fans and the ventilation quantity is not maintained by the back-up fan system. This variance is to maintain electric power on circuits necessary to withdraw persons if located in areas or haulageways where methane is not likely to migrate or to accumulate. These electrical circuits will be de-energized as persons are withdrawn. In addition, mechanized equipment necessary to withdraw persons from the mine need not be shut off if located in areas where methane is not likely to migrate or accumulate. If ventilation is restored, the miners may stop the

evacuation in a safe location and return to work areas only after a certified person has made a thorough examination of the areas and the areas are determined to be safe. After ventilation has been restored and the fan has operated for at least 15 minutes, the examiners may use nonpermissible transportation in intake air ways to facilitate the making of the examination at the **Twin Rocks Mine**.

[Pa.B. Doc. No. 02-1059. Filed for public inspection June 14, 2002, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "May 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

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 383-3120-106. Title: Guidance for Filter Plant Performance Evaluations. Description: This guidance is written to encourage surface water treatment plants to optimize their filter performance. Recommendations, not requirements, are provided for water systems to establish optimal performance goals above and beyond regulatory requirements. The implementation of optimal performance goals are necessary to reduce the instances of waterborne disease outbreaks. Anticipated Effective Date: August 3, 2002. Comment Period Ends: July 15, 2002. Contact: Kevin Anderson at (717) 772-4018 or email at keanderson@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1060. Filed for public inspection June 14, 2002, 9:00 a.m.]

Environmental Futures Planning Process Meetings Scheduled

The Department of Environmental Protection (Department) has completed the first year of the Environmental Futures Planning Process (EFP2). EFP2 is a performance-based planning method involving Department staff and stakeholders in setting the Department's priorities and activities. EFP2 Action Plans have been developed which set forth a course for the Department to undertake over the next year.

A series of meetings have been scheduled by the Department Regional Offices at which the EFP2 Action Plans will be available for discussion. Meeting times and locations can be viewed on the Department's website <http://www.dep.state.pa.us> (directLINK "EFP2").

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1061. Filed for public inspection June 14, 2002, 9:00 a.m.]

Extension of Pennsylvania General NPDES Permit for Discharges from Gasoline Contaminated Groundwater Remediation Systems (PAG-5)

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) by this notice issues a 6-month time extension of the terms of its current General NPDES Permit for Discharges from Gasoline Contaminated Groundwater Remediation Systems (PAG-5). The current general permit is scheduled to expire June 12, 2002. The terms of the current permit are extended until December 12, 2002. The extension will be effective on June 13, 2002, and will expire December 12, 2002. The Department will continue to grant coverage under the existing general permit and enforce permit compliance in accordance with existing requirements until the general permit is reissued following the public review process.

The extension permit documents package will continue to be available from the Department's central office until it is replaced or updated. The permit documents package is on file at the Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

The package is also available on the Department's website at http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/Forms/Forms_Home.htm#NPDES_PAGs.

The package can also be obtained by calling Trudy Troutman at (717) 783-3795 or by e-mail at troutman@state.pa.us. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1062. Filed for public inspection June 14, 2002, 9:00 a.m.]

Proposed Revisions to Pennsylvania General NPDES Permit for Discharges from Gasoline Contaminated Groundwater Remediation Systems (PAG-5)

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is proposing to revise its General NPDES Permit for Discharges from Gasoline Contaminated Groundwater Remediation Systems (PAG-5) for reissuance of the General Permit for another 5 years. The current General Permit was scheduled to expire on June 12, 2002; however, by notice published at 32 Pa.B. 2947 (June 15, 2002), the expiration date was extended to December 12, 2002. The current General Permit will continue to be in force until formally revised following the public review process. The General Permit will continue to be not applicable to discharges to waters designated as "special protection" under 25 Pa. Code Chapter 93 (relating to water quality standards). Discharges are required to be covered through an individual permit.

This notice provides the public and all affected parties with a summary of changes being proposed to the general permit and seeks public comments on several program areas and/or issues. The Department will consider all input received in making the final permit documents.

The following paragraphs summarize proposed major revisions to the General Permit (PAG-5):

1. *General Edit/Update*—The revisions provide a general edit/update of all permit documents (notice of intent (NOI), instructions, fact sheet, the General Permit, discharge monitoring reports and other reporting forms) to reflect the Department's current organization and publication standards.

2. The Department is proposing to reissue the revised General Permit as "General NPDES Permit for Discharges from Petroleum Products Contaminated Groundwater Remediation Systems." This will allow the Department to use the revised General Permit to deal with discharges from all petroleum product contaminated groundwater remediation systems—not just limited to gasoline contaminated groundwater as in the current permit. The definitions of "petroleum product" and "petroleum product contaminated groundwater remediation system" have been added in the proposed permit. The Department will make the proposed name change when it issues the final General Permit.

3. To be consistent with the proposed change under item #2, the revised permit documents include appropriate additions and/or other changes to the current permit to address nongasoline contaminated discharges from activities and operations handling petroleum products other than gasoline. Two separate tables provide proposed effluent limitations, monitoring and reporting requirements for the gasoline and nongasoline contaminated remediation systems respectively.

4. *Prior Compliance History Review*—The revisions now add a "Prior Compliance History Review" information requirement block on the NOI. The NOI and instructions have been revised to require permittee submission of a self-certification of prior compliance history status with all permits issued by the Department. This is a standard the Department requirement for all NPDES permits and is being added to the permit documents as they are reviewed and revised.

5. *General Information Form (GIF)*—The revisions require completion and submission of the GIF with the permit applications (NOIs). This is a standard Department requirement for all NPDES permits.

6. *Proposal to revoke and reissue permit coverage for all current PAG-5 permit holders*—The Department, by this notice, also proposes to revoke the existing general permit and to issue the revised general permit. This action will terminate coverage for all current General Permit holders, who will have three options: accept the new permit terms and apply for coverage as described below, apply for an individual permit or indicate to the Department that no permit is needed because the activity or operation creating a discharge has ceased.

The Department will be mailing individual notifications of this draft general permit to each permittee of record for a 30-day comment period. The Department will consider all comments received from the general public and current permittees as part of the overall revision of the General Permit.

Upon publication and issuance of the final permit, each current permittee will receive a notice from the Department to indicate to the Department its choice to: (1) continue its permit coverage under the final permit; (2) submit an application for an individual permit; or (3) agree to a statement that the activity or operation creating the discharge at its facility has ceased. This information will be provided in a self-addressed postcard provided by the Department. Current permittees will have 60 days to send the postcard back to the Department indicating their choice. If the postcard is not received by the Department in that period, the current permittee will be considered to be discharging without a permit.

No new NOI or permit application fee would be required of a current permittee unless the current permittee decides to apply for an individual permit.

The proposed permit document package is available from the Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, e-mail trutrutma@state.pa.us, www.dep.state.pa.us directLINK "participate"; scroll down to "Proposals Open for Comment"; then choose "Other Proposals."

The Department invites public comments on the proposed revisions. Comments must be submitted within 30 days from the date of the publication of this notice in the *Pennsylvania Bulletin*. If there is significant public interest or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only the comments received within the specified period will be considered in the formulation of the final documents for this General Permit. If significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted at the previous address. The comments will also be accepted by e-mail to pparikh@state.pa.us. Comments will not be accepted by facsimile or on voice mail.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comments and response document and prepare final documents package for this permit. An availability of the final permit documents will be announced in the *Pennsylvania Bulletin*. Anyone wishing to also receive a

copy of the final documents may request them by contacting the previous address or telephone numbers.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1063. Filed for public inspection June 14, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Rydal Park of Philadelphia Presbytery Homes, Inc.
1515 Fairway
Rydal, PA 19046-6800

The request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at 800-654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1064. Filed for public inspection June 14, 2002, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Best of Sevens 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 Best of Sevens.

2. *Price:* The price of a Pennsylvania Best of Sevens instant lottery game ticket is \$5.00.

3. Play Symbols:

(a) Each Pennsylvania Best of Sevens instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Best of Sevens instant lottery game ticket will also contain a "Lucky Box" area.

(b) The play area for "Game 1" will contain a "Your Numbers" area and a "Winning Numbers" area. The play symbols and their captions located in the "Your Numbers" area and the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRNTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN).

(c) The play symbols and their captions located in the play area for "Game 2" and in the "Lucky Box" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(d) The play symbols and their captions located in the play area for "Game 3" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), (7) (SEVEN), 8 (EIGHT) and 9 (NINE).

4. Prize Play Symbols:

(a) The prize play symbols and their captions located in the "Your Numbers" area for "Game 1," in the "Prize Box" area for "Game 2" and in the play area for "Game 3" are: \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$77\$ (SVY SVN), \$117\$ (HUNSVNTN), \$270\$ (TWOHUNSTY) and \$77,777\$ (SSTSHSS).

(b) The prize play symbols and their captions located in the "Lucky Box" area are: \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$17\$ (SVNTN), \$20\$ (TWENTY), \$27\$ (TWY SVN), \$77\$ (SVY SVN) and \$117\$ (HUNSVNTN).

5. Prizes: The prizes that can be won in "Game 1," "Game 2" and "Game 3" are \$5, \$6, \$7, \$10, \$12, \$15, \$17, \$20, \$27, \$77, \$117, \$270 and \$77,777. The prizes that can be won in the "Lucky Box" are \$7, \$10, \$12, \$15, \$17, \$20, \$27, \$77 and \$117.

6. Approximate Number of Tickets Printed for the Game: Approximately 4,800,000 tickets will be printed for the Pennsylvania Best of Sevens instant lottery game.

7. Determination of Prize Winners:

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$77,777 (SSTSHSS) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$77,777.

(2) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$270 (TWOHUNSTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$270.

(3) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$117 (HUNSVNTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$77\$ (SVY SVN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$27\$ (TWY SVN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets where 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.

(8) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$7⁰⁰ (SVN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(12) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets where any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$77,777 (SSTSHSS) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$77,777.

(2) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$270 (TWOHUNSTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$270.

(3) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$117 (HUNSVNTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$77\$ (SVY SVN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$27\$ (TWY SVN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$20\$ (TWENTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$17\$ (SVNTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$17.

(8) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$15\$ (FIFTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$12\$ (TWELV) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$10⁰⁰ (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$7⁰⁰ (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(12) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$6⁰⁰ (SIX DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets with three matching 7 (SEVEN) play symbols in the same row, column or diagonal, and a prize play symbol of \$5⁰⁰ (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$77,777

(SSTSHSS) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$77,777.

(2) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$270 (TWOHUNSTY) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$270.

(3) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$117 (HUNSVNTN) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$117.

(4) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$77\$ (SVY SVN) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$77.

(5) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$27\$ (TWY SVN) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$20\$ (TWENTY) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$17\$ (SVNTN) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$17.

(8) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$15\$ (FIFTN) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$12\$ (TWELV) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$10⁰⁰ (TEN DOL) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$7⁰⁰ (SVN DOL) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(12) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$6⁰⁰ (SIX DOL) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(13) Holders of tickets with a (7) (SEVEN) play symbol in the play area and a prize play symbol of \$5⁰⁰ (FIV DOL) appearing under the (7) (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "Lucky Box" area are:

(1) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$117 (HUNSVNTN) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$117.

(2) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$77\$ (SVY SVN) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$77.

(3) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$27S (TWY SVN) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(4) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$20S (TWENTY) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$17S (SVNTN) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$17.

(6) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$15S (FIFTN) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$12S (TWELV) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$12.

(8) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$10⁰⁰ (TEN DOL) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with a 7 (SEVEN) play symbol in the "Lucky Box" area and a prize play symbol of \$7⁰⁰ (SVN DOL) appearing under the 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$7.

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:

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
\$5	\$5	1:7.23	664,000
\$7	\$7	1:600	8,000
\$7 (Lucky Box)	\$7	1:66.67	72,000
\$5 × 2	\$10	1:85.71	56,000
\$10	\$10	1:600	8,000
\$10 (Lucky Box)	\$10	1:600	8,000
\$5 + \$7	\$12	1:600	8,000
\$6 × 2	\$12	1:600	8,000
\$12	\$12	1:600	8,000
\$12 (Lucky Box)	\$12	1:300	16,000
\$5 × 3	\$15	1:300	16,000
\$10 + \$5	\$15	1:600	8,000
\$15	\$15	1:600	8,000
\$15 (Lucky Box)	\$15	1:600	8,000
\$10 + \$7	\$17	1:600	8,000
\$17 (Lucky Box)	\$17	1:13.95	344,000
\$17	\$17	1:600	8,000
\$7 × 2 + \$6	\$20	1:600	8,000
\$5 × 4	\$20	1:600	8,000
\$10 × 2	\$20	1:600	8,000
\$20	\$20	1:600	8,000
\$20 (Lucky Box)	\$20	1:600	8,000
\$12 + \$15	\$27	1:600	8,000
\$20 + \$7	\$27	1:600	8,000
\$5 × 3 + \$12	\$27	1:600	8,000
\$27	\$27	1:600	8,000
\$27 (Lucky Box)	\$27	1:600	8,000
\$17 (Lucky Box) + \$20 × 3	\$77	1:600	8,000
\$7 × 11	\$77	1:2,727	1,760
\$77	\$77	1:2,727	1,760
\$77 (Lucky Box)	\$77	1:600	8,000
\$17 (Lucky Box) + \$10 × 10	\$117	1:120,000	40
\$10 × 4 + \$77	\$117	1:120,000	40
\$12 (Lucky Box) + \$7 × 15	\$117	1:120,000	40
\$117	\$117	1:120,000	40
\$117 (Lucky Box)	\$117	1:120,000	40
\$27 × 10	\$270	1:480,000	10
\$270	\$270	1:480,000	10
\$77,777	\$77,777	1:960,000	5

Game #1—When any of "Your Numbers" match either of the "Winning Numbers," win prize shown under the matching number.

Game #2—Get three "7" symbols in the same row, column or diagonal, win prize shown in "Prize Box."

Game #3—Find a (7) in the play area and win prize shown under it.

Lucky Box—Get a "7" symbol in the "Lucky Box" win prize shown.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Best of Sevens 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 Best of Sevens, prize money from winning Pennsylvania Best of Sevens 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 Best of Sevens 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 Best of Sevens or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1065. Filed for public inspection June 14, 2002, 9:00 a.m.]

Pennsylvania Grin ‘n’ Win 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 Grin ‘n’ Win.
- 2. *Price:* The price of a Pennsylvania Grin ‘n’ Win instant lottery game ticket is \$1.00.
- 3. *Play Symbols:* Each Pennsylvania Grin ‘n’ Win instant lottery game ticket will contain one play area. The

play symbols and their captions located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$8⁰⁰ (EGT DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$40\$ (FORTY), \$80\$ (EIGHTY) and \$500 (FIV HUN).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$8, \$12, \$15, \$40, \$80 and \$500.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Grin ‘n’ Win instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(b) 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.

(c) 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.

(d) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.

(e) Holders of tickets with three matching play symbols of \$12\$ (TWELV) in the play area on a single ticket, shall be entitled to a prize of \$12.

(f) Holders of tickets with three matching play symbols of \$8⁰⁰ (EGT DOL) in the play area on a single ticket, shall be entitled to a prize of \$8.

(g) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching play symbols of \$3⁰⁰ (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of \$1⁰⁰ (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 6,000,000 Tickets</i>
3-\$1	\$1	1:10	600,000
3-\$2	\$2	1:10.53	570,000
3-\$3	\$3	1:40	150,000
3-\$5	\$5	1:75	80,000
3-\$8	\$8	1:200	30,000
3-\$12	\$12	1:300	20,000
3-\$15	\$15	1:600	10,000
3-\$40	\$40	1:1,714	3,500
3-\$80	\$80	1:4,800	1,250
3-\$500	\$500	1:24,000	250

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Grin 'n' Win 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 Grin 'n' Win, prize money from winning Pennsylvania Grin 'n' Win 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 Grin 'n' Win 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 Grin 'n' Win or through normal communication methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1066. Filed for public inspection June 14, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Wayne County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to reconstruct the bridge on SR 4012, Shadigee Creek Road, that lies completely within the Starrucca Historic District located in Starrucca Borough, Wayne County, PA. The project site is approximately 100 feet west of SR 4039 (Shadigee Creek Road), and approximately 300 feet east of the intersection of Pond Road and SR 4039 (Jackson Street).

The scope of the project involves eliminating nonreversible bridge weight limit restrictions, improving roadway geometry on the approaches and across the bridge and preserving the community integrity of Starrucca Borough which is bifurcated by Shadigee Creek by providing a new bridge.

The proposed bridge replacement project will impact one section 2002 resource, the Starrucca Historic District which was determined eligible for listing on the National Register of Historic Places. Based upon these studies, there is no feasible and prudent alternative to the minor right-of-way take of 310 square feet from the Starrucca Historic District. The United States Army Corps of Engineers, in consultation with the Pennsylvania State His-

toric Preservation Office (Office), has concurred in a Memorandum of Agreement dated January 2002, that the project will have an adverse effect on the National Register eligible Starrucca Historic District. The Department is an additional signatory to the Memorandum of Agreement.

The project is being designed to be aesthetically compatible with the adjacent Starrucca Historic District, and the project will not substantially impair protected attributes or contributing elements of this surrounding cultural resource. A plaque commemorating the history and significance of the Starrucca Historic District will be placed near the replacement bridge following its construction. The plaque will be developed in consultation with the Office.

The replacement bridge will retain the existing superstructure profile. The design of the replacement bridge will be developed in consultation with the Office, and will include the use of cast-stone form liners on bridge concrete wings and abutments. The sidewalks removed by this Project and newly constructed bridge sidewalks will be constructed of flagstone with granite curbs, and decorative handrails will be installed on the new bridge.

Stream environment will be protected by a Wayne County-approved erosion and sedimentation plan. The mitigation measures that are outlined in the aforementioned Memorandum of Agreement will be implemented as required during final design and construction.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929, and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects. No adverse environmental effect is likely to result from the construction of this project.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1067. Filed for public inspection June 14, 2002, 9:00 a.m.]

FISH AND BOAT COMMISSION

Triploid Grass Carp Permit Applications

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted by e-mail to ra-

pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments

is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of more than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
The Lakeside Outing Club	Page Lake	New Milford Township Susquehanna County	100 acre lake on unnamed tributary to Stump Pond	Potamogeton spp. Ceratophyllum demersum Najas flexilis Vallisneria americana Filamentous algae

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 02-1068. Filed for public inspection June 14, 2002, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, May 30, 2002, and took the following actions:

Regulations Approved

State Board of Optometry #16A-5210: Therapeutic Certification (amends 49 Pa. Code §§ 23.201 and 23.202)

Navigation Commission for the Delaware River and its Navigable Tributaries #16A-662: Navigation Licensure and Renewal (amends 4 Pa. Code Chapters 401, 402 and 405 and deletes 4 Pa. Code Chapter 403)

State Board of Physical Therapy #16A-656: Sexual Misconduct (adds sections 49 Pa. Code §§ 40.301—40.304)

Approval Order

Public Meeting held
May 30, 2000

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; John F. Mizner

State Board of Optometry—Therapeutic Certification; Regulation No. 16A-5210

On May 1, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Optometry (Board). This rulemaking amends 49 Pa. Code §§ 23.201 and 23.202. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation deletes Section 23.201 from the Board's regulations because the Commonwealth Court, in *Rand v. Pennsylvania State Board of Optometry*, 762 A.2d 392 (Pa. Commw. Ct. 2000), deemed the section to be beyond the Board's statutory authority. Section 23.202 is amended to update references to section 23.201 with a citation to section 4.1 of the Optometric Practice and Licensure Act.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 244.3(b)(14)) 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.

Approval Order

Public Meeting held
May 30, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; John F. Mizner

Navigation Commission for the Delaware River and its Navigable Tributaries—Navigation Licensure and Renewal; Regulation No. 16A-662

On June 14, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Navigation Commission for the Delaware River and its Navigable Tributaries (NCDR). This rulemaking amends Chapters 401, 402 and 405, and deletes Chapter 403 of Title 4 Pa. Code. The proposed regulation was published in the June 24, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 1, 2002.

The final-form regulation implements requirements relating to drug testing, continuing education, specialized training and mandatory pilot trips to ensure current knowledge of river conditions; eliminates obsolete or unnecessary provisions and improves organization and clarity. The NCDR indicates that this regulation will have little to no fiscal impact on the regulated community, Commonwealth, local governments or private sector.

We have determined this regulation is consistent with the statutory authority of the NCDR (55 P. S. § 31 and 71 P. S. § 670.2(4)) 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 Commissioner:

This regulation is approved.

Approval Order

Public Meeting held
May 30, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; John F. Mizner

State Board of Physical Therapy—Sexual Misconduct; Regulation No. 16A-656

On March 6, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Physical Therapy (Board). This rulemaking adds Sections 40.301—40.304 to 49 Pa. Code. The proposed regulation was published in the March 17, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 1, 2002.

The final-form regulation sets forth standards relating to issues of sexual misconduct for physical therapists and physical therapist assistants. Specifically, the regulation defines the period of the professional relationship between the licensee and the patient; identifies sexual impropriety and sexual violation as prohibited conduct; precludes patient consent and the patient's past sexual conduct as defenses in proceedings alleging sexual misconduct and excludes licensees who engage in sexual misconduct from placement in an impaired professional program.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1303(a)) 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 Commissioner:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1069. Filed for public inspection June 14, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Application to Acquire Control

Hanover Fire Holdings, Inc. has filed an application to acquire control of Hanover Fire and Casualty Insurance Company, a Pennsylvania domiciled stock property insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Depart-

ment of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1070. Filed for public inspection June 14, 2002, 9:00 a.m.]

Capital Blue Cross; Community-Rated Group Basic Blue Cross; Rate Filing

By Filing No. CBC-02-D, Capital Blue Cross requests approval to adjust the base rates for the Community-Rated Group Basic Blue Cross Programs. The proposed average rate increase for the community-rated group subscribers is 26.4%. An effective date of October 1, 2002, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1071. Filed for public inspection June 14, 2002, 9:00 a.m.]

Liberty Mutual Fire Insurance Company; Private Passenger Auto Insurance Rate and Rule Revision

On May 30, 2002, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company a filing for a proposed rate level and rule change for private passenger auto insurance.

The company requests an overall 1.6% increase amounting to \$1.434 million annually to be effective August 13, 2002.

Unless formal administrative action is taken prior to July 29, 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, PA.

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. 02-1072. Filed for public inspection June 14, 2002, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual M530.2—Injury Leave Manual, Revision No. 1, Dated May 1, 2002.

Administrative Circular No. 02-08—Availability of State Surplus Real Property for Transfer to Commonwealth Agencies—Westmoreland County, Dated April 26, 2002.

Administrative Circular No. 02-09—Closing Instruction No. 2, 2001-02 Fiscal Year; Preclosing at May 31, 2002, Dated April 29, 2002.

Administrative Circular No. 02-10—Closing Instructions No. 3, Prior Encumbrances for Act 57 Waivers and Contracted Repairs, Dated April 29, 2002.

Administrative Circular No. 02-11—Submission of Construction Requisitions Financed by Lapsing Funds, Dated May 14, 2002.

Administrative Circular No. 02-12—Holidays-2003, Dated May 16, 2002.

GARY R. HOFFMAN,
Director,
Pennsylvania Bulletin

[Pa.B. Doc. No. 02-1073. Filed for public inspection June 14, 2002, 9:00 a.m.]

PENNSYLVANIA COMMISSION FOR WOMEN

Meeting Notice

The Pennsylvania Commission for Women (Commission) has scheduled a quarterly Commission meeting to be held on Monday, June 24, 2002, from 10 a.m. until 1 p.m. in Room 132, Finance Building, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend should contact Christine Anderson, Pennsylvania Commission for Women, 205 Finance Building, Harrisburg, PA 17120, (888) 615-7477, at least 24 hours in advance so arrangements can be made.

NORMA GOTWALT,
Executive Director

[Pa.B. Doc. No. 02-1074. Filed for public inspection June 14, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service Without Hearing

A-121850F2027. National Fuel Gas Distribution Corporation. Application for approval of abandonment of service by National Fuel Gas Distribution Corporation for one natural gas service customer located in Ashland Township, Clarion County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 1, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: National Fuel Gas Distribution Corporation

Through and By Counsel: Christopher M. Trejchel, Esquire, 1100 State Street, Erie, PA 16501.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1075. Filed for public inspection June 14, 2002, 9:00 a.m.]

Telecommunications

A-310349F7000. Verizon Pennsylvania, Inc. and AmeriVision Communications, Inc. d/b/a LifeLine Communications. Joint petition of Verizon Pennsylvania, Inc. and AmeriVision Communications, Inc. d/b/a LifeLine Communications for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and AmeriVision Communications, Inc. d/b/a LifeLine Communications filed on May 21, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon Pennsylvania, Inc. and AmeriVision Communications, Inc. d/b/a LifeLine Communications 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. 02-1076. Filed for public inspection June 14, 2002, 9:00 a.m.]

Telecommunications

A-310349F7001. Verizon North Inc. and AmeriVision Communications, Inc. d/b/a LifeLine Communications. Joint Petition of Verizon North Inc. and AmeriVision Communications, Inc. d/b/a LifeLine Communications for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and AmeriVision Communications, Inc. d/b/a LifeLine Communications filed on May 21, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon North Inc. and AmeriVision Communications, Inc. d/b/a LifeLine Communications 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. 02-1077. Filed for public inspection June 14, 2002, 9:00 a.m.]

Transfer by Sale Without Hearing

A-110150F0026. Duquesne Light Company. Application of Duquesne Light Company for approval of the transfer by sale of property located in West Mifflin Borough, Allegheny County, PA, to the United States of America, Department of the Army, Pittsburgh District Corps of Engineers, Pittsburgh, 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 July 1, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Duquesne Light Company

Through and By Counsel: Richard S. Herskovitz, Chief Regulatory Counsel, 411 Seventh Avenue 9-1, Pittsburgh, PA 15219.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1078. Filed for public inspection June 14, 2002, 9:00 a.m.]

Water Service Without Hearing

A-210532F2001. CMV Water Company, Inc. Application of CMV Water Company, Inc. for approval of the sale of assets and for the cancellation of its Certificate of Public Convenience, in whole, concerning the provision of water service to the public in portions of Chanceford Township, York County, PA (an F2001 is representing a full abandonment of water service for this application).

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 July 1, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: CMV Water Company, Inc.

Through and By Counsel: J. Bruce Walter, Rhoads and Sinon, LLP, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1079. Filed for public inspection June 14, 2002, 9:00 a.m.]

Water Service Without Hearing

A-220800F2000. Borough of Duncannon. Application of the Borough of Duncannon for approval of the sale of assets and the cancellation of its certificate of public convenience concerning the provision of water service to the public in portions of Penn Township, Perry County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 1, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Borough of Duncannon

Through and By Counsel: J. Bruce Walter, Jan P. Paden, Rhoads and Sinon, LLP, One South Market Square, P. O. Box 1146, Harrisburg, PA 17018-1146.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1080. Filed for public inspection June 14, 2002, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.
Craig Mitchell; Doc. No. 1337-60-2001**

On May 17, 2002, the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) suspended for a minimum of 1 year Craig Mitchell's vehicle salesperson license, license number MV-150819-L.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

EDWARD J. CERNIC, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1081. Filed for public inspection June 14, 2002, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

**Mon/Fayette Expressway Project
PA Route 51 to Pittsburgh**

**Section 53A
PA Route 51 to Camp Hollow Road
Allegheny County, PA**

Reference No. E-019

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for the development of a section of limited access highway on new alignment between PA 51 and I-376.

This section is located in the municipalities of Jefferson Hills and West Mifflin and includes completion of the interchange with PA Route 51 with a toll plaza on two of the interchange ramps. Mainline structures over PA Route 51, Jefferson Boulevard, Coal Valley Road, New England Road and Camp Hollow Road are included in this section. A structure over the mainline at PA Route 885 is also included. Relocation of electric transmission lines and a natural gas regulating station will be required. This section is rural with some residential areas. The total length of this section is approximately 19,600 feet and stops south of where the mainline goes under Camp Hollow Road.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; coordination with consultants involved in other design sections; mapping; field surveys; interchange schematics; service roads; soils and geological investigations and engineering; signing; e&s/storm water management; environmental tracking; roadway design; line and grade; typical sections; interchange geometrics; cross sections; drainage-hydraulic computations; contour grading and drainage plan; pavement design; pavement marking and delineator plans; roadside development plan; structural design; utility coordination; utility relocation design; lighting; noise barrier analysis; noise barrier design; traffic signal plans; traffic control plan; right-of-way plans; value engineering; assemble roadway plans and final drafting; quantities; tabulations; construction cost estimates; special provisions; contract document preparation and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on design of large-scale public works projects.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on design projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of DBE. The goal of DBE participation in this contract will be established prior to the submission of technical proposals from the shortlisted firms for this project. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, (717) 939-9551 ext. 4241.

Direct inquiries about this advertisement to P. Gregory Bednar at (724) 755-5182 or by e-mail at gbednar@

paturnpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One-page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)
2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team has successfully completed similar type projects of the same magnitude.
3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.
4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.
5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project. (Limit to two 8 1/2 x 11 pages, per person.) Only resumes of key personnel need to be included. Do not include resumes of all employees.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm

that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m. Monday, July 8, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the technical review committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-1082. Filed for public inspection June 14, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Mon/Fayette Expressway Project PA Route 51 to Pittsburgh

Section 53D

The Monongahela River Bridge Allegheny County, PA

Reference No. E-020

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for a proposed structure crossing Monongahela River as part of the Mon/Fayette Expressway Project between PA 51 and I-376.

This section is located in the municipalities of Duquesne and North Versailles and includes a mainline structure over the Monongahela River and several railroad tracks. The structure will carry four travel lanes in each direction. Coordination with USCOE, Coast Guard, CSX Railroad, Norfolk Southern Railroad and Union Railroad, and the like, will be necessary. The length of this section is approximately 2,100 feet and entirely on structure.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; mapping; field surveys; preparation of type, size and location plans; seismic analysis, soils and geological investigations and structural foundation reports; value engineering; public involvement;

coordination with various agencies and special interest groups; and coordination with consultants involved in other design sections; signing; e&s/storm water management; environmental tracking; defining environmental impacts; preparation of permit applications; development of environmental impact mitigation plans; cross sections; drainage-hydraulic computations; approach roadway design; line and grade; pavement marking and delineator plans; utility coordination; utility relocation design; lighting; right-of-way plans; assemble final bridge plans and final drafting; quantities; tabulations; cost estimates; special provisions; contract document preparation; and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on design of multi-span, high-level bridge projects.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on large-scale bridge projects. The consultant should identify similar bridge projects that have been completed by that firm as the prime, the magnitude of the project and the client.
- c. The specific experience and number of individuals who constitute the firm.
- d. Location of consultant's office where the work will be performed.
- e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.
- f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of DBE. The goal of DBE participation in this contract will be established prior to the submission of technical proposals from the shortlisted firms for this project. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, (717) 939-9551 ext. 4241.

Direct inquiries about this advertisement to P. Gregory Bednar at (724) 755-5182 or by e-mail at gbednar@paturnpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One-page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)
2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team has successfully completed similar type projects of the same magnitude.
3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.
4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.
5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project. (Limit to two 8 1/2 x 11 pages, per person.) Only resumes of key personnel need to be included. Do not include resumes of all employees.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a

designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P.O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Monday, July 8, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the technical review committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-1083. Filed for public inspection June 14, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Mon/Fayette Expressway Project PA Route 51 to Pittsburgh

Section 53E

The Monongahela River Bridge to Turtle Creek and Braddock Ave. Allegheny County, PA

Reference No. E-021

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for the development of a section of limited access highway on new alignment between PA 51 and I-376.

This section is located in the municipalities of North Versailles, East Pittsburgh and North Braddock and includes a closed directional interchange with all main-line ramps being two lanes on structure and also an interchange with East Pittsburgh-McKeesport Boulevard in North Versailles. Toll plazas are located on three of the North Versailles interchange ramps. There will be a relocation of East Pittsburgh-McKeesport Boulevard including a structure over Norfolk Southern Railroad. There will be a retaining wall adjacent to Norfolk Southern right-of-way. This section has approximately 19,000 linear feet of curved structure at the closed interchange and a structure within the North Versailles interchange of approximately 900 feet. Coordination with railroads and Edgar Thompson Works will be required for aerial crossings and structure pier placements. Study of alternate structure types, that is segmental and other types, is expected. This section is urban/industrial with complex

railroad and structure involvements. The total length of this section is approximately 13,000 feet.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; coordination with consultants involved in other design sections; mapping; field surveys; interchange schematics; service roads; soils and geological investigations and engineering; signing; e&s/storm water management; environmental tracking; roadway design; line and grade; typical sections; interchange geometrics; cross sections; drainage-hydraulic computations; contour grading and drainage plan; pavement design; pavement marking and delineator plans; roadside development plan; structural design; utility coordination; utility relocation design; lighting; noise barrier analysis; noise barrier design; traffic signal plans; traffic control plan; right-of-way plans; value engineering; assemble roadway plans and final drafting; quantities; tabulations; construction cost estimates; special provisions; contract document preparation; and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on design of large-scale public works projects.

b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on design projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of DBE. The goal of DBE participation in this contract will be established prior to the submission of technical proposals from the shortlisted firms for this project. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, (717) 939-9551 ext. 4241.

Direct inquiries about this advertisement to P. Gregory Bednar at (724) 755-5182 or by e-mail at gbednar@paturnpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One-page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project. (Limit to two 8 1/2 x 11 pages, per person.) Only resumes of key personnel need to be included. Do not include resumes of all employees.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number.

Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Monday, July 8, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the technical review committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-1084. Filed for public inspection June 14, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Mon/Fayette Expressway Project PA Route 51 to Pittsburgh

Section 53H Braddock Ave. to Rankin Bridge Allegheny County, PA

Reference No. E-022

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for the development of a section of limited access highway on new alignment between PA 51 and I-376.

This section is located in the municipalities of Braddock and North Braddock and includes an interchange with Sixth Street in Braddock. Toll plazas will be located on two of the interchange ramps. A possible park and ride lot will be adjacent to the interchange. Mainline structures over Norfolk Southern Railroad, Braddock Avenue and Eleventh Street, Ninth Street, Sixth Street and Third Street are included in this section. Also included are two ramp structures over Third Street. Braddock Avenue will be reconstructed for approximately 700 feet and will be relocated for approximately 1,300 feet. Sixth Street will be reconstructed for approximately 800 feet. Participation on a Braddock, Rankin, Swissvale Design Advisory Team will be required to identify enhancements for these communities. This section is urban with traffic and

pedestrian movements to be maintained. The total length of this section is approximately 8,700 feet.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; coordination with consultants involved in other design sections; mapping; field surveys; interchange schematics; service roads; soils and geological investigations and engineering; signing; e&s/storm water management; environmental tracking; roadway design; line and grade; typical sections; interchange geometrics; cross sections; drainage-hydraulic computations; contour grading and drainage plan; pavement design; pavement marking and delineator plans; roadside development plan; structural design; utility coordination; utility relocation design; lighting; noise barrier analysis; noise barrier design; traffic signal plans; traffic control plan; right-of-way plans; value engineering; assemble roadway plans and final drafting; quantities; tabulations; construction cost estimates; special provisions; contract document preparation; and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The Team must clearly demonstrate experience and competence on design of large-scale public works projects.
- b. Past record of performance with respect to cost control, work quality ability to meet schedules and previous experience on design projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project, and the client.
- c. The specific experience and number of individuals who constitute the firm.
- d. Location of consultant's office where the work will be performed.
- e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.
- f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal of DBE participation in this contract will be established prior to the submission of technical proposals from the shortlisted firms for this project. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, (717) 939-9551 Ext. 4241.

Direct inquiries about this advertisement to P. Gregory Bednar at (724) 755-5182 or by e-mail at gbednar@paturnpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturnpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One-page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)
2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team has successfully completed similar type projects of the same magnitude.
3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.
4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.
5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.
- Resumes of key personnel expected to be involved in the project. (Limit to two 8 1/2 x 11 pages, per person.) Only resumes of key personnel need to be included. Do not include resumes of all employees.
- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.
- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number.

Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Monday, July 8, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the technical review committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-1085. Filed for public inspection June 14, 2002, 9:00 a.m.]

Retention of an Engineering Firm

Mon/Fayette Expressway Project PA Route 51 to Pittsburgh

Section 53M Glenwood Bridge to Mobile Street Allegheny County, PA

Reference No. E-023

The Turnpike Commission (Commission) will retain an engineering firm to provide preliminary and final design services for the development of a section of limited access highway on new alignment between PA 51 and I-376.

This section is located within the City of Pittsburgh in the communities of Glen Hazel and Hazelwood and includes an interchange with PA Route 885 and the Glenwood Bridge. Toll plazas will be located on two of the interchange ramps. Retaining walls will be required within the interchange. A single ramp with a toll plaza at Hazelwood Avenue is also included. Mainline structures over Second Avenue and a new CSX Railroad access road are included in this section. Ramp structures over Second Avenue are also included. The mainline will be depressed below grade for approximately 1 mile with six structures of approximately 110 feet long over the mainline at East Elizabeth Street, Tecumseh Street, Flowers Avenue, Hazelwood Avenue, Tullymet Street and Mobile Street. Three structures will span the mainline between surface

street structures to form a cover over the mainline. Approximately 2 miles of frontage roads will be constructed adjacent to the mainline. This section is urban with traffic and pedestrian movements to be maintained. Also new bike/hike trails may be included. Participation on a Glenwood to Bates Street Design Advisory Team will be required to identify enhancements for the Hazelwood community. The total length of this section is approximately 10,600 feet.

Tasks required include, but are not limited to: project management; scheduling; project status, design review and special purpose meetings; coordination with consultants involved in other design sections; mapping; field surveys; interchange schematics; service roads; soils and geological investigations and engineering; signing; e&s/storm water management; environmental tracking; roadway design; line and grade; typical sections; interchange geometrics; cross sections; drainage-hydraulic computations; contour grading and drainage plan; pavement design; pavement marking and delineator plans; roadside development plan; structural design; utility coordination; utility relocation design; lighting; noise barrier analysis; noise barrier design; traffic signal plans; traffic control plan; right-of-way plans; value engineering; assemble roadway plans and final drafting; quantities; tabulations; construction cost estimates; special provisions; contract document preparation; and permits.

The Commission will consider the following factors during the evaluation of the statements of interest for this project:

- a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate experience and competence on design of large-scale public works projects.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on design projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.
- c. The specific experience and number of individuals who constitute the firm.
- d. Location of consultant's office where the work will be performed.
- e. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.
- f. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the statement of interest.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (act) and currently certified by the Department shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal of DBE participation in this contract will be established prior to the submission of technical proposals from the shortlisted firms for this project. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the Act), WBEs or combina-

tions thereof. Proposed DBE firms must be certified at the time of submission of the statement of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Contracts Administration Department, Pennsylvania Turnpike Commission, at the above address, or by calling (717) 939-9551 ext. 4241.

Direct inquiries about this advertisement to P. Gregory Bednar at (724) 755-5182 or by e-mail at gbednar@paturpike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information for each reference number listed. The statements of interest must include the following:

1. One-page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for the project and provide explanation of the technical approach, stressing the team has successfully completed similar type projects of the same magnitude.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the statement of interest will require written approval from the Commission. The organization chart is not limited to an 8 1/2" x 11" page size.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and is to be attached to the back of the statement of interest (subs to follow primes). The Consultant Qualification Packages should be kept as brief as possible. Only include pertinent information as it relates to the following:

- ECMS General Information and Project Experience Forms or Standard Form 254—Architect-Engineer and Related Services Questionnaire, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project. (Limit to two 8 1/2 x 11 pages, per person.) Only resumes of key personnel need to be included. Do not include resumes of all employees.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a joint venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the previous services are invited to submit one copy of a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission's mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Monday, July 8, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, a minimum of three firms will be shortlisted for each project advertisement (reference number). Technical proposals will be requested from the shortlisted firms prior to the establishment of the final ranking. An order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the technical review committee and approved by the Commission.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-1086. Filed for public inspection June 14, 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.

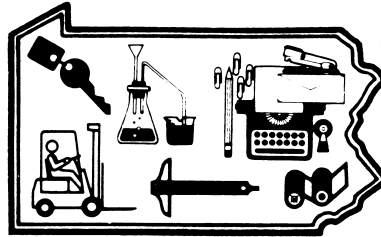
The website address for viewing bidding/contracting opportunities and for obtaining copies of invitations for bids and requests for proposals is www.dgs.state.pa.us. To access the information on this website, vendors must select "Procurement" followed by "Bidding Opportunities."

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 Sec-

tion 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

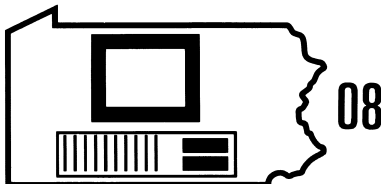


Commodities

LBLA 6260 The PA Fish & Boat Commission will be receiving bids for the following equipment purchase: submersible pump, trash pump, generator, vibratory rammer and flex shaft vibrator, Wacker brand or equal.

Department: Fish and Boat Commission
Location: Central Warehouse, P. O. Box 5146, Pleasant Gap, PA 16823
Duration: For delivery in July/August 2002
Contact: Kathi Tibbott, Purchasing Agent (814) 359-5130

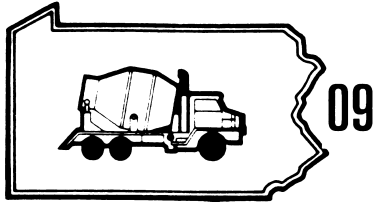
SERVICES



Computer Related Services

BEP-2002-1 TO PROVIDE ONE (1) BRAILLE EXPRESS 100 Braille machine complete with Duxbury Braille Translator. To include on site setup/installation and basic training of the equipment operations. To obtain a detailed bid package, submit a written request to the contact below or submit a request via Fax at (814) 255-8370.

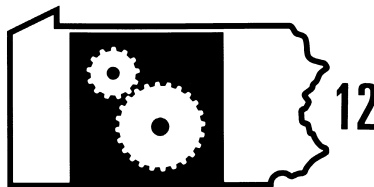
Department: Labor and Industry
Location: Office of Vocational Rehabilitation, Hiram G. Andrews Center, 727 Goucher Street, Johnstown, PA 15905
Duration: 90 days from date of award
Contact: Robert D. Robinson, PA II (814) 255-8210



Construction & Construction Maintenance

SU-2002/12 SU-2002/12: Permeable Paving Parking Lots. Shippensburg University of the State System of Higher Education invites General Contractors to request bid documents for this project. Work includes all work necessary to install permeable paving at various parking lots. Prospective Bidders may obtain project plans by faxing request to (717) 477-4004. Pre-Bid meeting with site visit immediately to follow will be held on June 11, 2002 at 10:00AM in the Reed Operations Center Conference Room at Shippensburg University. Bids Due: June 20, 2002 at 4:00 PM, Old Main Room 300. Public Bid Opening: June 21, 2002 at 2:00PM, Old Main Room 203A. Contracts, MBE/WBE apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

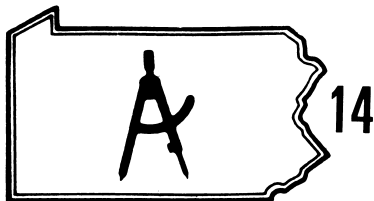
Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: Work to be completed by August 15, 2002
Contact: Deborah K. Martin (717) 477-1121



Drafting and Design Services

MI-862 Millersville University of the State System of Higher Education, will select a firm for the purpose of providing Open-ended professional design services. Interested professionals should submit an e-mailed letter expressing interest in receiving this solicitation. The System encourages responses from small firms, minority firms, women-owned firms and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in a System professional services contract. Non-discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education. Letters of interest should be e-mailed to John.Cox@millersville.edu no later than June 21, 2002.

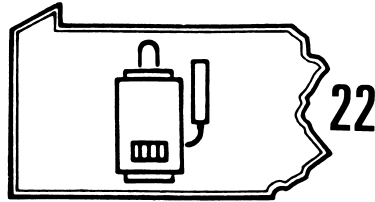
Department: State System of Higher Education
Location: Millersville University
Duration: Two years, with 2-two year renewals. Total six years.
Contact: John Cox (717) 871-2083



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.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



HVAC Services

MI-818 Remove existing roofing system and chiller, etc., as required. Furnish and install chiller, cooling tower, monitor, electrical appurtenances, etc. and repair roof

Department: Education
Location: Millersville University
Duration: 180 calendar from Notice to Proceed
Contact: Jill Coleman (717) 872-3730

060034 The Department of Transportation (District 6) is accepting bids for the building maintenance and HVAC services at the Welcome Centers located on Interstate I-95 in Lower Makefield Township, Bucks County and Upper & Lower Chichester Townships in Delaware County. Interested Vendors may obtain bidding packages by faxing in your name, address, and phone number to Louis J. Porrini at (610) 205-6909. Mandatory pre-bid conferences are scheduled to be held on June 14, 2002 @ 9:30 a.m. at the Bucks County Welcome Center Site and then will move to the Delaware County Welcome Center Site. The bid opening is scheduled to be held @ 11:00 a.m. on June 28, 2002 in the King of Prussia District Office.

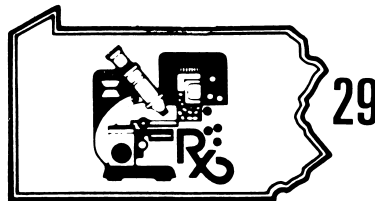
Department: Transportation
Location: Welcome Center Sites located in Bucks and Delaware Counties.
Duration: One (1) year with two (2) 2-year options to renew.
Contact: Louis J. Porrini, Highway Maintenance Manager (610) 205-6703



Janitorial Services

Bid #8527 Furnish all labor, materials and equipment to perform janitorial services THREE (3) times a week at the Gibson Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division. (717) 705-5951.

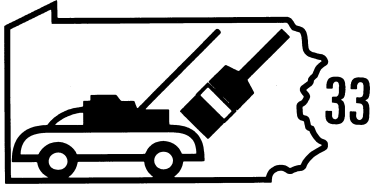
Department: State Police
Location: Gibson Station, R. D. #1, Box 227B, New Milford, PA 18834
Duration: 9/1/02 to 6/30/05
Contact: Donna Enders (717) 705-5951



Medical Services

20974008 Contractor to provide, on grounds at Warren State Hospital, Physical Therapy Clinic Services for Warren State Hospital patients.

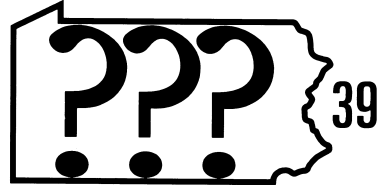
Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 07/01/02 - 06/30/05
Contact: Ms. Bobbie Muntz, PA III (814) 726-4496



Property Maintenance

060033 The Department of Transportation (District 6) is accepting bids for the grounds maintenance and snow removal services at the Welcome Centers located on Interstate I-95 in Lower Makefield Township, Bucks County and Upper & Lower Chichester Townships in Delaware County. Interested Vendors may obtain bidding packages by faxing in your name, address, and phone number to Louis J. Porrini at (610) 205-6909. Mandatory pre-bid conferences are scheduled to be held on June 14, 2002 @ 9:30 a.m. at the Bucks County Welcome Center Site and then will move to the Delaware County Welcome Center Site. The bid opening is scheduled to be held @ 11:00 a.m. on June 28, 2002 in the King of Prussia District Office.

Department: Transportation
Location: Welcome Center Sites located in Bucks and Delaware Counties.
Duration: One (1) year with two (2) 2-year options to renew.
Contact: Louis J. Porrini, Highway Maintenance Manager (610) 205-6703



Miscellaneous

S-0002 FOR SALE - SURPLUS WHEAT Sale of approximately 135 acres of wheat, to be sold by the ton. The wheat will be harvested by the buyer and weighed over the institution's scales. The straw is to be windrowed for the institution to bale.

Department: Corrections
Location: State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823
Duration: Contract shall begin when the Wheat Crop is ready for harvest and will expire when all the wheat has been removed
Contact: Frank Dougherty, Business Manager (814) 355-4874, Ext 205

APR #407026 Contractor to provide labor and materials for the maintenance of the generator equipment in the capitol complex.

Department: General Services
Location: Department of General Services, Bureau of Maintenance Management, Room 403 North Office Building, Harrisburg, PA 17125
Duration: July 1, 2002 thru June 30, 2005
Contact: Stan Tritt (717) 787-9054

[Pa.B. Doc. No. 02-1087. Filed for public inspection June 14, 2002, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
				6350-01 sup#5	06/06/02	Security Fence/Genie Electronics	50,000.00
3610-04	06/05/02	A B Dick Printing	\$ 55,000.00	7510-10	06/06/02	Adolph Sufrin	97,617.36
3610-04	06/05/02	C P Bourg	5,000.00	7510-10	06/06/02	Hershey Paper	17,811.93
3610-04	06/05/02	E Thomas Brett Business Machines	70,000.00	7510-10	06/06/02	Ideal Office Products	3,260.41
3610-04	06/05/02	Franklin Printers Supply	55,000.00	7510-10	06/06/02	Independence Business Supply	3,347.35
3610-04	06/05/02	G E Richards Graphic Supplies	95,000.00	7510-10	06/06/02	Linbarr Office Supply	190,248.75
3610-04	06/05/02	General Binding	30,000.00	7510-10	06/06/02	National Art & School Supplies	62,226.92
3610-04	06/05/02	Harrisburg Copiers	15,000.00	7510-10	06/06/02	Standard Stationary Supply	98,446.91
3610-04	06/05/02	Hostmann-Steinberg	5,000.00	7510-10	06/06/02	Systematic Filing Products	77,410.56
3610-04	06/05/02	Northern Machine Works	25,000.00	7510-10	06/06/02	Video Service of America	8,325.86
3610-04	06/05/02	Ricoh	5,000.00	7510-10	06/06/02	KCL/Stotz & Fatzinger Office Supply	18,409.64
3610-04	06/05/02	Riso	10,000.00				
3610-04	06/05/02	Savin	20,000.00	9985-15	06/06/02	Home Paramount Pest Control	50,000.00
3610-04	06/05/02	Signature Printing Products	15,000.00	9985-15	06/06/02	KAP/Naturzone Pest Control	50,000.00
3610-04	06/05/02	Washington Printing Supplies	5,000.00				
3610-04	06/05/02	Xerox	10,000.00	1380151-01	06/03/02	CFC Refimax LLC	49,900.00
6350-01sup#5	06/06/02	Brinjac Engineering	50,000.00	8141920-01	06/03/02	Shields Asphalt Paving	820,511.50
6350-01 sup#5	06/06/02	Countermeasures by Softworks	50,000.00	8157920-01	06/03/02	Trandecisions	52,210.00
6350-01 sup#5	06/06/02	Integrations	50,000.00			KELLY POWELL LOGAN, Secretary	

[Pa.B. Doc. No. 02-1088. Filed for public inspection June 14, 2002, 9:00 a.m.]

