

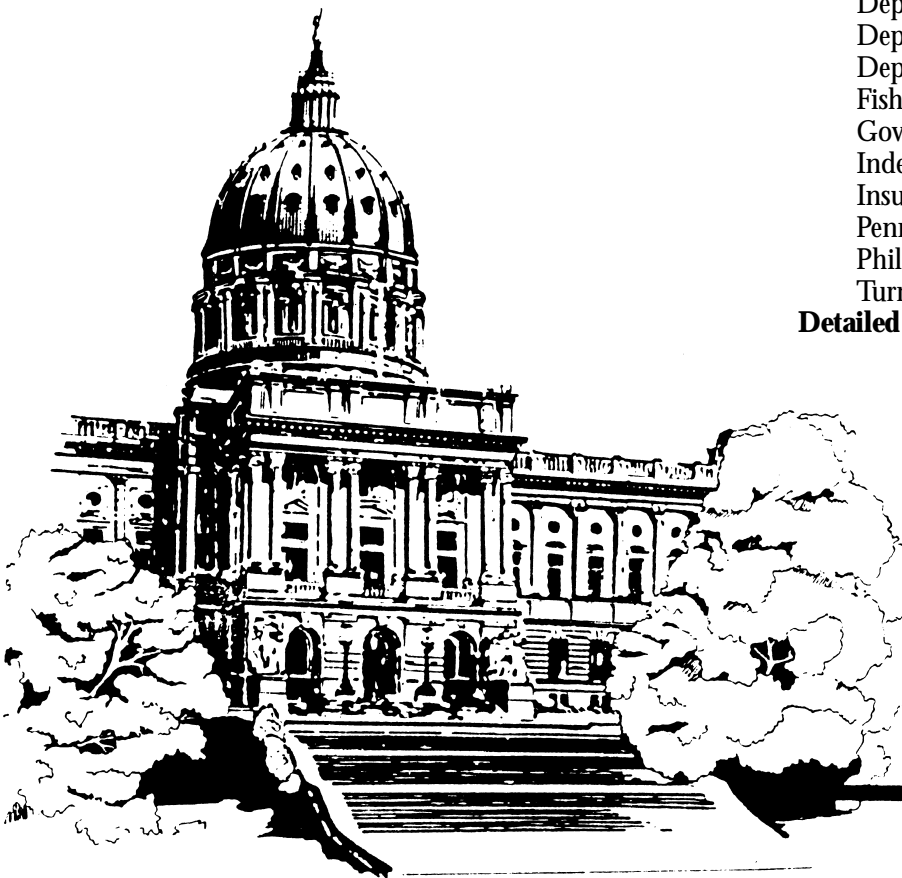
# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The Courts  
Commission on Crime and Delinquency  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of State  
Department of Transportation  
Fish and Boat Commission  
Governor's Office  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
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# READER'S GUIDE TO THE *PENNSYLVANIA BULLETIN* AND *PENNSYLVANIA CODE*

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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.

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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.

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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).

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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.

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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*.

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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 2003.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 1930]

#### Assignment of Counsel; Recommendation 64

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Pa.R.C.P. 1930.7 (Assignment of Counsel) regarding a defendant's right to counsel in family law matters in which the defendant may be sentenced to a period of imprisonment. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The explanatory Committee Report following the proposed rule highlights the committee's considerations in formulating this recommendation. Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, May 2, 2003, directed to:

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055  
FAX (717) 795-2175

E-mail [patricia.miles@supreme.court.state.pa.us](mailto:patricia.miles@supreme.court.state.pa.us)

By the Domestic Relations Procedural Rules Committee

ROBERT C. CAPRISTO,  
Chair

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

#### Rule 1930.7. Assignment of Counsel.

(a) Prior to any contempt proceeding in which a defendant may be sentenced to a period of imprisonment, the defendant shall be advised of the right to counsel and, upon request, be given a reasonable opportunity to secure counsel. In contempt proceedings in which a period of imprisonment may be imposed, the court shall appoint counsel to represent a defendant who is without financial resources, or who is otherwise unable to employ counsel, unless the defendant knowingly, voluntarily and intelligently waives the right to counsel in writing or on the record.

(b) A motion for change of counsel by a defendant to whom counsel has been assigned shall not be granted except for substantial reasons.

(c) Where counsel has been assigned, such assignment shall be effective until final judgment, including any proceedings on direct appeal.

**Official Note:** Application for appointment of counsel when the defendant is without financial resources shall be pursuant to local rule.

#### Committee Report Rule 1930.7

#### Recommendation 64

The Supreme Court of Pennsylvania asked the Domestic Relations Procedural Rules Committee to review the Rules of Civil Procedure related to domestic relations matters in light of the United States Supreme Court's decision in *Alabama v. Shelton*, 122 S. Ct. 1764 (2002). In that case, the court held that a suspended sentence that may result in an actual deprivation of a person's liberty may not be imposed unless the defendant was accorded the right to counsel in the prosecution for the crime charged. 122 S. Ct. at 1767 (citing *Argersinger v. Hamlin*, 407 U.S. 25, 92 S. Ct. 2006, 32 L.Ed.2d 530 (1972) (holding that defense counsel must be appointed in a criminal prosecution that leads to imprisonment)). The court also reaffirmed its holding in *Scott v. Illinois*, 440 U.S. 367, 99 S. Ct. 1158, 59 L.Ed.2d 383 (1979), that actual imprisonment is the trigger for the right to appointed counsel in a criminal matter. In *Shelton*, *Argersinger*, and *Scott*, the underlying charges were criminal in nature and thus were analyzed under the Sixth Amendment to the United States Constitution.

Although family law matters generally are civil in nature, willful failure to comply with certain domestic relations orders may result in a party being sentenced to a period of incarceration. For example, a person who willfully fails to comply with a support, visitation or partial custody order may be held in contempt and imprisoned for a period of up to six months. 23 Pa.C.S. §§ 4345(a), 4346(a). In such contempt cases, sentences often are suspended so long as the defendant remains in compliance with the terms of the support or custody order.

The Supreme Court of Pennsylvania has stated that "in certain situations, the Due Process Clause of the Fourteenth Amendment to the United States Constitution may require court appointed counsel in civil matters." *Commonwealth v. \$9,847.00 U.S. Currency*, 704 A.2d 612, 615 (Pa. 1997) (citing *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L.Ed.2d 18 (1976)). Noting that there is a presumption that "an indigent litigant has a right to court-appointed counsel only when, if he loses, he may be deprived of his physical liberty," the court determined that an indigent litigant did not have a constitutional right to appointed counsel in civil forfeiture proceedings. *Id.* (quoting *Lassiter v. Department of Social Services*, 452 U.S. 18, 26, 101 S. Ct. 2153, 2159, 68 L.Ed.2d 640 (1981)). Earlier, in *Corra v. Coll*, 451 A.2d 480, 482 (Pa. Super. 1982), the Pennsylvania Superior Court opined that "a wooden civil/criminal distinction" would not resolve the question of whether an indigent defendant has a right to appointed counsel. Also applying the three balancing factors in *Mathews* and the *Lassiter* presumption, the *Corra* court held that due process requires that indigent defendants be entitled to the appointment of counsel in civil paternity actions.

[I]dentification of the specific dictates of due process generally requires consideration of three distinct factors: First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures



used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

424 U.S. at 335, 96 S. Ct. at 903.

One Pennsylvania common pleas court has held that an indigent defendant in a support matter is entitled to court-appointed counsel in civil contempt proceedings because there is a possibility of incarceration. In that case, *Carnes v. Carnes*, 7 D.&C. 4th 4 (Erie 1990), appeal quashed, 598 A.2d 1325 (Pa. Super. 1991), the plaintiff filed a petition for civil contempt for violation of a support order and the defendant petitioned for court-appointed counsel. In his petition, the defendant alleged that he was on public assistance, did not have the resources to retain counsel and that he had been denied representation by the public defender's office and legal services. He argued that because he was indigent and at risk of losing his liberty, he had a right to appointed counsel. Applying *Mathews* and *Lassiter*, as well as the reasoning in *Corra*, the trial court agreed with the defendant and appointed counsel. Further, the court stated, "It is axiomatic that, once it has been determined that the indigent defendant has a right to court-appointed counsel, he or she must be informed of that right and that, once informed, may knowingly and intelligently waive that right." *Id.* at 11.

In light of the cases discussed above, the committee agrees that the Rules of Civil Procedure relating to domestic relations matters should be amended to provide that an indigent defendant has a right to court-appointed counsel, or must knowingly waive that right, in domestic relations contempt proceedings in which a sentence of imprisonment, suspended or not, may be imposed. The committee thus proposes new Rule 1930.7 in the series of Rules Relating to Domestic Relations Matters Generally.

[Pa.B. Doc. No. 03-561. Filed for public inspection March 28, 2003, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [237 PA. CODE CHS. 1—6 AND 8]

#### Delinquency Matters

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the Rules of Juvenile Court Procedure be adopted and prescribed to govern juvenile court procedure and practice in this Commonwealth. The proposed rules will secure uniformity and simplicity in procedure throughout juvenile courts in this Commonwealth. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

A. Christine Riscili, Esq.  
Staff Counsel

Supreme Court of Pennsylvania  
Juvenile Court Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

no later than Wednesday, May 14, 2003.

By the Juvenile Court Procedural Rules Committee

FRANCIS BARRY MCCARTHY,  
Chair

### Annex A

#### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

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**Rule 100. Scope of Rules.**

A. These rules shall govern delinquency proceedings in all courts. Unless otherwise specifically provided, these rules shall not apply to domestic relations proceedings and dependency proceedings.

B. Each of the courts exercising juvenile jurisdiction, as provided in the Juvenile Act, 42 Pa.C.S. § 6301 et seq., may adopt local rules of procedure in accordance with Rule 111.

**Comment**

These rules govern proceedings when the Juvenile Act vests jurisdiction in the Juvenile Court. See 42 Pa.C.S. §§ 6321 and 6302. These rules do not govern summary offense proceedings unless: 1) the summary offense(s) was committed with a delinquent act, as defined by 42 Pa.C.S. § 6302, during the same episode or transaction, as provided in 42 Pa.C.S. § 6303(a)(5), and has been properly charged in a delinquency petition; or 2) a juvenile has failed to comply with a lawful sentence imposed for the summary offense(s), as provided in 42 Pa.C.S. § 6302.

The Rules of Criminal Procedure apply in cases involving juveniles in summary and court cases, as defined by Pa.R.Crim.P. 103, to the extent that the Juvenile Act does not apply to these proceedings. See, e.g., Pa.Rs.Crim.P. 100 and 400. See also 42 Pa.C.S. §§ 6302 and 6303.

Each judicial district may promulgate local rules that follow the requirements of Rule 111 and Pa.R.J.A. 103.

**Rule 101. Purpose and Construction.**

A. These rules are intended to provide for the just determination of every delinquency proceeding.

B. These rules shall be construed to secure uniformity and simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

C. These rules shall be interpreted and construed to effectuate the purposes stated in the Juvenile Act, 42 Pa.C.S. § 6301(b).

D. To the extent practicable, these rules shall be construed in consonance with the rules of statutory construction.

**Rule 102. Citing the Juvenile Court Procedural Rules.**

All juvenile court procedural rules adopted by the Supreme Court of Pennsylvania under the authority of Article V § 10(c) of the Constitution of Pennsylvania, adopted April 23, 1968, shall be known as the Pennsylvania Rules of Juvenile Court Procedure and shall be cited as "Pa.R.J.C.P."

**Comment**

The authority for rule-making is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution, which states in part, "[t]he Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts . . . if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions."

**Rule 105. Search Warrants.**

The Pennsylvania Rules of Criminal Procedure, Rules 200 through 211, shall apply to search warrants for juveniles.

**PART A. BUSINESS OF COURTS****Rule 110. Definitions.**

**AFFIANT** is any responsible person capable of taking an oath who signs, swears to, affirms, or when permitted by these rules, verifies a written allegation and appreciates the nature and quality of that person's act.

**CLERK OF COURTS** is that official in each judicial district who has the responsibility and function under state and local law to maintain the official juvenile court file and docket, without regard to that person's official title.

**COURT** is the Court of Common Pleas, a court of record, which is assigned to hear juvenile delinquency matters. Court shall include masters when they are permitted to hear cases under these rules. Juvenile Court shall have the same meaning as Court.

**DETENTION FACILITY** is any facility, privately or publicly owned and operated, designated by the court and approved by the Department of Public Welfare to detain a juvenile temporarily. The term detention facility, when used in these rules, shall include shelter-care.

**GUARDIAN** is any parent, custodian or other person who has legal custody of a juvenile, or person designated by the court to be a temporary guardian for purposes of a proceeding.

**INTAKE STAFF** is any responsible person taking custody of the juvenile on behalf of the court, detention facility, or medical facility.

**ISSUING AUTHORITY** is any public official having the power and authority of a magistrate, a Philadelphia bail commissioner, or a district justice.

**JUVENILE** is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have committed a delinquent act before reaching eighteen years of age.

**LAW ENFORCEMENT OFFICER** is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

**MASTER** is an attorney with delegated authority to hear and decide juvenile delinquency matters. Master has the same meaning as hearing officer.

**MEDICAL FACILITY** is any hospital, urgent care facility, psychiatric or psychological ward, drug and alcohol detoxification or rehabilitation program, or any other similar facility designed to treat a juvenile medically or psychologically.

**ORDINANCE** is a legislative enactment of a political subdivision.

**PENAL LAWS** include all statutes and embodiments of the common law, which establish, create, or define crimes or offenses, including any ordinances that may provide for placement in a juvenile facility upon finding of delinquency or upon failure to pay a fine or penalty.

**PETITION** is a formal written document by which an attorney for the Commonwealth or the juvenile probation officer alleges a juvenile is delinquent.

**PETITIONER** is an attorney for the Commonwealth or, when permitted by these rules, a probation officer, who signs, swears to, affirms, or verifies and files a petition.

**PLACEMENT FACILITY** is any facility, privately or publicly owned and operated, that identifies itself either by charter, articles of incorporation or program description, to receive delinquent juveniles as a case disposition.

Placement facilities include, but are not limited to, residential facilities, group homes, after-school programs, and day programs, whether secure or non-secure.

POLICE OFFICER is any person, who is by law given the power to arrest when acting within the scope of the person's employment.

POLITICAL SUBDIVISION shall mean county, city, township, borough, or incorporated town or village having legislative authority.

PROCEEDING is any stage in the juvenile delinquency process once a written allegation has been submitted.

WRITTEN ALLEGATION is the document that is completed by a law enforcement officer or other person that is necessary to allege a juvenile has committed an act of delinquency.

#### Comment

Under the term "court," to determine if masters are permitted to hear cases, see Rule 172.

Neither the definition of "law enforcement officer" nor the definition of "police officer" gives the power of arrest to any person who is not otherwise given that power by law.

A "petition" and a "written allegation" are two separate documents and serve two distinct functions. A "written allegation" is the document that initiates juvenile delinquency proceedings. Usually, the "written allegation" will be filed by a law enforcement officer and will allege that the juvenile has committed a delinquent act that comes within the jurisdiction of the juvenile court. This document may have been formally known as a "probable cause affidavit," "complaint," "police paper," "charge form," "allegation of delinquency," or the like. Once this document is submitted, a preliminary determination of the juvenile court's jurisdiction must be made. Informal adjustment and other diversionary programs may be pursued. If the attorney for the Commonwealth or the juvenile probation officer determines that formal juvenile court action is necessary, a petition is then filed.

For definition of "delinquent act," see 42 Pa.C.S. § 6302.

#### Rule 111. Local Rules.

A. For the purpose of this rule, the term, "local rule" shall include every rule, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, adopted or enforced by a court of common pleas to govern juvenile delinquency practice and procedure, which requires a party or party's attorney to do or refrain from doing something.

B. Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure.

2) Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

C. A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

1) A local rule shall be in writing.

2) Seven certified copies of the local rule shall be filed by the court promulgating the rule with the Administrative Office of Pennsylvania Courts.

3) Two certified copies of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4) One certified copy of the local rule shall be filed by the court promulgating the rule with the Juvenile Court Procedural Rules Committee.

5) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts. Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

D. All local rules promulgated before the effective date of this rule are hereby vacated on the date this rule becomes effective.

E. A local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*.

F. No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule. In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the attorney to comply with the local rule.

G. The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation.

#### Comment

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation shall not determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

To simplify the use of local rules, local juvenile delinquency procedural rules are required to be given numbers that are keyed to the number of the general juvenile delinquency procedural rules to which the local rules correspond. This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile delinquency procedural rule.

The purpose of paragraph (C) is to emphasize that the adopting authority shall comply with all the provisions of paragraph (C) before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (C)(5) requires that a separate consolidated set of local rules be maintained in the clerk's office.

Paragraph (D) vacates all current local rules on the effective date of this rule. The local rules must be repromulgated to comply with this rule. This includes

rekeying pursuant to paragraph (B)(2) and meeting the appropriate filing requirements under paragraph (C).

The Administrative Offices of Pennsylvania Courts maintains a web-page containing the texts of local rules. That web-page is located at: <http://www.courts.state.pa.us/judicial-council/local-rules/index.htm>.

Although under paragraph (E) a local rule shall not be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The purpose of paragraph (F) is to prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (F) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (F), the court may impose a sanction for subsequent noncompliance either on the attorney or the juvenile if proceeding pro se, but may not dismiss the case, or grant or deny relief because of non-compliance.

#### **Rule 112. Continuances.**

A. *Generally.* In the interests of justice, the court may grant a continuance on its own motion or the motion of either party. On the record, the court shall identify the moving party and state its reasons for granting or denying the continuance.

B. *Notice and rescheduling.* If a continuance is granted, each party shall be notified of the date, place, and time of the rescheduled hearing.

#### **Comment**

Under paragraph (B), if a party is summoned to appear and the case is continued, the party is presumed to be under the scope of the original summons and a new summons is not necessary.

See Rule 344 for motion procedures.

#### **Rule 113. Contents of Subpoena.**

A subpoena in a delinquency case shall:

- 1) order the witness named to appear before the court at the date, time, and place specified;
- 2) order the witness to bring any items identified or described;
- 3) state on whose behalf the witness is being ordered to testify; and
- 4) state the identity, address, and phone number of the person who applied for the subpoena.

#### **Comment**

For power to compel attendance, see 42 Pa.C.S. § 6333.

#### **Rule 114. Summons and Notices.**

- A. *Requirements of the summons.* The summons shall:
- 1) be in writing;
  - 2) set forth the date, time, and place of the hearing;
  - 3) instruct the juvenile about the juvenile's right to counsel, and if the juvenile cannot afford counsel, the right to assigned counsel; and

4) give a warning stating that the failure to appear for the hearing may result in arrest.

B. *Method of Service.* Summons or notices shall be served:

- 1) in-person; or
- 2) by first-class mail.

C. *Warrant of arrest.* If any summoned person fails to appear for the hearing and the court is assured that sufficient notice was given, the court may issue a warrant of arrest.

#### **Rule 115. Habeas Corpus.**

A. The petition for writ of habeas corpus challenging the legality of the juvenile's detention or placement shall be filed with the clerk of courts of the judicial district in which the order directing the juvenile's detention or placement was entered.

B. The clerk of courts shall forward the petition immediately to the presiding juvenile court judge for review and shall identify the petition as time sensitive.

#### **Comment**

See Rule 344 for motion procedures.

See *In re Crouse*, 4 Whart. 9 (Pa. 1839).

#### **Rule 116. Defects in Form, Content, or Procedure.**

A juvenile shall not be discharged, nor shall a case be dismissed, because of a defect in the form or content of the petition, written allegation, or warrant, or a defect in the procedures of these rules, unless the juvenile raises the defect prior to the commencement of the adjudicatory hearing, and the defect is prejudicial to the rights of the juvenile.

#### **Comment**

As a condition of relief regardless of whether the defect is in form, content, or procedure, the court must determine that there is an actual prejudice to the rights of the juvenile.

A petition, written allegation, or warrant may be amended at any time so as to remedy any defect in form or content that is not prejudicial to the rights of the juvenile. Nothing in this rule is to prevent the filing of a new written allegation, a new petition, or the reissuance of process. Any new written allegation or petition is to be filed within the time permitted by the applicable statute of limitations.

If a juvenile does not raise a defect before the adjudicatory hearing, the juvenile cannot thereafter raise the defect as grounds for dismissal or discharge at a later stage.

#### **Rule 117. Recording and Transcribing Juvenile Court Hearings.**

A. *Recording.* There shall be a recording of all juvenile delinquency hearings, including hearings conducted by masters.

B. *Transcribing.* Upon the motion of any party, upon its own motion, or as required by law, the court shall determine and designate those portions of the record, if any, that are to be transcribed.

C. *Modifying.* At any time before an appeal is taken, the court may correct or modify the record in the same manner as is provided by Rule 1926 of the Pennsylvania Rules of Appellate Procedure.

**Comment**

Some form of record or transcript is necessary to permit meaningful consideration of claims of error and an adequate effective appellate review. See, e.g., Pa.Rs.A.P. 1922, 1923, 1924; *Commonwealth v. Fields*, 387 A.2d 83 (Pa. 1978); *Commonwealth v. Shields*, 383 A.2d 844 (Pa. 1978). No substantive change in law is intended by this rule; rather it is intended to provide a mechanism to ensure appropriate recording and transcribing of court hearings.

The rule is intended to apply to all juvenile delinquency hearings and to ensure all hearings are recorded, including hearings before masters.

Paragraph (B) of the rule is intended to authorize courts to require transcription of only such portions of the record, if any, as are needed to review claims of error.

Paragraph (C) provides a method for correcting and modifying transcripts before an appeal is taken by incorporating Pa.R.A.P. 1926, which otherwise applies only after an appeal has been taken. It is intended that the same standards and procedures apply both before and after appeal.

**Rule 118. Proceedings in Absentia.**

If the juvenile fails to appear, the court may proceed with a hearing in the absence of the juvenile if the court finds that the juvenile was properly subpoenaed or summoned to appear and has willfully failed to attend, and the juvenile's attorney is present.

**Comment**

The court has discretion whether to proceed if the court finds that the juvenile received proper notice of the hearing and has willfully failed to appear. Requiring the juvenile's attorney to be present protects the juvenile's interest if the proceeding is conducted in the juvenile's absence.

*Cf. Commonwealth v. Ford*, 650 A.2d 433 (Pa. 1994); *Commonwealth v. Sullens*, 619 A.2d 1349 (Pa. 1992).

**Rule 119. (Reserved).****Rule 120. Public Discussion by Courtroom Personnel of Pending Matters.**

All court personnel including, among others, court clerks, bailiffs, tip-staffs, sheriffs, and court stenographers, are prohibited from disclosing to any person, without authorization from the court, information relating to a pending juvenile case that is not part of the court record otherwise available to the public. This rule specifically prohibits the divulgence of information concerning arguments and hearings that are closed proceedings, held in chambers, or otherwise outside of the presence of the public.

**Rule 121. Guardian's Presence.**

The court may, when the court determines that it is in the best interests of the juvenile, order a guardian of a juvenile to be present at and to bring the juvenile to any proceeding. The court shall direct the juvenile probation officer to provide the guardian with timely notice of any hearing.

**Comment**

Nothing in these rules gives the guardian legal standing in the matter being heard by the court or creates a right of a juvenile to have his or her guardian present. See 42 Pa.C.S. §§ 6310, 6335(b), 6336.1.

**Rule 122. Victim's Presence.**

The victim, counsel for the victim, and other persons accompanying a victim for his or her assistance shall be permitted to attend the proceedings.

**Comment**

The court has discretion to maintain confidentiality of mental health, medical, or juvenile institutional documents or juvenile probation reports. See 42 Pa.C.S. § 6336(f).

See Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

**Rule 125. Captions.**

All court documents and orders shall contain a caption that includes the following:

- 1) "In the interest of (the juvenile's name);"
- 2) the juvenile's case docket number; and
- 3) the name of the court.

**PART B. COUNSEL****Rule 130. Attorneys—Appearances and Withdrawals.****A. Appearances.**

1) Counsel for the juvenile shall file an entry of appearance with the clerk of courts promptly after being retained or assigned, and serve a copy on the attorney for the Commonwealth and the juvenile probation office.

2) If a firm name is entered, the name of the individual lawyer who is designated as being responsible for the conduct of the case shall be entered.

**B. Duration.** Once an appearance is entered or the court assigns counsel, counsel shall represent the juvenile until final judgment, including any proceeding upon direct appeal and dispositional review, unless permitted to withdraw pursuant to paragraph (C).

**C. Withdrawals.** Upon motion, counsel shall be permitted to withdraw only:

- 1) by order of the court for good cause shown; or
- 2) if new counsel has entered an appearance with the court.

**Comment**

Paragraph (A)(1) is intended to alleviate any problems when the court or a party(s) is unaware of who is representing the juvenile.

Paragraph (B) follows the same requirements as the Pennsylvania Rules of Criminal Procedure, except that dispositional review was added to this rule. Paragraph (B) implements the decisions of *Douglas v. California*, 372 U.S. 353 (1963), and *Commonwealth v. Hickox*, 249 A.2d 777 (Pa. 1969), by providing that counsel assigned originally shall retain his or her assignment until final judgment, which includes appellate procedure.

Under paragraph (C)(1), a court can terminate an attorney's appearance if there is good cause shown. The court should allow an attorney to withdraw from a case for good cause if the standards for termination of representation, as provided for in the Rules of Professional Conduct 1.16 are met.

If the court allows counsel to withdraw under paragraph (C)(1), the court may need to assign new counsel.

Under paragraph (C), withdrawal is presumed when a court's jurisdiction is terminated because the juvenile reaches the age of twenty-one. See 42 Pa.C.S. §§ 6302, 6303.

Under paragraph (C), because the juvenile probation office and attorney for the Commonwealth's office will be on notice of the identity of the new attorney, they should comply with the discovery requirements of Rule 340.

See also Rule 613 for termination of court supervision.

#### **Rule 131. Assignment of Counsel.**

A. *General.* If counsel does not enter an appearance for the juvenile, the court shall inform the juvenile of the right to counsel prior to any proceeding. In any case, the court shall assign counsel for the juvenile if the juvenile is without financial resources or otherwise unable to employ counsel.

B. *Time.*

1) If the juvenile is detained, the court shall assign counsel prior to the detention hearing.

2) If the juvenile is not detained, the court shall assign counsel prior to the adjudicatory hearing.

#### **Comment**

Counsel may be present at an intake hearing or participate in the decision to place the juvenile on informal adjustment with the probation office.

See also 42 Pa.C.S. § 6337.

#### **Rule 132. Waiver of Counsel.**

A. *Waiver requirements.* A juvenile may not waive the right to counsel unless:

1) the waiver is knowingly, intelligently, and voluntarily made; and

2) the court conducts a colloquy on the record.

B. *Stand-by counsel.* The court may assign stand-by counsel if the juvenile waives counsel at any stage.

C. *Notice and revocation of waiver.* If a juvenile waives counsel for any proceeding, the waiver only applies to that proceeding, and the juvenile may revoke the waiver of counsel at any time. At any subsequent proceeding, the juvenile must be informed of the right to counsel.

#### **Comment**

It is recommended that, at a minimum, the court ask questions to elicit the following information in determining a knowing, intelligent, and voluntary waiver of counsel:

1) Whether the juvenile understands the right to be represented by counsel;

2) Whether the juvenile understands the nature of the charges and the elements of each of those charges;

3) Whether the juvenile is aware of the permissible range of dispositions, community service, or fines that may be imposed by the court;

4) Whether the juvenile understands that if he or she waives the right to counsel he or she will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules;

5) Whether the juvenile understands that there are possible defenses to these charges that counsel might be aware of, and if these defenses are not raised at the adjudicatory hearing, they may be lost permanently;

6) Whether the juvenile understands that, in addition to defenses, the juvenile has many rights that, if not timely asserted, may be lost permanently; and if errors occur and are not timely objected to, or otherwise timely raised by the juvenile, these errors may be lost permanently;

7) Whether the juvenile knows the whereabouts of absent guardians and if they understand they should be present; and

8) Whether the juvenile has had the opportunity to consult with his or her guardian about this decision.

This rule is not meant to preclude the guardian's presence in any hearing. As provided in Rule 121 and the Juvenile Act, 42 Pa.C.S. §§ 6310, 6335(b), and 6336.1, the court can order the guardian's presence if the court determines that it is in the best interests of the juvenile. When conducting the colloquy, the court should also keep in mind the age, maturity, intelligence, and mental condition of the juvenile, as well as, the experience of the juvenile, the juvenile's ability to comprehend, the guardian's presence and consent, and the juvenile's prior record.

### **PART C. RECORDS**

#### **PART C(1). ACCESS TO JUVENILE RECORDS**

##### **Rule 140. Inspection of Juvenile File/Records.**

All files and records of the court in a proceeding are open to inspection only by:

1) the judges, masters, juvenile probation officers, and staff of the court;

2) the attorney for the Commonwealth, the juvenile's attorney, and the juvenile, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information, except in the discretion of the court;

3) a public or private agency or institution providing supervision or having custody of the juvenile under order of the court;

4) a court and its probation officers and other officials or staff and the attorney for the defendant for use in preparing a pre-sentence report in a criminal case in which the defendant is convicted and the defendant previously was adjudicated delinquent;

5) a judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions, orders resulting from dispositional review hearings, and histories of bench warrants and escapes;

6) the Administrative Office of Pennsylvania Courts;

7) officials of the Department of Corrections or a state correctional institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except in the discretion of the court;

8) a parole board, court or county probation official in considering an individual who was previously adjudicated delinquent in a proceeding under the Juvenile Act, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except in the discretion of the court;

9) the judges, juvenile probation officers, and staff of courts of other jurisdictions when necessary for the discharge of their official duties; and

10) with leave of court, any other person, agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

**Comment**

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file.

**Rule 143. Release of Information to School.**

A. *Generally.* Upon finding a juvenile to be a delinquent, the court shall, through the juvenile probation office, provide the following information to the building principal or his or her designee of any public, private, or parochial school in which the juvenile is enrolled:

- 1) name and address of the juvenile;
- 2) the delinquent act or acts that the juvenile was found to have committed;
- 3) a brief description of the delinquent act or acts; and
- 4) the disposition of the case.

B. *Additional information.*

1) If the juvenile is adjudicated delinquent of a felony offense, the court, through the juvenile probation office, shall provide to the building principal or his or her designee relevant information regarding the juvenile contained in the juvenile probation or treatment reports pertaining to the adjudication, prior delinquent history, and the supervision plan of the juvenile.

2) The court or the juvenile probation office shall have the authority to share any additional information regarding the juvenile under its jurisdiction with the building principal or his or her designee as deemed necessary to protect public safety or to enable appropriate treatment, supervision, or rehabilitation of the juvenile.

C. *Transfers to other schools.* Any information provided to and maintained by the building principal or his or her designee under this rule shall be transferred to the building principal or his or her designee of any public, private, or parochial school to which the juvenile transfers enrollment.

D. *Maintained separately.* Any information provided to the building principal or his or her designee under this rule shall be maintained separately from the juvenile's official school record.

**Comment**

The delinquency information in the school record may be used only by school officials and may not be released to the general public or third parties unless ordered by the court.

For further dissemination and usage in school, see 42 Pa.C.S. § 6341(b.1).

**PART C(2). MAINTAINING RECORDS**

**Rule 152. Design of Forms.**

The Court Administrator of Pennsylvania, in consultation with the Juvenile Court Procedural Rules Committee, shall design and publish forms necessary to implement these rules.

**Comment**

The purpose of the unified judicial system can be further achieved by creating uniform forms to accompany a particular rule.

**Rule 155. Maintaining Records in the Clerk of Courts' Office.**

A. *Generally.* The juvenile case file shall contain all original records, papers, and orders filed in the case, and copies of all court notices. These records shall be maintained by the clerk of courts' office and shall not be taken from the custody of the clerk of courts without order of the court. Juvenile records are confidential. Only the persons enumerated in Rule 140 may inspect or copy the juvenile's record or file.

B. *Docket entries.* The clerk of courts shall maintain a list of docket entries: a chronological list, in electronic or written form, of documents and entries in the juvenile case file and of all proceedings in the case. The clerk of courts shall make docket entries at the time the information is made known to the clerk.

C. *Contents of docket entries.* The docket entries shall include at a minimum the following information:

1) the juvenile's name, last known address, date of birth, if known;

2) the names and addresses of all attorneys who have appeared or entered an appearance, the date of the entry of appearance, and the date of any withdrawal of appearance;

3) notations concerning all papers filed with the clerk, including all court notices, appearances, acknowledgments, motions, orders, findings and adjudications, and dispositions, briefly showing the nature and title, if any, of each paper filed, writ issued, and motion made, and the substance of each order or disposition of the court and of the returns showing execution of process;

4) notations concerning motions made orally or orders issued orally in the courtroom when directed by the court;

5) a notation of every judicial proceeding, continuance, and disposition;

6) the location of exhibits made part of the record during the proceedings; and

7) all other information required by Rules 156 and 345.

**Comment**

This rule sets forth the mandatory contents of the list of docket entries and the juvenile case file. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information to be recorded in a case or in all cases.

The list of docket entries is a running record of all information related to any action in a juvenile case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings, including hearings conducted by masters. Nothing in this rule is intended to preclude the use of automated or other electronic means for time stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas, including hearings conducted by masters, at any stage of the delinquency case.

This rule is not intended to include items contained in the juvenile probation records or reports. Juvenile probation records or reports, include, but are not limited to, social summaries, psychological and psychiatric evaluations, personal histories, school reports and records, mental health histories and reports, drug and alcohol evaluations, treatment facility records and reports. These items are not to be copied or reviewed or open to any person

except the court and its staff, the attorney for the Commonwealth, the juvenile, and the juvenile's attorney.

The practice in some counties of creating the list of docket entries only if an appeal is taken is inconsistent with this rule.

The requirement of paragraph (C)(2) that all attorneys and their addresses be recorded makes certain there is a record of all attorneys who have appeared for any juvenile in the case. The requirement also ensures that attorneys are served as required by Rules 156 and 345. See also Rule 345(C) concerning certificates of service.

In those cases in which the attorney has authorized receiving service by facsimile transmission or electronic means, the docket entry required by paragraph (C)(2) must include the facsimile number or electronic address.

Paragraph (C)(4) recognizes that occasionally disposition of oral motions presented in open court should be reflected in the docket, such as motions and orders related to omnibus motions as provided in Rule 346.

**Rule 156. Filings, Docket Entries, and Service of Court Orders and Notices.**

*A. Filings.*

1) All orders and court notices shall be transmitted promptly to the clerk of courts' office for filing. Upon receipt in the clerk of courts' office, the order or court notice shall be time stamped promptly with the date of receipt.

2) All orders and court notices shall be filed in the juvenile case file.

*B. Service.*

1) A copy of any order or court notice shall be served promptly on each party's attorney, and the juvenile, if unrepresented.

2) The clerk of courts shall serve the order or court notice, unless the president judge has promulgated a local rule designating service to be by the court or court administrator.

3) *Methods of service.* Service shall be:

a) in writing by:

i) personal delivery to the party's attorney, and if unrepresented, the juvenile;

ii) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office;

iii) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box;

iv) sending a copy to an unrepresented juvenile by first class mail addressed to the juvenile's place of residence, detention, or placement; or

v) sending a copy by facsimile transmission or other electronic means if the party's attorney, and if unrepresented, the juvenile has filed written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case; or

vi) delivery to the party's attorney, and if unrepresented, the juvenile by carrier service; or

b) orally in open court on the record.

*C. Docket entries.*

1) Docket entries promptly shall be made.

2) The docket entries shall contain:

a) the date of receipt in the clerk's office of the order or court notice;

b) the date appearing on the order or court notice; and

c) the date and manner of service of the order or court notice.

D. *Unified Practice.* Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a party to file or serve orders or court notices.

**Comment**

Court notices, as used in this rule, are communications that ordinarily are issued by a judge or the court administrator concerning, for example, calendaring or scheduling, including proceedings requiring the juvenile's presence.

A facsimile number or electronic address set forth on the letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(3)(a)(v). The authorization for service by facsimile transmission or other electronic means under this rule is valid only for the duration of the case. A separate authorization must be filed in each case the juvenile, if unrepresented, or the attorney wants to receive documents by this method of service.

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time stamping or making docket entries.

**PART C(3). EXPUNGING OR DESTROYING RECORDS**

**Rule 160. Contents of Order to Expunge or Destroy.**

Any order to expunge or destroy the juvenile court file, docket entries, law enforcement records, or fingerprints and photographs shall include the following information:

1) the name of the juvenile;

2) the date of birth of the juvenile, if known;

3) the juvenile's case docket number, if any;

4) the charges to which the order pertains;

5) the law enforcement agency that initiated the charges;

6) the reference number of the police report or written allegation to be expunged or destroyed;

7) the date of arrest;

8) the disposition of the written allegation or petition;

9) the reasons for expunging or destroying the document;

10) the agencies upon which certified copies of the court order shall be served;

11) the printed name and signature of the judge issuing the order; and

12) the date of the court order.

**Comment**

Under paragraph (6), any number assigned to police papers helpful in tracking the police report or written allegation would assist the law enforcement agency in expunging or destroying the document. A reference number could be an offense tracking number, district control



number, crime control number, incident number, Philadelphia identification number, or another number assigned by the law enforcement agency to track the document.

**Rule 162. Expunging or Destroying Juvenile Court Records.**

A. *Expunging records.* Juvenile records may be expunged upon motion.

B. *Notice and answer.*

1) *Notice.* The movant shall serve the motion to expunge juvenile court records upon all parties.

2) *Answer.* The respondent, the attorney for the Commonwealth, the juvenile's attorney, or the juvenile, if unrepresented, shall respond within thirty days of the service of the motion to expunge the juvenile's record. If the respondent fails to respond, the failure to respond shall constitute a waiver of any objections to expunge the juvenile's record.

C. *Hearing.* If the attorney for the Commonwealth objects to expunging the juvenile's record, the court shall hold a hearing prior to deciding the motion.

**Comment**

Juveniles who have been adjudicated delinquent are not entitled to have their records expunged. *In re Lowe*, 448 A.2d 632 (Pa. Super. Ct. 1982).

See 18 Pa.C.S. § 9123 for records that may be expunged.

**PART D. PROCEEDINGS IN CASES BEFORE MASTER**

**Rule 171. Appointment to Cases.**

A. *Appointment.* If necessary to assist the juvenile court judge, the president judge or his or her designee may appoint masters to hear juvenile delinquency matters.

B. *Prohibited practice.* Masters shall not engage in practice before the juvenile court in the same judicial district where they preside over juvenile matters.

**Comment**

Each judicial district should create and maintain a contract with the master establishing the salary and the terms of employment.

**Rule 172. Authority of Master.**

A. *Cases to be heard by Master.* A master shall have the authority to preside over only the following:

1) detention hearings, detention review hearings, or shelter care hearings;

2) discovery, pre-adjudicatory or preliminary proceedings for misdemeanors;

3) any hearing in which the petition charges only misdemeanors; and

4) uncontested dispositional review hearings and uncontested probation revocation hearings.

B. *No authority.* A master shall not have the authority to:

1) conduct or hear transfer hearings;

2) issue warrants; and

3) hear requests for writs of habeas corpus.

C. *Right to hearing before judge.* Prior to the commencement of any proceeding, the master shall inform the juvenile, the juvenile's guardian(s), the juvenile's

attorney, and the attorney for the Commonwealth that they have a right to have the matter heard by a judge. If any person objects to having the matter heard by the master, the case shall proceed before the judge.

**Comment**

Under paragraph (B)(2), nothing is intended to limit the master's ability, in a proper case before the master, to recommend to the court that a warrant be issued. This includes arrest, bench, and search warrants.

Concerning the provisions of paragraph (C), see 42 Pa.C.S. § 6305(b).

See Rule 117 for recording of hearings before a master.

**PART D(1). FORMS AND RECORDS**

**Rule 175. Acknowledgments Before Master.**

A. *Types of cases.* A master may accept an acknowledgment to any misdemeanor.

B. *Requirements.* The acknowledgment requirements of Rule 407 shall be followed.

**Rule 176. Master's Findings and Recommendation to the Judge.**

A. *Announcement of Findings and Recommendation.* At the conclusion of the hearing, the master shall announce in open court on the record, the findings of fact, conclusions of law, and the recommendation to the judge.

B. *Submission of Papers and Contents of Recommendation.* Within one business day, the master shall submit a summary of the recommendation to the juvenile court judge. If requested, a copy of the summary shall be given to the juvenile's attorney, the juvenile, if unrepresented, the attorney for the Commonwealth, and the juvenile probation officer. The summary shall specifically state a recommendation to the judge based on the outcome of the hearing and shall include the following information:

1) a caption pursuant to Rule 125;

2) the charges that the juvenile is acknowledging or found delinquent of; and

3) the final recommendation of the master.

C. *Judicial Action.* The judge shall:

1) accept the recommendation;

2) reject the recommendation and issue an order with new findings or disposition;

3) send the recommendation back to the master for more specific findings; or

4) order a rehearing under Rule 177 within seven days.

**Comment**

The juvenile court may promulgate a form for masters to use. The summary of the recommendation may take the form of a court order to be adopted by the court.

If a party contests the master's decision, the copy of the summary may be used as an attachment in a motion for a rehearing in front of the judge.

The master's decision is subject to approval of the judge. The judge may reject the master's findings and enter a new finding or disposition without a rehearing. See *In re Perry*, 459 A.2d 789 (Pa. Super. Ct. 1983). Jeopardy does not attach at a master's hearing. See *In re Stephens*, 419 A.2d 1244 (Pa. Super. Ct. 1980).

**Rule 177. Appealing Decision of Master to Judge.**

A. *Time limitation.* A party may appeal the recommendation made by the master within three days. The party shall petition the court for a rehearing and aver reasons for the appeal.

B. *Rehearing.* The judge may order a rehearing to be held within seven days of the date of the appeal. The detention status of the juvenile will remain the same pending the rehearing unless otherwise ordered by the judge.

**Comment**

Under paragraph (B), the judge does not have to grant a rehearing. A judge may deny the request based on the petition. If the judge does grant a hearing, it should be held within seven days of the date of the appeal.

Jeopardy does not attach at a master's hearing. See *In re Stephens*, 419 A.2d 1244 (Pa. Super. Ct. 1980).

**CHAPTER 2. COMMENCEMENT OF  
PROCEEDINGS, ARREST PROCEDURES, AND  
PRE-ADJUDICATORY DETENTION**

**PART A. COMMENCING PROCEEDINGS**

Rule  
200. Commencing Proceedings.

**PART B. ARREST PROCEDURES IN DELINQUENCY CASES**

**(a) Arrest Warrants**

210. Arrest Warrants.  
211. Requirements for Issuance.  
212. Duplicate and Alias Warrants of Arrest.  
213. Execution of Arrest Warrant.

**(b) Arrests Without Warrant**

220. Procedure in Cases Commenced by Arrest Without Warrant.  
221. Temporary Detention Following Arrest.

**PART C. WRITTEN ALLEGATION PROCEDURES**

231. Written Allegations.  
232. Contents of Written Allegation.  
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**PART D. PRE-ADJUDICATORY DETENTION**

240. Detention of Juvenile.  
241. Notice of Detention Hearing.  
242. Detention Hearing.  
243. Detention Rehearings.

**PART A. COMMENCING PROCEEDINGS**

**Rule 200. Commencing Proceedings.**

Juvenile delinquency proceedings within a judicial district shall be commenced by:

- 1) submitting a written allegation pursuant to Rule 231;
- 2) an arrest without a warrant:
  - a) when the offense is a felony or misdemeanor committed in the presence of the police officer making the arrest; or
  - b) upon probable cause when the offense is a felony; or
  - c) upon probable cause when the offense is a misdemeanor not committed in the presence of the police officer making the arrest, when such arrest without a warrant is specifically authorized by statute;
- 3) transfer of a case from a criminal proceeding pursuant to 42 Pa.C.S. § 6322;
- 4) the court accepting jurisdiction of a resident juvenile from another state; or
- 5) the court accepting supervision of another state's order.

**Comment**

Paragraph (1) allows for commencing delinquency proceedings by submitting a written allegation. Probation officers may "receive and examine complaints and charges of delinquency . . . of a child for the purpose of considering the commencement of proceedings." 42 Pa.C.S. § 6304(a)(2).

See Rule 231 for procedures on submitting a written allegation.

For the definition of a "written allegation," see Rule 110.

The Juvenile Act provides that "a child may be taken into custody . . . pursuant to the laws of arrest." 42 Pa.C.S. § 6324. Paragraph (2) states the laws of arrest without a warrant in Pennsylvania. See Pa.R.Crim.P. 502.

Paragraph (4) encompasses a juvenile who lives in Pennsylvania and commits a crime in another state and that state wants Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

Paragraph (5) encompasses a juvenile who lives outside of Pennsylvania, committed a crime outside of Pennsylvania, is moving to Pennsylvania, and the other jurisdiction would like Pennsylvania to accept the disposition of the juvenile and supervise the juvenile.

For procedures for when the juvenile is alleged to have violated probation, see Rule 612.

For inter-county transfer of juveniles, see Rule 302.

See § 6321(a) of the Juvenile Act for commencement of proceedings under the Juvenile Act. 42 Pa.C.S. § 6321(a).

**PART B. ARREST PROCEDURES IN  
DELINQUENCY CASES**

**(a) Arrest Warrants**

**Rule 210. Arrest Warrants.**

A. *Application.* An application for an arrest warrant shall be made by filing a written allegation supported by a probable cause affidavit with the president judge or any issuing authority designated by the president judge of each judicial district. The president judge shall ensure twenty-four hour availability of a designated issuing authority.

B. *Arrest procedures.* When a juvenile is arrested pursuant to a warrant, the case shall proceed in the same manner as a warrantless arrest pursuant to Rule 220.

**Comment**

For the contents of a written allegation, see Rule 232. For the requirements of the issuance of an arrest warrant, see Rule 211.

Before issuing an arrest warrant, the issuing authority may inquire as to whether other reasonable remedies available through the Juvenile Act have been considered.

Under paragraph (A), the president judge of each judicial district may designate a juvenile court judge, another common pleas judge, or another issuing authority to receive applications for arrest warrants. The president judge also must designate an issuing authority to receive applications after normal business hours and on holidays. For the definition of "issuing authority," see Rule 110.

In addition to paragraph (A), the police officer is to submit a copy of the written allegation to the juvenile probation office or to the attorney for the Commonwealth. See Rule 231(A)(2).

**Rule 211. Requirements for Issuance.**

A. *Probable Cause.* No arrest warrants shall be issued but upon probable cause, supported by one or more affidavits sworn to before the issuing authority. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

B. *Evidence.* At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant, other than the affidavits provided for in paragraph (A).

**Comment**

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to the issuance of a warrant. All affidavits in support of an application for an arrest warrant should be sworn to before the issuing authority prior to the issuance of the warrant.

This rule carries over to the arrest warrant, the requirement that the evidence presented to the issuing authority be reduced to writing and sworn to, and that only the writing is subsequently admissible to establish that there was probable cause. In these respects, the procedure is similar to that applicable to search warrants. See Pa.R.Crim.P. 203.

For a discussion of the requirements of probable cause for the issuance of an arrest warrant, see *Commonwealth v. Flowers*, 369 A.2d 362 (Pa. Super. Ct. 1976).

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, with a summons, or with a court order.

**Rule 212. Duplicate and Alias Warrants of Arrest.**

A. *Duplicates.* When a warrant of arrest has been issued and it appears necessary or desirable to issue duplicates for execution, the issuing authority may issue any number of duplicates. Each duplicate shall have the same force and effect as the original. Costs may be assessed only for one such warrant and only one service fee may be charged.

B. *Alias.* After service and execution of an original or duplicate warrant, an alias warrant may be issued if the purpose for which the original or duplicate has been issued has not been accomplished.

**Rule 213. Execution of Arrest Warrant.**

A. A warrant of arrest may be executed at any place within the Commonwealth.

B. A police officer shall execute a warrant of arrest.

**Comment**

For the definition of "police officer," see Rule 110.

**(b) Arrests Without Warrant****Rule 220. Procedure in Cases Commenced by Arrest Without Warrant.**

The person arresting a juvenile, with all reasonable speed and without first taking the juvenile elsewhere, shall notify the guardian of the arrest of the juvenile, the reason for the arrest, and the juvenile's whereabouts, and promptly shall either:

1) release the juvenile to his or her guardian upon the guardian's promise to bring the juvenile before the court when requested by the court, unless detention of the juvenile is warranted; or

2) deliver the juvenile before the court or to a detention facility designated by the court; or

3) deliver the juvenile to a medical facility if the juvenile is believed to be suffering from a serious physical condition or illness that requires prompt treatment.

In all cases, the police officer promptly shall submit the written allegation, as required by Rule 231(A)(2).

**Comment**

The release of the juvenile does not eliminate the requirement of submission of a written allegation. For the general procedures governing written allegations, see Chapter 2, Part (C).

See 42 Pa.C.S. § 6326.

**Rule 221. Temporary Detention Following Arrest.**

A. *Secure detention.* A juvenile under arrest may be held securely in a municipal police lock-up or other facility that houses an adult lock-up only under the following conditions:

1) the secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the juvenile to a guardian, juvenile court, or detention facility;

2) the secure holding shall be limited to the minimum time necessary to complete the procedures listed in paragraph (A)(1), but in no case may such holding exceed six hours; and

3) if so held, the juvenile must be separated by sight and sound from incarcerated adult offenders and must be under the continuous visual supervision of law enforcement officials or facility staff.

A juvenile shall be deemed to be held securely only when physically detained, confined in a locked room or cell, or when secured to a cuffing rail or other stationary object within the facility.

B. *Non-secure detention.* Notwithstanding other provisions of law, a juvenile may be held in non-secure custody in a building or facility that houses an adult lock-up only under the following conditions:

1) the area where the juvenile is held is an unlocked multi-purpose area that is not designated or used as a secure detention area or is not part of a secure detention area; or, if the area is a secure booking or similar area, it is used only for processing purposes;

2) the juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;

3) the area is limited to providing non-secure custody only long enough for the purposes of identification, investigation, processing or release to guardians or for arranging transfer to another agency or appropriate facility; and

4) the juvenile must be under continuous visual supervision by a law enforcement officer or other facility staff during the period of non-secure custody.

**Comment**

This rule reflects certain provisions of § 6326 of the Juvenile Act. 42 Pa.C.S. § 6326.

**PART C. WRITTEN ALLEGATION PROCEDURES****Rule 231. Written Allegation.**

A. *Submission.* In every delinquency case, the law enforcement officer shall submit a written allegation to the juvenile probation office.

1) *Juvenile not under arrest.* When a juvenile is not under arrest, a written allegation shall be submitted to the juvenile probation office and a copy shall be forwarded to the attorney for the Commonwealth's office unless the District Attorney elects to require initial receipt and approval of the written allegation under paragraph (B).

2) *Juvenile under arrest.* When a juvenile is under arrest, a written allegation shall be submitted promptly to the court or detention facility, and copies shall be immediately forwarded to the juvenile probation office and the attorney for the Commonwealth's office unless the District Attorney elects to require initial receipt and approval of the written allegation under paragraph (B).

B. *Approval by the District Attorney.* The District Attorney of any county may require initial receipt and approval of written allegations by an attorney for the Commonwealth before a delinquency proceeding is commenced.

1) *Certification.* If the District Attorney elects to require initial receipt and approval of written allegations in his or her county, the District Attorney shall file a certification with the court of common pleas. The certification shall specifically state the classes, grading, or types of cases that the police officer shall submit to the attorney for the Commonwealth's office.

2) *Timeliness.* All written allegations shall be approved or disapproved without unreasonable delay. An attorney for the Commonwealth shall be available at all times for this purpose.

C. *Procedures Following the Attorney for the Commonwealth's Approval.*

1) *Juvenile not under arrest.* If a juvenile is not under arrest and an attorney for the Commonwealth approves the written allegation, notice of the approval and a copy of the written allegation shall be forwarded immediately to the juvenile probation office.

2) *Juvenile under arrest.* If a juvenile is under arrest, the written allegation shall be submitted to the attorney for the Commonwealth and approved prior to taking the juvenile to a detention facility. The attorney for the Commonwealth shall ensure the compliance of the time requirements of Rule 221(A). If the written allegation is approved, it shall be submitted promptly to the court or detention facility. A copy of the notice of the approval and the written allegation shall be forwarded to the juvenile probation office.

D. *Attorney for the Commonwealth's Disapproval.* If the written allegation has been disapproved for prosecution, it shall nevertheless be transmitted to the juvenile probation office with notice of the disapproval. If the juvenile is in custody, the juvenile shall be released immediately.

#### Comment

See Rules 210 (Arrest Warrants) and 220 (Procedures in Cases Commenced by Arrest Without Warrant) for the procedures on submitting written allegations for arrests.

Under paragraphs (A)(2) and (C)(2), the police officer must submit the written allegation promptly to the intake staff at the court or the detention facility. The facility should not accept a juvenile for detention if a written allegation is not sent with the juvenile.

Under paragraph (B), the District Attorney decides whether an attorney for the Commonwealth receives initial receipt and approval of written allegations. Once the District Attorney has filed a certification with the

court under paragraph (B)(1), any attorney for the Commonwealth may receive and approve written allegations as specified in the certification by the District Attorney.

Under paragraph (D), a juvenile should be released from custody unless there are other legally sufficient bases for detaining the juvenile, such as, violation of probation or other pending charges.

#### Rule 232. Contents of Written Allegation.

Every written allegation shall contain:

- 1) the name of the person making the allegations;
- 2) the name, date of birth, and resident address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
  - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
  - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:
  - a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
  - b) if the date or day of the week is an essential element of the offense charged, such date or day shall be specifically set forth;
- 5) the place where the offense is alleged to have been committed;
- 6) a) a summary of the facts sufficient to advise the juvenile of the nature of the offense charged;
  - b) the official or customary citation of the statute and section thereof, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the written allegation; and
  - c) the name of any conspirators, if known;
- 7) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- 8) a notation if criminal laboratory services are requested in the case;
- 9) a verification by the person making the allegation that the facts set forth in the written allegation are true and correct to the person's personal knowledge, information, or belief, and that any false statement made therein are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and
- 10) the signature of the person making the allegation and the date of execution of the written allegation.

#### Comment

This rule sets forth the required contents of all written allegations whether the person making the allegation is a law enforcement officer, a police officer, or a private citizen.

#### Rule 233. Approval of Private Written Allegations.

A. *Submission of written allegation.* When the person making the allegation is not a law enforcement officer, the written allegation shall be submitted to the juvenile

probation officer for approval, unless the District Attorney has elected to require initial receipt and approval under Rule 231(B). The juvenile probation officer or the attorney for the Commonwealth shall approve or disapprove the written allegation without unreasonable delay.

**B. Requirements.**

1) *Approval.* If the private written allegation is approved, the case shall proceed as any other written allegation under Rule 231(C) and (D).

2) *Disapproval.* If the written allegation is disapproved, the attorney for the Commonwealth or the juvenile probation officer shall state the reasons on the written allegation form and return it to the person making the allegation. The person making the allegation may file a motion for review of the disapproval by the court.

**Comment**

For the contents of a written allegation, see Rule 231.

In all cases where the affiant is not a law enforcement officer, the written allegation should be submitted for approval or disapproval by the juvenile probation officer or the attorney for the Commonwealth. Once the allegation is approved, the case should proceed as any other written allegation would proceed. See Rule 231.

When the person filing a document alleging a juvenile committed a delinquent act is a private citizen, they should follow the same process and proceedings as probation officers and law enforcement officers. Private citizens are not to be afforded additional rights when it comes to adjudicating a juvenile delinquent. The purpose of the Juvenile Act, 42 Pa.C.S. § 6334, is achieved by providing an avenue for the private citizen to commence a delinquency proceeding by submitting a written allegation. If the written allegation is disapproved, the private citizen has the right to appeal the case by motion to the court of common pleas. If the court of common pleas overturns the decision of the attorney for the Commonwealth or the juvenile probation officer, the court should direct the attorney for the Commonwealth or juvenile probation officer to approve the written allegation and proceed with the case in the same manner as any other case. This procedure ensures informal court action is not precluded, such as, informal adjustment. Once a petition is filed, informal adjustment is not allowed. See Comment to Rule 312.

For motions and service, see Rules 344 and 345.

**PART D. PRE-ADJUDICATORY DETENTION**

**Rule 240. Detention of Juvenile.**

A. *Detention requirements.* If a juvenile is brought before the court or delivered to a detention facility designated by the court, the juvenile probation officer immediately shall:

- 1) examine the written allegation;
- 2) make an investigation, which may include an intake conference with the juvenile, the juvenile's attorney, guardian, or other interested and informed adult; and
- 3) release the juvenile, unless it appears that the juvenile's detention is warranted.

B. *Filing of petition.* The release of the juvenile shall not prevent the subsequent filing of a petition.

C. *Prompt hearing.* If the juvenile is not released, a detention hearing shall be held no later than seventy-two hours after the juvenile is placed in detention.

D. *Time restrictions.* Except as provided in paragraphs (D)(1) and (D)(2), if the adjudicatory hearing is not held or notice of intent to transfer is not submitted within the ten-day period as specified in Rules 391 and 404, the juvenile shall be released.

1) A juvenile may be detained for an additional single period not to exceed ten days when the court determines that:

- a) evidence material to the case is unavailable;
- b) due diligence to obtain such evidence has been exercised;
- c) there are reasonable grounds to believe that such evidence will be available at a later date; and
- d) the detention of the juvenile would be warranted.

2) A juvenile may be detained for successive ten-day intervals if the result of delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:

- a) delay caused by the unavailability of the juvenile or the juvenile's attorney;
- b) delay caused by any continuance granted at the request of the juvenile or the juvenile's attorney; or
- c) delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.

**Comment**

If a juvenile is detained, the guardian should be notified immediately. See Rules 220 (Procedures in Cases Commenced by Arrest Without Warrant) and 313(B) (Taking into Custody from Intake) for notification of the guardian.

Under paragraph (D), if the juvenile causes delay, the juvenile may continue to be held in detention. The additional period of detention should not exceed ten days. The court may continue such detention for successive ten-day intervals. The time restrictions of paragraph (D) apply to a juvenile who is placed in detention, even if previously released.

For time restrictions on detention for juveniles scheduled for a transfer hearing to criminal proceedings, see Rule 391.

For statutory provisions on detention, see 42 Pa.C.S. §§ 6325, 6335. For the Juvenile Court Judges Commission's Detention Standards, see 37 Pa. Code § 200.101 et seq. (2003).

**Rule 241. Notice of Detention Hearing.**

Notice of the detention hearing, including date, time, place, and purpose, shall be given to:

- 1) the juvenile;
- 2) the juvenile's guardian;
- 3) the juvenile's attorney;
- 4) the juvenile probation officer;
- 5) the attorney for the Commonwealth; and
- 6) any other parties necessary for the detention hearing.

**Comment**

Notice should be as timely as possible. Because there is a seventy-two hour time restriction, notice may be oral. Every possible attempt should be made to notify all interested persons.

If a guardian has not been notified, a rehearing must be ordered under Rule 243 upon submission of an affidavit by the guardian.

**Rule 242. Detention Hearing.**

A. *Informing juvenile of rights.* Upon commencement of the hearing, the court shall inform the juvenile of:

- 1) the nature of the delinquency allegations;
- 2) the right to counsel and to assigned counsel; and
- 3) the right to remain silent with respect to any allegation of delinquency.

B. *Manner of hearing.*

1) *Conduct.* The hearing shall be conducted in an informal but orderly manner.

2) *Recording.* If requested by the juvenile or the Commonwealth, or if ordered by the court, the hearing shall be recorded by appropriate means. If not so recorded, full minutes of the hearing shall be kept.

3) *Testimony and evidence.* All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied upon to the extent of its probative value even though not competent in the hearing on the petition. The juvenile's attorney, the juvenile, if unrepresented, and the attorney for the Commonwealth shall be afforded an opportunity to examine and controvert written reports so received.

4) The juvenile shall be present at the detention hearing and the juvenile's attorney or the juvenile, if unrepresented, may:

- a) cross-examine witnesses offered against the juvenile; and
- b) offer evidence or witnesses, if any, pertinent to the probable cause or detention determination.

C. *Findings.* The court shall determine whether:

- 1) there is probable cause that a delinquent act was committed by the juvenile; and
- 2) detention of the juvenile is warranted.

D. *Filing of petition.* If a juvenile remains detained after the hearing, a petition shall be filed with the clerk of courts within twenty-four hours or the next court business day.

**Comment**

A detention hearing consists of two stages. The first stage of a detention hearing is a probable cause hearing. If probable cause is not found, the juvenile must be released. If probable cause is found, then the court is to proceed to the second stage.

The second stage of a detention hearing is a detention determination hearing. The court should hear pertinent evidence from all parties concerning the detention status of the juvenile, review and consider all alternatives to secure detention, and determine if the detention of the juvenile is warranted.

The procedures of paragraph (D) deviate from the procedures of the Juvenile Act. See 42 Pa.C.S. § 6331. Under paragraph (D), a petition does not have to be filed within twenty-four hours of the juvenile's detention; rather, the petition should be filed within twenty-four hours of the conclusion of the detention hearing if the juvenile is detained. If the juvenile is not detained, a petition may be filed at any time prior to the adjudicatory hearing. However, the juvenile's attorney should have sufficient notice of the charges prior to the adjudicatory

hearing to prepare for the defense of the juvenile. See Rule 363 for time of service. See Rule 331 for service of the petition. See Rule 330 for petition requirements.

See 42 Pa.C.S. §§ 6332, 6336, and 6338 for the statutory provisions concerning informal hearings and other basic rights.

**Rule 243. Detention Rehearings.**

A. *Mandatory Rehearing.* If the guardian submits an affidavit to the juvenile probation officer alleging that the guardian was not notified of the detention hearing and that the guardian did not appear or waive appearance at the detention hearing, a rehearing shall be held within seventy-two hours of the submission of the affidavit.

B. *Discretionary Rehearing.* Upon request of the juvenile's attorney, the juvenile, if unrepresented, or the attorney for the Commonwealth, or on its own motion, the court may grant a rehearing within its discretion.

C. *Forum.* The judge, who heard the original detention hearing or adopted the findings of the master, shall hold the rehearing, unless the judge assigns the case to the master.

**Comment**

Under paragraph (A), upon receiving an affidavit, the juvenile probation officer must schedule a rehearing, forward the affidavit to the proper person to schedule a rehearing, or submit the affidavit to the court for rescheduling.

Under paragraph (C), only a judge may hold a rehearing, unless the judge orders the master to hear the case.

**CHAPTER 3. PRE-ADJUDICATORY PROCEDURES**

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**PART A. VENUE AND JURISDICTION**

**Rule 300. Venue.**

A. *Generally.* A delinquency proceeding shall be commenced in:

- 1) the county where the allegation occurred; or
- 2) the juvenile's residential county.

B. *Change of venue.* The juvenile may file a motion for change of venue if there is a hardship on the juvenile. The court shall decide the motion.

**Rule 302. Inter-County Transfer.**

A. *Supervision.* The court may transfer supervision of the juvenile to the juvenile's residential county after a:

- 1) consent decree is entered; or
- 2) dispositional order is entered.

B. *Disposition.* After an adjudication of delinquency, the court may transfer the case for disposition to the juvenile's residential county.

C. *Transmission of juvenile case file.* If the case is transferred under paragraph (A) or (B), the transferring court shall order transfer of certified copies of all documents, reports, and summaries in the juvenile's case file.

**Comment**

The purpose of allowing transfer of disposition and supervision of the juvenile to the juvenile's residential county is to allow probation to closely supervise the juvenile. Supervision is difficult if the juvenile lives in another county.

This rule also may apply if the juvenile moves to a different county in this Commonwealth at some stage in the proceedings.

When the dispositional hearing is being transferred under paragraph (B), the transferring court should enter a finding of the amount of restitution owed and to whom it should be paid, if ordered.

**PART B. INTAKE AND INFORMAL ADJUSTMENT**

**Rule 310. Pre-Intake Duties, Scheduling, and Notice.**

A. *Juvenile probation officer duties.* After a written allegation is submitted, the juvenile probation officer shall gather pertinent information to determine whether:

- 1) the allegations are within the jurisdiction of the juvenile court; and
- 2) it is appropriate to schedule an intake conference.

B. *Scheduling.* Intake conferences shall be scheduled within a reasonable time after submission of the written allegation.

C. *Notice.* The juvenile probation officer shall make all reasonable efforts to provide actual notice of the intake conference to the juvenile and the juvenile's guardian.

**Comment**

If the juvenile probation officer has exhausted all methods of communication with the juvenile's guardian, the probation officer may proceed with the intake conference without the presence of the guardian. If the juvenile is detained at the intake conference without the presence of a guardian, the probation officer must immediately notify the guardian of the detention of the juvenile. See Rule 313(B).

**Rule 311. Intake Conference.**

A. The juvenile probation officer may conduct an intake conference to determine what further action, if any, should be taken.

B. Before proceeding with an intake conference, the juvenile probation officer shall:

- 1) provide a copy of the written allegation to the juvenile and the juvenile's guardian, if present; and
- 2) inform the juvenile and the juvenile's guardian, if present, of the juvenile's rights.

C. The juvenile probation officer shall provide the attorney for the Commonwealth with notice of the decision at the intake conference. Within a reasonable time of receiving the notice, the attorney for the Commonwealth may file a motion requesting review by the court of the juvenile probation officer's action. The court shall conduct a hearing on the motion.

**Comment**

Under paragraph (A), in making a decision, the juvenile probation officer should balance the interests of the victim and protection of the community, imposition of accountability on the juvenile for offenses committed, and the development of competencies for the juvenile. See 42 Pa.C.S. § 6301. The juvenile probation officer should consult with the victim, the juvenile, and the juvenile's guardian to determine how the case should be handled. See Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

For the statutory procedures concerning statements made by the juvenile, see 42 Pa.C.S. § 6323(e).

**Rule 312. Informal Adjustment.**

A. *Participation.* At any time prior to the filing of a petition, the juvenile probation officer may informally adjust the allegation(s) if it appears:

- 1) an adjudication would not be in the best interest of the public and the juvenile;
- 2) the juvenile and the juvenile's guardian consent to informal adjustment with knowledge that consent is not obligatory; and
- 3) the admitted facts bring the case within the jurisdiction of the court.

B. *Completion.*

- 1) If the juvenile successfully completes the informal adjustment, the case shall be dismissed and prosecution is barred.
- 2) If the juvenile does not successfully complete the informal adjustment, a petition shall be filed.

**Comment**

Informal adjustments may not occur after the filing of a petition. *Commonwealth v. J.H.B.*, 760 A.2d 27 (Pa. Super. Ct. 2000). See 42 Pa.C.S. § 6323(a).

The juvenile probation officer may give "counsel and advice" as to the informal adjustment. See 42 Pa.C.S. § 6323(b). "Counsel and advice" may include referral to a social service agency or other conditions as agreed to by the juvenile probation officer and the juvenile.

A juvenile's participation in an informal adjustment may not exceed six months, unless extended by order of the court for an additional period not to exceed three months. See 42 Pa.C.S. § 6323(c). Any incriminating statements made by the juvenile to the juvenile probation officer and in the discussions or conferences incident thereto are not to be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act. See 42 Pa.C.S. § 6323(e).

If a petition is filed because the juvenile has not successfully completed the requirements of an informal adjustment, the procedures of Rule 330 should be followed.

**Rule 313. Detention from Intake.**

A. *Detention.* If it is determined at an intake conference that a juvenile should be detained, the matter shall proceed pursuant to Rule 240.

B. *Notice to Guardian.* If a guardian is not present at the intake conference, the probation officer immediately shall notify the guardian of the juvenile's detention.

**Comment**

The provision concerning notification of a guardian in Rule 220 is to be followed.

**PART C. PETITION**

**Rule 330. Petition: Filing, Contents, Function.**

A. *Certification.* The District Attorney of any county may require that an attorney for the Commonwealth must file all petitions. If the District Attorney elects to require an attorney for the Commonwealth to file the petition, the District Attorney shall file a certification with the court of common pleas. The certification shall:

- 1) state that an attorney for the Commonwealth must file petitions; and
- 2) specify any limitations on the filing or classes of petitions.

B. *Filings.* In every delinquency proceeding, the attorney for the Commonwealth or the juvenile probation officer shall file a petition with the clerk of courts if it has been determined that informal adjustment or another diversionary program is inappropriate.

C. *Petition contents.* Every petition shall set forth plainly:

- 1) the name of the petitioner;
- 2) the name, date of birth, and resident address, if known, of the juvenile, or if unknown, a description of the juvenile;
- 3) a statement that:
  - a) it is in the best interest of the juvenile and the public that the proceedings be brought; and
  - b) the juvenile is in need of treatment, supervision, or rehabilitation;
- 4) the date when the offense is alleged to have been committed; provided, however:

a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and

b) if the date or day of the week is an essential element of the offense charged, such date or day shall be specifically set forth;

5) the place where the offense is alleged to have been committed;

6) a) a summary of the facts sufficient to advise the juvenile of the nature of the offense charged;

b) the official or customary citation of the statute and section thereof, or other provision of law which the juvenile is alleged to have violated, but an error in such citation shall not affect the validity or sufficiency of the petition; and

c) the name of any conspirators, if known.

7) a statement that the acts were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;

8) a notation if criminal laboratory services are requested in the case;

9) a verification by the petitioner that the facts set forth in the petition are true and correct to the petitioner's personal knowledge, information, or belief, and that any false statements therein are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

10) the signature of the petitioner and the date of the execution of the petition;

11) the whereabouts of the juvenile and if taken into custody, the date and time thereof; and

12) the name and resident address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative.

**Comment**

Under paragraph (A), the District Attorney may file a certification with the court of common pleas stating that only an attorney for the Commonwealth may file a petition. If a certification has not been filed, then an attorney for the Commonwealth or a juvenile probation officer may file a petition.

A private citizen has the right to file a written allegation, not a petition. The written allegation commences the proceedings in the juvenile system. See Rule 200. The case should progress in the same manner as any other case in the juvenile system. If the written allegation is disapproved, the private citizen may appeal to the court of common pleas. See Comment to Rule 233.

Informal adjustment or other diversionary programs should be considered before a petition is filed. Once a petition is filed, informal adjustment is not permitted. See *In re J.H.B.*, 760 A.2d 27 (Pa. Super. Ct. 2000).

Petitions should be filed without unreasonable delay. See *Commonwealth v. Dallenbach*, 729 A.2d 1218 (Pa. Super. Ct. 1999).

The contents of a petition are the same as a written allegation except for the additional requirements in paragraphs (C)(11) and (12).

**Rule 331. Service of Petition.**

A. *Copy.* Upon the filing of a petition, a copy of the petition shall be served promptly upon the juvenile, the



juvenile's guardian, the juvenile's attorney, the attorney for the Commonwealth, and the juvenile probation officer.

B. *Service to juvenile and guardian.* The service of the petition to the juvenile and the juvenile's guardian shall be by first-class mail or delivered in-person.

C. *Service to attorneys and probation officer.* The service of the petition to the juvenile's attorney, attorney for the Commonwealth, and juvenile probation officer shall be by first-class mail or delivered in-person unless all individuals otherwise agree upon an alternative method.

#### Comment

The purpose of paragraph (A) is to insure the juvenile and the juvenile's attorney have notice of the charges to prepare the case adequately. If the juvenile is detained, service is to follow immediately after the filing of the petition. See Rule 242(D) for the twenty-four hour filing requirement.

Alternative methods of services that may be utilized under paragraph (C) could be electronic transmission, facsimile, county agency inter-office mail, and other similar methods.

#### Rule 332. Multiple Offenses in Petition.

A. *Different incidents.* When more than one offense is alleged to have been committed within a judicial district by a juvenile arising from different incidents or delinquent episodes, one petition may be filed. However, each incident shall be charged separately in conformity with the requirements of Rule 330(C)(4)–(6).

B. *Same incidents.* When more than one offense is alleged to have been committed within a judicial district by a juvenile arising from the same incident or delinquent episode, a single petition shall be filed.

#### Comment

The purpose of paragraph (A) is to permit one petition for multiple offenses arising from different incidents or delinquent episodes. The offenses must be stated with particularity to inform the juvenile of the charges. See Rule 330(C)(4) through (6) for specific requirements.

Under paragraph (B), a single petition is to be submitted for offenses arising from the same incident or delinquent episode.

#### Rule 333. Separate Petitions.

When more than one juvenile is alleged to have participated in the commission of an offense, a separate petition for each juvenile shall be filed.

#### Comment

If there are conspirators to any of the alleged offenses, the names of all conspirators are to be referenced in the petition. See Rule 330(C)(6)(c).

Hearings on the petitions may be consolidated for such further action as may be required by Rule 351.

#### Rule 334. Amendment of Petition.

A. *Amendment.*

1) The court shall allow a petition to be amended when there is doubt as to:

- a) form;
- b) the description of the offense;
- c) the description of any person or property; or
- d) the date charged.

2) The court shall not allow a petition to be amended if the petition alleges a different set of events or offenses, where the elements or defenses are materially different from the elements or defenses to the offense originally petitioned.

B. *Continuance.* Upon amendment, the court may:

- 1) grant a continuance of the adjudicatory hearing; or
- 2) order other relief as is necessary in the interests of justice.

#### Comment

For continuances, see Rule 112.

#### Rule 335. Withdrawal of Petition.

The attorney for the Commonwealth may withdraw the petition. The withdrawal shall be filed with the clerk of courts.

#### Comment

See Rule 345 for the procedures for filings and service.

#### Rule 336. Re-Filing of the Petition After Withdrawal or Dismissal.

A. *Re-filing.* The attorney for the Commonwealth may re-file a petition after the petition has been withdrawn pursuant to Rule 335 or dismissed by the court.

B. *Motion for dismissal.* The court may entertain a motion by the juvenile to dismiss the re-filed petition.

#### Comment

A juvenile may be rearrested after the charges have been dismissed prior to jeopardy attaching if the statute of limitations has not expired. *Cf. Commonwealth v. Revtai*, 532 A.2d 1 (Pa. 1987). The petition should be dismissed upon a finding that the attorney for the Commonwealth acted to harass the juvenile, the offenses are beyond the statute of limitations, or there is some other prejudice to the juvenile. See *Commonwealth v. Chermansky*, 552 A.2d 1128 (Pa. Super. Ct. 1989). See also *Commonwealth v. Thorpe*, 701 A.2d 488 (Pa. 1997).

If a petition is re-filed, the procedures of Rule 330 should be followed. It may be necessary to have a detention hearing under the procedures of Rule 240(C).

### PART D. PROCEDURES FOLLOWING FILING OF PETITION

#### Rule 340. Pre-Adjudicatory Discovery and Inspection.

A. *Informal.* Before either party can seek any disclosure or discovery under these rules, counsel for the parties shall make a good faith effort to resolve all questions of discovery, and to provide information required or requested under these rules as to which there is no dispute. When there are items requested by one party that the other party has refused to disclose, the demanding party may make an appropriate motion to the court. Such motion shall be made as soon as possible prior to the adjudicatory hearing. In such motion, the party shall state that a good faith effort to discuss the requested material has taken place and proved unsuccessful. Nothing in this rule shall delay the disclosure of any items agreed upon by the parties pending resolution of any motion for discovery.

B. *Mandatory.*

1) *Disclosure by the Commonwealth.* In all cases, on request by the juvenile's attorney or the juvenile, if unrepresented, and subject to any protective order which the Commonwealth might obtain under this rule, the

Commonwealth shall disclose to the juvenile's attorney or the juvenile, if unrepresented, all of the following requested items or information, provided they are material to the instant case. The Commonwealth shall, when applicable, permit the juvenile's attorney or the juvenile, if unrepresented, to inspect and copy or photograph such items.

a) Any evidence favorable to the juvenile that is material either to guilt or to disposition, and is within the possession or control of the attorney for the Commonwealth;

b) any written confession or inculpatory statement, or the substance of any oral confession or inculpatory statement, and the identity of the person to whom the confession or inculpatory statement was made that is in the possession or control of the attorney for the Commonwealth;

c) the circumstances and results of any identification of the juvenile by voice, photograph, or in-person identification;

d) any results or reports of scientific tests, expert opinions, and written or recorded reports of polygraph examinations or other physical or mental examinations of the juvenile that are within the possession or control of the attorney for the Commonwealth;

e) any tangible objects, including documents, photographs, fingerprints, or other tangible evidence; and

f) the transcripts and recordings of any electronic surveillance, and the authority by which the said transcripts and recordings were obtained.

*C. Discretionary.* Upon motion of the attorney for the Commonwealth, the juvenile's attorney, or the juvenile, if unrepresented, for pre-adjudicatory discovery, the court may order, subject to the juvenile's right against self-incrimination, any discovery upon a showing that the evidence is material to the preparation of the case and that the request is reasonable.

*D. Continuing Duty to Disclose.* If, prior to or during the adjudicatory hearing, either party discovers additional evidence or material previously requested or ordered to be disclosed by it, which is subject to discovery or inspection under this rule, or the identity of an additional witness or witnesses, such party promptly shall notify the opposing party or the court of the additional evidence, material, or witness.

*E. Remedy.* If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule, the court may order such party to permit discovery or inspection, may grant a continuance, or may prohibit such party from introducing evidence not disclosed, other than testimony of the juvenile, or it may enter such other order as it deems just under the circumstances.

*F. Protective orders.* Upon a sufficient showing, the court may at any time order that the discovery or inspection be denied, restricted, or deferred, or make such other order as is appropriate. Upon motion of any party, the court may permit the showing to be made, in whole or in part, in the form of a written statement to be inspected by the court. If the court enters an order granting relief, the entire text of the statement shall be sealed and preserved in the records of the court to be made available to the appellate court(s) in the event of an appeal.

*G. Work Product.* Disclosure shall not be required of legal research or of records, correspondence, reports, or

memoranda to the extent that they contain the opinions, theories, or conclusions of the attorney for the Commonwealth or the juvenile's attorney, or members of their legal staffs.

#### Comment

The purpose of paragraph (A) is to encourage an informal discovery process. Only when the informal process fails and there is a general dispute as to discovery, should a motion to compel discovery be made. Motions may be oral or written, see Rule 344.

For provisions under paragraph (B)(1)(b), see *Commonwealth v. Burke*, 781 A.2d 1136 (Pa. 2001).

Under paragraph (C), the following are examples of evidence that may be material to the preparation of the defense: 1) the names and contact information of eyewitnesses; 2) all written or recorded statements, and substantially verbatim oral statements, of eyewitnesses the Commonwealth intends to call at the adjudicatory hearing; 3) all written and recorded statements, and substantially verbatim oral statements, made by juvenile, and by conspirators or accomplices, whether such individuals have been charged or not; and 4) any other evidence specifically identified by the juvenile's attorney, provided the juvenile's attorney can additionally establish that its disclosure would be in the interests of justice, including any information concerning any prosecutor, investigator, or police officer involved in the case who has received either valuable consideration, or an oral or written promise or contract for valuable consideration, for information concerning the case, or for the production of any work describing the case, or for the right to depict the character of the prosecutor or investigator in connection with his or her involvement in the case.

Under paragraph (C), the following are examples of evidence that may be material to the preparation of the Commonwealth's case: 1) results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the juvenile's attorney, that the juvenile's attorney intends to introduce as evidence in chief, or were prepared by a witness whom the juvenile's attorney intends to call at the adjudicatory hearing, when results or reports relate to the testimony of that witness, provided the juvenile's attorney has requested and received discovery under paragraph (B)(1)(d); and 2) the names and contact information of eyewitnesses whom the juvenile's attorney intends to call in the juvenile's case in chief.

Any evidence or material requested cannot interfere with the juvenile's right against self-incrimination.

Under paragraph (C), the court has discretion, upon motion, to order an expert who is expected to testify at the adjudicatory hearing to prepare a report. However, these provisions are not intended to require a prepared report in every case. The court should determine, on a case-by-case basis, whether a report should be prepared. For example, a prepared report ordinarily would not be necessary when the expert is known to the parties and testifies about the same subject on a regular basis. On the other hand, a report might be necessary if the expert is not known to the parties or is going to testify about a new or controversial technique.

Whenever the rule makes reference to the term "identification," or "in-person identification," it is understood that such terms are intended to refer to all forms of identifying a juvenile by means of the juvenile's person being in some way exhibited to a witness for the purpose

of an identification: e.g., a line-up, stand-up, show-up, one-on-one confrontation, one-way mirror, etc. The purpose of this provision is to make possible the assertion of a rational basis for a claim of improper identification based upon *Stovall v. Denno*, 388 U.S. 293 (1967) and *United States v. Wade*, 388 U.S. 218 (1967).

This rule is not intended to affect the admissibility of evidence that is discoverable under this rule or evidence that is the fruits of discovery, nor the standing of the juvenile to seek suppression of such evidence.

It is intended that the remedies provided in paragraph (E) apply equally to the Commonwealth and the juvenile, as the interests of justice require.

The provision for a protective order, paragraph (F), does not confer upon the Commonwealth any right of appeal not presently afforded by law.

It should also be noted that as to material which is discretionary with the court, or which is not enumerated in the rule, if such information contains exculpatory evidence as would come under the *Brady* rule, it must be disclosed. Nothing in this rule is intended to limit in any way disclosure of evidence constitutionally required to be disclosed.

#### **Rule 341. Notice of Alibi Defense.**

A. *Notice by the juvenile's attorney or juvenile, if unrepresented.* A juvenile who intends to offer the defense of alibi at the adjudicatory hearing shall, at any time prior to the adjudicatory hearing, give the attorney for the Commonwealth notice of the intention to claim such defense. Such notice shall include specific information as to the place or places where the juvenile claims to have been at the time of the alleged offense and the names and contact information of witnesses whom the juvenile intends to call in support of such claim.

B. *Failure to Give Notice.* If the juvenile fails to give notice of an alibi defense as required by this rule, or omits any witness from such notice, the court at the adjudicatory hearing may exclude the testimony of any omitted witness, or may exclude entirely any evidence offered by the juvenile for the purpose of proving the defense, except testimony by the juvenile, or may grant a continuance to enable the Commonwealth to investigate such evidence, or may make such other order as the interests of justice require.

C. *Impeachment.* A juvenile may testify concerning an alibi notwithstanding that the juvenile has not given notice, but if the juvenile has given notice and testifies concerning his or her presence at the time of the offense at a place or time different from that given in the notice, the juvenile may be cross-examined concerning such notice.

D. *Disclosure of Reciprocal Witnesses.* Prior to the adjudicatory hearing, the attorney for the Commonwealth shall disclose to the juvenile's attorney or the juvenile, if unrepresented, the names and contact information, that have not been previously disclosed, of all persons the Commonwealth intends to call as witnesses to disprove or discredit the juvenile's claim of alibi.

E. *Failure to Supply Reciprocal Notice.* If the attorney for the Commonwealth fails to disclose a list of its witnesses as required by this rule, or omits any witness therefrom, the court at the adjudicatory hearing may exclude the testimony of any omitted witness, or may exclude any evidence offered by the Commonwealth for the purpose of disproving the alibi, or may grant a

continuance to enable the defense to investigate such evidence, or may make such other order as the interests of justice require.

### **PART D(1). MOTION PROCEDURES**

#### **Rule 344. Motions and Answers.**

A. *Generally.* All motions and answers shall be made orally on the record or in writing. An answer to a motion is not required unless ordered by the court or otherwise provided in these rules. Failure to answer shall not constitute an admission of the well-pleaded facts alleged in the motion.

B. *Represented juvenile.* If counsel represents a juvenile, the attorney shall make or file all motions and answers.

C. *Requirements for motions.* All motions shall comply with the following requirements:

1) The person making the motion shall sign a written motion. The signature shall constitute a certification that the motion is made in good faith. An oral motion shall be made on the record and the oral motion shall constitute a certification that the motion is made in good faith.

2) The motion shall state with particularity the grounds for the motion, the facts that support each ground, and the types of relief or order requested.

3) If the motion sets forth facts that do not already appear of record in the case, a verification shall be included or an oral statement shall be given that the facts set forth in the motion are true and correct to the movant's personal knowledge, information, or belief.

4) If the motion is written, a certificate of service as required by Rule 345(C) shall be included.

D. *Requirements for answers.* All answers, including those that are required either by court order or otherwise required by these rules, shall comply with the following requirements:

1) The person making the answer shall sign the answer or shall reply to the motion on the record. The signature or oral answer on the record shall constitute a certification that the answer is being made in good faith.

2) The answer shall meet the allegations of the motion and shall specify the type of relief, order, or other action sought.

3) If the answer sets forth facts that do not already appear of record in the case, a verification shall be included or an oral answer shall include a statement that the facts set forth in the answer are true and correct to the respondent's personal knowledge, information, or belief.

4) If the answer is written, a certificate of service as required by Rule 345(C) shall be included.

E. *Alternative relief.* Any motion may request such alternative relief as may be appropriate.

F. *Waiver of relief.* The failure, in any motion, to state a type of relief or order, or a ground therefore, shall constitute a waiver of such relief, order, or ground.

#### **Comment**

Under paragraph (A), oral motions and answers are permitted because of the emphasis on prompt disposition in Juvenile Court. Answers to written motions may be made orally if the answer complies with the requirements of this rule.

Under paragraphs (C)(4) and (D)(4), a certificate of service is required for all written motions and answers. See Rule 345(B) for service of documents and Rule 345(C) for certificates of service.

**Rule 345. Filing and Service.**

*A. Filings.*

1) *Generally.* Except as otherwise provided in these rules, all written motions, and any notice or document for which filing is required, shall be filed with the clerk of courts.

2) *Clerk of courts' duties.* Except as provided in paragraph (A)(3), the clerk of courts shall docket a written motion, notice, or document when it is received and record the time of filing in the docket. The clerk of courts promptly shall transmit a copy of these papers to such person as may be designated by the court.

3) *Filings by represented juveniles.* In any case in which a juvenile is represented by an attorney, if the juvenile submits for filing a written motion, notice, or document that has not been signed by the juvenile's attorney, the clerk of courts shall not file the motion, notice, or document in the juvenile case file or make a docket entry, but shall forward it promptly to the juvenile's attorney.

4) *Method of filing.* Filing may be accomplished by:

- a) personal delivery to the clerk of courts; or
- b) mail addressed to the clerk of courts, provided, however, that filing by mail shall be timely only when actually received by the clerk within the time fixed for filing.

*B. Service.*

1) *Generally.* The party filing the document shall serve all parties concurrently with the filing.

2) *Method of service to parties.* Service on the parties shall be by:

- a) personal delivery of a copy to a party's attorney, or, if unrepresented, the party; or
- b) mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or
- c) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, leaving a copy for the attorney in the attorney's box; or
- d) sending a copy to an unrepresented juvenile by first class mail addressed to the juvenile's place of residence, detention, or placement.

*C. Proof of service.* All documents that are filed and served pursuant to this rule shall include a certificate of service.

**Comment**

See Rule 155 for maintaining records in the clerk of courts' office.

Under paragraph (A)(2), the court must designate a court official to process motions and other matters for appropriate scheduling and disposition.

Under paragraph (B), the party filing a document is required to serve all parties.

This rule does not affect court orders, which are to be served upon each party's attorney and the juvenile, if unrepresented, by the clerk of courts as provided in Rule 156.

For service of petitions, see Rule 331.

**Rule 346. Omnibus Motion for Relief.**

Unless otherwise required in the interests of justice, all requests for relief shall be included in one omnibus motion filed prior to the adjudicatory hearing.

**Comment**

Types of relief appropriate for the omnibus motion include the following requests:

- (1) for continuance;
- (2) for separate or joint adjudicatory hearings;
- (3) for suppression of evidence;
- (4) for psychiatric examination;
- (5) to dismiss a petition;
- (6) to disqualify a judge;
- (7) for appointment of investigator; and
- (8) for pre-adjudicatory hearing conference.

The omnibus motion rule is not intended to limit other types of motions, oral or written. The earliest feasible submissions and rulings on such motions are encouraged.

For instances when the court must recuse itself, see Code of Judicial Conduct. Recusal is necessary when there is bias, prejudice, improper influence, or appearance of impropriety. *Commonwealth v. Benchoff*, 700 A.2d 1289 (Pa. Super. Ct. 1999).

**Rule 347. Time for Omnibus Motion and Service.**

*A. Time.* An omnibus motion shall be made as soon as practical but can be made at any time prior to the calling of the first witness at the adjudicatory hearing.

*B. Service.* If the omnibus motion is written, copies shall be served in accordance with Rule 345.

**Comment**

For general requirements concerning the filing and service of motions and answers, see Rules 345.

**Rule 348. Disposition of Omnibus Motions.**

Unless otherwise provided in these rules, all omnibus motions shall be determined before the adjudicatory hearing. The court for the determination of omnibus motions, if necessary shall postpone the adjudicatory hearing.

**Rule 350. Suppression of Evidence.**

*A. Motion by attorney or juvenile, if unrepresented.* The juvenile's attorney or the juvenile, if unrepresented, may make a motion to the court to suppress evidence. The motion shall state specifically and with particularity the evidence sought to be suppressed, the grounds for suppression, and the supporting facts and events.

*B. Timeliness.* Unless the opportunity did not previously exist, or the interests of justice otherwise require, a motion to suppress shall be contained in the omnibus motion set forth in Rule 346. If a timely motion is not made, the issue of suppression of such evidence shall be deemed to be waived.

*C. Findings.* At the conclusion of the hearing, the court shall enter on the record a statement of findings of fact and conclusions of law as to whether the evidence was obtained in violation of the juvenile's rights, or in violation of these rules or any statute, and shall make an order granting or denying the relief sought.

*D. Decision final and binding.* If the court determines that the evidence shall not be suppressed, such determi-

nation shall be final, conclusive, and binding at the adjudicatory hearing, except upon a showing of evidence that was unavailable, but nothing in this rule shall prevent a juvenile from opposing such evidence at the adjudicatory hearing upon any ground except its suppressibility.

#### Comment

This rule is designed to provide one single procedure for the suppression of evidence alleged to have been obtained in violation of the juvenile's rights. This rule extends its coverage to specific provisions in violation of the fourth, fifth, and sixth amendments of the Constitution of the United States and Article I, § 9 of the Pennsylvania Constitution. *In re R.H.*, 791 A.2d 331 (Pa. 2002), *Com v. Scott*, 369 A.2d 809 (Pa. Super. Ct. 1976); *Appeal of Cowell*, 364 A.2d 718 (Pa. Super. Ct. 1976). See *In re Gault*, 387 U.S. 1 (1967).

In all cases, the burden of production is upon the Commonwealth. See *In re Stoutzenberger*, 344 A.2d 668 (Pa. Super. Ct. 1975), citing *Commonwealth ex rel. Butler v. Rundle*, 239 A.2d 426 (Pa. 1968); *In re Betrand*, 303 A.2d 486 (Pa. 1973).

Under paragraph (B), if a motion to suppress is not timely made, it is deemed waived. *In re Cox*, 402 A.2d 534 (Pa. Super. Ct. 1979). See *Commonwealth v. Spriggs*, 344 A.2d 880 (Pa. 1975); *Commonwealth v. Wylie*, 344 A.2d 491 (Pa. 1975).

With regard to the recording and transcribing of the evidence adduced at the hearing, see Rule 117. All motions to suppress are to comply with the provisions of Rules 344 and 345.

#### Rule 351. Adjudicatory Hearing on Separate Petitions.

A. *Standards.* An adjudicatory hearing may be held for:

- 1) offenses charged in separate petitions if the evidence of each of the offenses would be admissible in a separate adjudicatory hearing for the other;
- 2) offenses charged in separate petitions if the offenses charged are based on the same act or transaction;
- 3) juveniles charged in separate petitions if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions.

#### B. Procedure.

1) Oral or written notice that offenses or juveniles charged in separate petitions will be heard together shall be given to the juvenile's attorney or the juvenile, if unrepresented, prior to the adjudicatory hearing. If the notice is written, a copy of the notice shall be filed with the clerk of courts.

2) When notice has not been given under paragraph (B)(1), any party may move to consolidate the adjudicatory hearing for separate petitions. The motion shall ordinarily be included in an omnibus motion.

#### Comment

Under the scheme set forth in this rule, it can be assumed that offenses charged in the same petition will be heard together. See Rule 332. Similarly, offenses or juveniles will be heard together if notice is given pursuant to (B)(1) of this rule. In these situations, the court may order separate hearings either when the standards in paragraph (A) are not met or pursuant to Rule 352. Absent notice pursuant to paragraph (B)(1), a motion for consolidation is required under paragraph (B)(2). A party

may oppose such a motion either on the ground that the standards in paragraph (A) are not met, or pursuant to Rule 352.

Paragraph (A)(1) is based upon statutory and case law that, ordinarily, if all offenses arising from the same episode or transaction are not heard together, subsequent prosecution on any such offense not already heard may be barred. *Matter of Huff*, 582 A.2d 1093 (Pa. Super. Ct. 1990), citing *Commonwealth v. Campana*, 304 A.2d 432, vacated and remanded, 414 U.S. 808 (1973), addendum opinion on remand, 314 A.2d 854 (Pa. 1974).

#### Rule 352. Separate Adjudicatory Hearings for Offenses or Juveniles.

The court may order separate adjudicatory hearings for offenses or juveniles, or provide other appropriate relief, if it appears that offenses or juveniles being heard together may prejudice any party.

#### Comment

This rule provides the procedure whereby the court may, because of prejudice to a party, order separate adjudicatory hearings for offenses or juveniles that otherwise would be properly heard together under Rule 351. A juvenile may also request separate adjudicatory hearings for offenses or juveniles on the ground that hearing them together would be improper under Rule 351.

Under Rule 346 (Omnibus Motion for Relief), any request for separate adjudicatory hearings should ordinarily be made in an omnibus motion or it is considered waived.

#### Rule 353. Motion for Return of Property.

A. *Return for lawful possession.* A person aggrieved by a search and seizure, whether or not executed pursuant to a warrant, may move for the return of the property on the ground that he or she is entitled to its lawful possession. Such motion shall be filed in writing and served pursuant to Rule 345.

B. *Hearing.* The court hearing such motion shall receive evidence on any issue of fact necessary for its decision. If the motion is granted, the property shall be restored unless the court determines that such property is contraband, in which case the court may order the property to be forfeited.

C. *Joint motion.* A motion to suppress evidence under Rule 350 may be joined with a motion under this rule.

#### Comment

A motion for the return of property should not be confused with a motion for the suppression of evidence, governed by Rule 350. However, if the time and effect of a motion brought under the instant rule would be, in the view of the court hearing the motion, substantially the same as a motion for suppression of evidence, the court may dispose of the motion in accordance with Rule 350.

Nothing in this rule is intended to prohibit the court from directing a more appropriate court to hear these motions. For example, a judicial district may have a motions court or specially designed court that hears all motions, including juvenile cases.

Pursuant to Rule 100, only motions for return of property derived from juvenile delinquency cases are appropriate for the juvenile court.

**PART D(2). ADJUDICATORY SUMMONS AND NOTICES PROCEDURES**

**Rule 360. Summons and Notices.**

A. *Summons.* The court shall issue a summons compelling the juvenile and the juvenile's guardian to appear for the adjudicatory hearing.

B. *Notices.* The court shall give notice of the adjudicatory hearing to:

- 1) the attorney for the Commonwealth;
- 2) the juvenile's attorney; and
- 3) the juvenile probation office.

C. *Requirements.* The general summons and notices procedures of Rule 114 shall be followed.

**Comment**

Section 6335 of the Juvenile Act provides that the court shall direct the issuance of a summons to the juvenile, guardian, and any other persons as appears to the court to be proper and necessary parties to the proceedings. 42 Pa.C.S. § 6335.

The attorney for the Commonwealth or the juvenile probation officer should notify the victim of the hearing. See Victim's Bill of Rights, 18 P. S. § 11.201.

Other persons may be subpoenaed to appear for the hearing. See 42 Pa.C.S. § 6333.

**Rule 362. Requirements of the Summons.**

The summons shall:

- 1) be in writing;
- 2) set forth the date, time, and place of the adjudicatory hearing;
- 3) instruct the juvenile about the juvenile's right to counsel, and if the juvenile cannot afford counsel, the right to assigned counsel;
- 4) give a warning stating that the failure to appear for the hearing may result in arrest; and
- 5) include a copy of the juvenile petition.

**Comment**

Section 6335(a) of the Juvenile Act requires a copy of the petition to accompany the summons. 42 Pa.C.S. § 6335(a).

**Rule 363. Service of Summons and Notices.**

A. *Method of Service.* Summons or notices shall be served:

- 1) in-person; or
- 2) by first-class mail.

B. *Time of Service.*

1) *Juvenile detained.* If the juvenile is detained, the summons or notices shall be served no less than seven days prior to the adjudicatory hearing.

2) *Juvenile not detained.* If the juvenile is not detained, the summons or notices shall be served no less than fourteen days prior to the adjudicatory hearing.

**Comment**

Pursuant to Rule 360, the juvenile and the juvenile's guardian should be served a summons, and the attorney for the Commonwealth, the juvenile's attorney, and the juvenile probation officer should receive notices.

**Rule 364. Failure to Appear on the Summons.**

If any summoned person fails to appear for the adjudicatory hearing and the court is assured that sufficient notice was given, the court may issue a warrant of arrest.

**PART E. CONSENT DECREE**

**Rule 370. Consent Decree.**

At any time after the filing of a petition and before the entry of an adjudication order, the court may, upon agreement of the attorney for the Commonwealth and the juvenile's attorney or the juvenile, if unrepresented, suspend the proceedings, and continue the juvenile under supervision in the juvenile's home, under terms and conditions negotiated with the juvenile probation office. The order of the court continuing the juvenile under supervision shall be known as a consent decree.

**Comment**

See 42 Pa.C.S. § 6340(a).

A consent decree is a device for placing an allegedly delinquent juvenile under supervision of the juvenile probation office prior to, and as an alternative to, adjudication, thus avoiding potential stigma attached to an adjudication of delinquency. *Commonwealth v. Wexler*, 431 A.2d 877 (Pa. 1981).

Before placing the juvenile on a consent decree, the victim(s) of the offense should be consulted. See Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

**Rule 371. Objection to Consent Decree.**

When the juvenile or the attorney for the Commonwealth objects to a consent decree, the court shall proceed to findings, adjudication, and disposition.

**Comment**

A consent decree may not be used unless the attorney for the Commonwealth consents and the juvenile agrees to accept the conditions required by the court. If the attorney for the Commonwealth objects to a consent decree or the juvenile refuses to accept the conditions required by the court, the court should proceed to findings, adjudication, and disposition. *In re Bosket*, 590 A.2d 774 (Pa. Super. Ct. 1991). See also 42 Pa.C.S. § 6340(b).

See Chapter Four introduction for the stages of the juvenile delinquency process.

See also Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

**Rule 372. Consent Decree Hearing.**

At the consent decree hearing, the court shall explain on the record or in writing the:

1) terms, conditions, and duration of the consent decree pursuant to Rule 373; and

2) consequences for violating the conditions of the consent decree, which include, if prior to discharge by the juvenile probation officer or expiration of the consent decree, a new petition is filed against the juvenile, or the juvenile otherwise fails to fulfill express terms and conditions of the decree, the petition under which the juvenile was continued under supervision may, in the discretion of the attorney for the Commonwealth following consultation with the juvenile probation officer, be reinstated and the juvenile held accountable as if the consent decree had never been entered.

**Comment**

Under this rule, it is expected that the attorney for the Commonwealth should consult with the juvenile proba-

tion officer before revoking the consent decree. The consent decree should only be revoked if the juvenile fails to meet the conditions of the program or new charges have been filed against the juvenile.

If a juvenile violates the conditions of the consent decree, double jeopardy does not attach and bar subsequent prosecution. See *Commonwealth v. Szebin*, 785 A.2d 103 (Pa. Super. Ct. 2001). In *Commonwealth v. Wexler*, 431 A.2d 877 (Pa. 1981), the Supreme Court viewed a consent decree in the same fashion as Accelerated Rehabilitative Disposition. See also *In re John W.*, 446 A.2d 621 (Pa. Super. Ct. 1982).

See also 42 Pa.C.S. § 6340.

**Rule 373. Conditions of Consent Decree.**

A. *Terms and conditions.* The court may place upon the juvenile any reasonable conditions that are consistent with the protection of the public interest. The conditions of the consent decree shall provide a balanced attention to the:

- 1) protection of the community;
- 2) juvenile's accountability for the offenses committed; and
- 3) development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community.

B. *Duration of consent decree.* A consent decree shall remain in force for no more than six months as agreed upon unless the juvenile is discharged sooner upon motion. Upon motion, the court may:

- 1) discharge the juvenile at an earlier time; or
- 2) extend the time period not to exceed an additional six months.

**Comment**

If the juvenile fails to accept the conditions required by the court pursuant to paragraph (A), the case should proceed to findings, adjudication, and disposition. See Comment to Rule 371.

Nothing in this rule is intended to prevent the juvenile probation officer from being the movant for consent decree. For Rules on Motions, see Rule 344.

Paragraph (B) departs from the Juvenile Act, 42 Pa.C.S. § 6340(c), in that an agreement for a consent decree of less than six months is allowed.

**PART F. PRESERVATION OF TESTIMONY AND EVIDENCE**

**Rule 380. Preservation of Testimony After Commencement of Proceedings.**

A. *By Court Order*

1) At any time after the commencement of proceedings, upon motion of any party, and after notice and hearing, the court may order the taking and preserving of the testimony of any witness who may be unavailable for the adjudicatory hearing or for any other proceeding, or when due to exceptional circumstances, it is in the interests of justice that the witness' testimony be preserved.

2) The court shall state on the record the grounds on which the order is based.

3) The court's order shall specify the time and place for the taking of the testimony, the manner in which the testimony shall be recorded and preserved, and the procedures for custody of the recorded testimony.

4) The testimony shall be taken in the presence of the court, the attorney for the Commonwealth, the juvenile, and the juvenile's attorney, unless otherwise ordered.

5) The court shall rule on the admissibility of the preserved testimony if it is offered into evidence at the adjudicatory hearing or other judicial proceeding.

B. *By agreement of the parties.*

1) At any time after the commencement of proceedings, the testimony of any witness may be taken and preserved upon the express written agreement of the attorney for the Commonwealth, the juvenile, and the juvenile's attorney.

2) The agreement shall specify the time and place for taking the testimony, the manner in which the testimony shall be recorded and preserved, and the procedures for custody of the recorded testimony.

3) The testimony shall be taken in the presence of the attorney for the Commonwealth, the juvenile, and the juvenile's attorney, unless they otherwise agree.

4) The agreement shall be filed with the clerk of courts pursuant to Rule 345(A).

5) The court shall rule on the admissibility of the preserved testimony if it is offered into evidence at the adjudicatory hearing or other judicial proceeding.

**Comment**

This rule is intended to provide the means by which testimony may be preserved for use at a current or subsequent stage in the proceedings, which includes the taking of a deposition during the adjudicatory hearing to be used at a later stage of the adjudicatory hearing.

When testimony is to be preserved by video recording, see also Rule 381.

Commencement of proceedings includes any action after the submission of a written allegation. See Rule 200 (Commencement of Proceedings).

This rule does not address the admissibility of the preserved testimony. The court must decide all questions of admissibility. See the Pennsylvania Rules of Evidence. Also see, e.g., Judicial Code § 5917, 42 Pa.C.S. § 5917 (1982); *Commonwealth v. Scarborough*, 421 A.2d 147 (Pa. 1980); *Commonwealth v. Stasko*, 370 A.2d 350 (Pa. 1977).

"May be unavailable," as used in paragraph (A)(1), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at the adjudicatory hearing or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore cannot be effectively served with a subpoena, or may become incompetent to testify for any legally sufficient reason.

Under paragraph (A)(4), the court should preside over the taking of testimony. The court, however, may order that testimony be taken and preserved without the court's presence when exigent circumstances exist or the location of the witness renders the court's presence impracticable. Furthermore, nothing in this rule is intended to preclude the juvenile's attorney, the juvenile, and the court from agreeing on the record that the court need not be present. Paragraph (B)(3) permits the attorney for the Commonwealth, the juvenile, and the juvenile's attorney to determine among themselves whether the court should be present during the taking of testimony. That determination should be made a part of the written agreement required by paragraph (B)(1).

Nothing in this rule is intended to preclude the juvenile from waiving his or her presence during the taking of testimony.

The means by which the testimony is recorded and preserved are within the discretion of the court under paragraph (A) and the parties under paragraph (B), and may include the use of electronic or photographic techniques such as videotape or digital video diskette. There are, however, additional procedural requirements for preservation of testimony by video recording mandated by Rule 381.

The party on whose motion testimony is taken should normally have custody of and be responsible for safeguarding the preserved testimony. That party should also promptly provide a copy of the preserved testimony to any other party. Additionally, this rule is not intended to conflict with the requirements of the Pennsylvania Rules of Judicial Administration. For reporting and transcripts by court-employed reporters, see the Pa.Rs.J.A. Nos. 5000.1—5000.13.

When testimony is taken under this rule, the proceeding should afford the parties full opportunity to examine and cross-examine the witness. Counsel should not reserve objections at the time of the adjudicatory hearing.

Paragraphs A(5) and B(5) are intended to guard against pre-adjudicatory hearing disclosure of potentially prejudicial matters.

For the definition of "court," see Rule 110.

**Rule 381. Preservation of Testimony by Video Recording.**

A. When the testimony of a witness is taken and preserved pursuant to Rule 380 by means of video recording, the testimony shall be recorded simultaneously by a stenographer.

B. The following technical requirements shall be made part of the court order required by Rule 380(A) or the written agreement provided in Rule 380(B):

- 1) The video recording shall begin with a statement on camera that includes the:
  - a) operator's name and business address;
  - b) name and address of the operator's employer;
  - c) date, time, and place of the video recording;
  - d) caption of the case;
  - e) name of the witness;
  - f) party on whose behalf the witness is testifying; and
  - g) nature of the judicial proceedings for which the testimony is intended.
- 2) The court and all parties shall identify themselves on camera.
- 3) The witness shall be sworn on camera.
- 4) If the length of the testimony requires the use of more than one video recording, the end of each video recording and the beginning of each succeeding video recording shall be announced on camera.
- 5) At the conclusion of the witness' testimony, a statement shall be made on camera that the testimony is concluded. A statement shall also be made concerning the custody of the video recording(s).

6) Statements concerning stipulations, exhibits, or other pertinent matters may be made at any time on camera.

7) The video recording shall be timed by a digital clock on camera that continually shows the hour, minute, and second of the testimony.

8) All objections and the reasons for them shall be made on the record. When the court presides over the video recording of testimony, the court's rulings on objections shall also be made on the record.

9) When the court does not preside over the video recording of testimony, the video recording operator shall keep a log of each objection, referenced to the time each objection is made. All rulings on objections shall be made before the video recording is shown at any judicial proceeding.

10) The original video recording shall not be altered.

**Comment**

This rule provides the basic technical requirements for taking and preserving testimony by video recording under Rule 380. The list of requirements is not intended to be exhaustive. Rather, it is recommended that all recording by video be carefully planned and executed, and that in addition to complying with the basic requirements, each court order or written agreement for the video recording of testimony be tailored to the nature of the case and the needs of the parties.

Generally, the camera should focus on the witness to the extent practicable.

Under paragraph (B)(9), the court may rule on objections by either reviewing pertinent sections of the video recording, aided by the video operator's log, or by reviewing the stenographic transcript required by paragraph (A).

Any editing procedure ordered by the court or agreed upon by the parties may be used as long as it comports with current technology and does not alter the original video recording. Paragraph (B)(10) is intended to insure preservation of the original video, thereby providing for those situations in which a dispute arises over editing procedures.

This rule authorizes the use of video recording devices only for the preservation of testimony under Rule 380. It is not intended to affect other rules governing recording devices.

**Rule 384. (Reserved).**

**PART G. TRANSFER FOR CRIMINAL PROSECUTION**

**Rule 390. Notice of Request for Transfer to Criminal Proceedings.**

After a petition is filed but before the first scheduled adjudicatory hearing, any notice of a request for transfer to criminal proceedings pursuant to 42 Pa.C.S. § 6355 shall be filed and served on:

- 1) the juvenile;
- 2) the juvenile's guardian;
- 3) the juvenile's attorney; and
- 4) the juvenile probation office.

**Comment**

The Juvenile Act gives the juvenile the opportunity to petition the court for transfer to criminal proceeding as reflected in this rule. See 42 Pa.C.S. § 6355(c). The court should use caution when a juvenile petitions the court for



transfer to criminal proceedings. The court should inquire if the petition has been knowingly, intelligently, and voluntarily made.

The charges requested to be transferred must be classified as "delinquent acts," pursuant to 42 Pa.C.S. § 6302 (definition of "delinquent acts") and must comply with the requirements as set forth in 42 Pa.C.S. § 6355 (transfer to criminal proceedings). Any offense excluded from the definition of "delinquent acts," paragraph (2) of the definition of "delinquent act" in 42 Pa.C.S. § 6302, should originate in criminal proceedings and may be transferred to delinquency proceedings, if so determined by the court. See 42 Pa.C.S. § 6322 (Transfer from Criminal Proceedings). For juveniles charged in criminal proceedings, the Rules of Criminal Procedure are applicable. See also Rule 100 on Scope of Rules. Also, any juvenile previously found guilty in criminal proceedings, for any charge other than a summary offense, should be charged in criminal proceedings for all subsequent offenses. See paragraph (2)(v) of the definition of "delinquent act" in 42 Pa.C.S. § 6302 and 42 Pa.C.S. § 6355(d).

The court should conduct a transfer hearing no sooner than three days after the notice of request for transfer to criminal proceedings is served unless the time requirement is waived. See Rule 394(A).

**Rule 391. Time Restrictions for Detention of Juveniles Scheduled for Transfer Hearing.**

A. *Generally.* The detention requirements of Rules 240, 241, 242, and 243 shall be followed for juveniles scheduled for a transfer hearing except for the time restrictions provided in paragraph (B) of this rule.

B. *Time Restrictions.* If the transfer hearing is not held within ten days of the filing of the request for transfer to criminal proceedings, the juvenile shall be released except as provided in paragraphs (B)(1) and (B)(2).

1) A juvenile may be detained for an additional single period not to exceed ten days when the court determines that:

- a) evidence material to the case is unavailable, including a psychological or psychiatric evaluation;
- b) due diligence to obtain such evidence or evaluation has been exercised;

c) there are reasonable grounds to believe that such evidence or evaluation will be available at a later date; and

d) the detention of the juvenile would be warranted.

2) A juvenile may be detained for successive ten-day intervals if the result of delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:

- a) delay caused by the unavailability of the juvenile or the juvenile's attorney;
- b) delay caused by any continuance granted at the request of the juvenile or the juvenile's attorney; or
- c) delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.

**Comment**

The filing of a request for transfer to criminal proceedings resets the ten-day clock for a hearing for the juvenile in detention. The transfer hearing must be held within ten days of the filing of a request for transfer to criminal proceedings, not ten days from the date of detention for

the juvenile. This time requirement is different than the time requirement for the adjudicatory hearing under Rule 240(D).

Under Paragraph (B)(1), the case may be extended for only one single period of ten days. However, under paragraph (B)(2) when the juvenile causes delay, the case may be extended for successive ten-day intervals.

**Rule 394. Transfer Hearing.**

A. *Scheduling.* The court shall conduct a transfer hearing no sooner than three days after the notice of request for transfer to criminal proceedings is served unless this time requirement is waived.

B. *Findings.* At the hearing, the court shall determine whether:

- 1) the juvenile is fourteen years old or older at the time of the alleged delinquent act;
- 2) notice has been given pursuant to Rule 390;
- 3) there is a prima facie showing of evidence that the juvenile committed a felony delinquent act;
- 4) there are reasonable grounds to believe that transfer of the case for criminal prosecution will serve the public interest by considering all the relevant factors; and
- 5) there are reasonable grounds to believe that the juvenile is not committable to an institution for the mentally retarded or mentally ill.

**Comment**

The transfer hearing ordinarily has two phases. The first phase of the transfer hearing is the "prima facie phase." The court should determine if there is a prima facie showing of evidence that the juvenile committed a delinquent act and if an adult committed the offense, it would be considered a felony. If a prima facie showing of evidence is found, the court proceeds to the second phase, known as the "public interest phase." During the "public interest phase," the court should determine if the juvenile is amenable to treatment, supervision, and rehabilitation as a juvenile and what is in the public's interest.

In determining public interest, the court should balance the following factors: 1) the impact of the offense on the victim or victims; 2) the impact of the offense on the community; 3) the threat posed by the juvenile to the safety of the public or any individual; 4) the nature and circumstances of the offense allegedly committed by the juvenile; 5) the degree of the juvenile's culpability; 6) the adequacy and duration of dispositional alternatives available under the Juvenile Act and in the adult criminal justice system; and 7) whether the juvenile is amenable to treatment, supervision, or rehabilitation as a juvenile by considering the following factors: a) age; b) mental capacity; c) maturity; d) the degree of criminal sophistication exhibited by the juvenile; e) previous records, if any; f) the nature and extent of any prior delinquent history, including the success or failure of any previous attempt by the juvenile court to rehabilitate the juvenile; g) whether the juvenile can be rehabilitated prior to the expiration of the juvenile court jurisdiction; h) probation or institutional reports, if any; and 8) any other relevant factors.

The burden of establishing by a preponderance of evidence that the public interest is served by the transfer of the case to criminal court and that the juvenile is not amenable to treatment, supervision, and rehabilitation in the juvenile system rests with the Commonwealth unless: 1) a deadly weapon as defined in 18 Pa.C.S. § 2301 (relating to definitions) was used and the juvenile was

fourteen years of age at the time of the offense; or the juvenile was fifteen years of age or older at the time of the offense and was previously adjudicated delinquent of a crime that would be considered a felony if committed by an adult; and 2) there is a prima facie case that the juvenile committed a delinquent act that, if committed by an adult, would be classified as rape, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii)(relating to robbery), robbery of motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, an attempt, conspiracy or solicitation to commit any of these crimes or an attempt to commit murder as specified in paragraph (2)(ii) of the definition of "delinquent act" in 42 Pa.C.S. § 6302. If the preceding criteria are met, then the burden of proof rests with the juvenile. See 42 Pa.C.S. § 6355.

If the court determines that the juvenile is amenable to treatment, supervision, and rehabilitation in the juvenile system and there are sufficient resources available to treat, rehabilitate, and supervise the juvenile at the present time, the court should proceed to an adjudicatory hearing under Rule 406 or accept an acknowledgment pursuant to Rule 407. If the court determines that the juvenile is not amenable to treatment, supervision, and rehabilitation in the juvenile system and the transfer of the juvenile to criminal proceedings would serve the public interest, an information should be filed and bail should be determined. See Rules 395 and 396.

For detention time requirements for juveniles scheduled for a transfer hearing, see Rule 391.

**Rule 395. Procedure to Initiate Criminal Information.**

Once a juvenile has been transferred to criminal proceedings, the case shall proceed pursuant to Pa.R.Crim.P. 565.

**Comment**

The transfer hearing serves as the preliminary hearing, therefore, the attorney for the Commonwealth may file the criminal information after the issuance of the transfer order. See Pa.R.Crim.P. 565 for presentation of information without the preliminary hearing.

For any procedural questions concerning a juvenile whom has been transferred to criminal proceedings, see the Pennsylvania Rules of Criminal Procedure.

**Rule 396. Bail.**

If transfer to criminal proceedings is ordered at the conclusion of the transfer hearing, the juvenile court judge shall determine bail for the juvenile. The bail rules in the Pennsylvania Rules of Criminal Procedure shall apply.

**Comment**

See Pa.Rs.Crim.P. 520 through 536.

If the juvenile cannot post bail, the judge should issue a commitment order so the juvenile may be detained in an adult prison.

**CHAPTER 4. ADJUDICATORY HEARING**

404.	Prompt Adjudicatory Hearing.
406.	Adjudicatory Hearing.
407.	Acknowledgments.
408.	Ruling on Offenses.
409.	Adjudication of Delinquency.

Under these rules and the Juvenile Act, 42 Pa.C.S. § 6301 et seq., the juvenile process is broken down into

several stages once a petition has been filed. First, the court is to hold an adjudicatory hearing, governed by Rule 406 or receive an acknowledgment from the juvenile of the offenses, governed by Rule 407. Second, after hearing the evidence or receiving an acknowledgment, the court is to rule on the offenses pursuant to Rule 408, stating with particularity the gradings and counts of each offense. Next, after ruling on the offenses or entering its findings, the court is to determine if the juvenile is in need of treatment, supervision, or rehabilitation pursuant to Rule 409. Finally, if the court finds that the juvenile is in need of treatment, supervision, or rehabilitation, the court is to hold a dispositional hearing as provided for in Rule 512 and is to enter a dispositional order under Rule 515.

**Rule 404. Prompt Adjudicatory Hearing.**

A. *Detained juvenile.* If the juvenile is detained, an adjudicatory hearing shall be held within ten days of the filing of the petition. If the adjudicatory hearing is not held within ten days, the juvenile shall be released unless the exceptions of Rule 240(D) apply.

B. *Non-detained juvenile.* If the juvenile is not detained, the adjudicatory hearing shall be held within a reasonable time.

**Rule 406. Adjudicatory Hearing.**

A. *Manner of hearing.* The court shall conduct the adjudicatory hearing without a jury, in an informal but orderly manner. The court may permit closing summaries.

B. *Recording.* The adjudicatory hearing shall be recorded. The recording shall be transcribed:

- 1) at the request of the parties;
- 2) pursuant to a court order; or
- 3) when there is an appeal.

**Comment**

Under paragraph (A), the juvenile does not have the right to trial by jury. *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971).

The court may allow the attorney for the Commonwealth, the juvenile's attorney, and the juvenile, if unrepresented, in some or every case, to make closing summaries.

**Rule 407. Acknowledgments.**

A. *Acknowledgments.* At any time after a petition is filed, the juvenile may tender an acknowledgment of the facts, adjudication of delinquency, and/or disposition.

1) *Agreements.* If the juvenile, the attorney for the Commonwealth, and the juvenile probation officer agree with the terms of a tender of acknowledgment, the tender shall be presented to the court.

2) *Order.* If the court accepts a tender, an order of adjudication of delinquency and disposition may be entered.

3) *Withdrawal of acknowledgment.*

a) If the court does not accept the tender, the case shall proceed to the next stage of the proceedings as if no tender had been made.

b) An acknowledgment cannot be withdrawn after the court enters the disposition order.

B. *Incriminating statements.* An incriminating statement made by a juvenile in the discussions or conferences incident thereto an acknowledgment shall not be used

against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act, 42 Pa.C.S. § 6301 et seq.

#### Comment

Under paragraph (A)(3), if the disposition agreed upon by the juvenile, the attorney for the Commonwealth, and the juvenile probation officer is unavailable or the court does not agree with the terms of the tender, the case is to proceed as if no tender had been made.

Under paragraph (B), any acknowledgments made by the juvenile may not be used against the juvenile in any proceeding.

The court may allow the juvenile to acknowledge an adjudication of delinquency without an adjudicatory hearing if: 1) the acknowledgment of the charge(s) is in writing; 2) the juvenile has spoken with an attorney; 3) the court asks the juvenile if he or she understands what he or she is doing and if the juvenile understands the nature of the offenses; 4) the court asks the juvenile if he or she has any questions about acknowledging the facts or delinquency based upon the charges; 5) the court feels, upon talking with the juvenile, that he or she is making a knowing, intelligent and voluntary decision; 6) the court asks the guardians if they have talked to their child about acknowledging the facts or delinquency; 7) the court finds there is a factual and legal basis for the acknowledgment; and 8) the court feels the juvenile understands the disposition that could be imposed.

#### Rule 408. Ruling on Offenses.

A. Within seven days of hearing the evidence on the petition or accepting an acknowledgment under Rule 407, the court shall enter a finding by specifying which, if any, offenses, including gradings and counts thereof, alleged in the petition were committed by the juvenile.

B. If the court finds the juvenile did not commit the alleged delinquent acts, the court shall dismiss the charges and release the juvenile, if detained.

C. If the court finds that the juvenile committed any delinquent act, the court shall proceed as provided in Rule 409.

#### Rule 409. Adjudication of Delinquency.

A. *Adjudicating the juvenile delinquent.* Once the court has ruled on the offenses as provided in Rule 408, the court shall conduct a hearing to determine if the juvenile is in need of treatment, supervision, and rehabilitation.

1) If the court determines that the juvenile is not in need of treatment, supervision, and rehabilitation, jurisdiction shall be terminated and the juvenile shall be released, if detained.

2) If the court determines that the juvenile is in need of treatment, supervision, and rehabilitation, the court shall enter an order adjudicating the juvenile delinquent and proceed in determining a proper disposition under Rule 512.

#### B. Timing.

1) If the juvenile is in detention, the court shall hold the hearing and make its finding within twenty days of the ruling on the offenses under Rule 408.

2) If the juvenile is not in detention, the court shall hold the hearing and make its finding within sixty days of the ruling on the offenses under Rule 408.

C. *Extending Time of Hearing by Agreement.* The time restrictions under paragraphs (B)(1) and (B)(2) may be extended if there is an agreement by both parties.

#### Comment

Under paragraph (A), absent evidence to the contrary, evidence of the commission of acts that constitute a felony is sufficient to sustain a finding that the juvenile is in need of treatment, supervision, and rehabilitation. See 42 Pa.C.S. § 6341(b).

For dispositional hearing procedures, see Chapter Five.

This rule addresses adjudicating the juvenile delinquent or releasing the juvenile from the court's jurisdiction. This stage is different from finding the juvenile committed a delinquent act under Rule 408.

### CHAPTER 5. DISPOSITIONAL HEARING

#### PART A. SUMMONS AND NOTICES OF THE DISPOSITIONAL HEARING

500. Summons and Notices of the Dispositional Hearing.

#### PART B. DISPOSITIONAL HEARING AND AIDS

510. Prompt Dispositional Hearing.

512. Dispositional Hearing.

513. Aids in Disposition.

515. Dispositional Order.

516. Service of the Dispositional Order.

#### PART C. INTER-STATE TRANSFERS OF DISPOSITION

520. (Reserved).

521. (Reserved).

#### PART A. SUMMONS AND NOTICES OF THE DISPOSITIONAL HEARING

##### Rule 500. Summons and Notices of the Dispositional Hearing.

A. *Summons.* The court shall issue a summons compelling the juvenile and the juvenile's guardian to appear for the dispositional hearing.

B. *Notices.* The court shall give notice of the dispositional hearing to:

- 1) the attorney for the Commonwealth;
- 2) the juvenile's attorney; and
- 3) the juvenile probation office.

C. *Requirements.* The general summons and notices procedures of Rule 114 shall be followed.

#### Comment

Section 6335(a) of the Juvenile Act provides that the court shall direct the issuance of a summons to the juvenile, guardian, and any other persons as appears to the court to be proper and necessary parties to the proceedings. 42 Pa.C.S. § 6335(a).

The attorney for the Commonwealth or the juvenile probation officer should notify the victim of the hearing. See Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

Other persons may be subpoenaed to appear for the hearing. See 42 Pa.C.S. § 6333.

#### PART B. DISPOSITIONAL HEARING AND AIDS

##### Rule 510. Prompt Dispositional Hearing.

A. *General rule.* If the juvenile is detained, the dispositional hearing shall be held no later than twenty days after the adjudication of delinquency.

B. *Continuances.* The dispositional hearing may be continued, if necessary, for additional periods not to exceed twenty days each.

#### Comment

Under paragraph (B), if there is a continuance, the court should review the juvenile's case every twenty days until there is a final dispositional order.

See 42 Pa.C.S. § 6341(b).

**Rule 512. Dispositional Hearing.**

A. *Manner of hearing.* The court shall conduct the dispositional hearing in an informal but orderly manner.

1) *Evidence.* The court shall receive all evidence helpful in determining the questions presented, including oral and written reports, and relied upon to the extent of its probative value even though not otherwise competent in the adjudicatory hearing.

2) *Opportunity to be heard.* Before deciding disposition, the court shall give the juvenile and the victim an opportunity to speak.

B. *Recording.* The dispositional hearing shall be recorded. The recording shall be transcribed:

- 1) at the request of the parties;
- 2) pursuant to a court order; or
- 3) when there is an appeal.

**Comment**

Under paragraph (A)(2), for victim's right to be heard, see Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

To the extent practicable, the judge or master that presided over the adjudicatory hearing for a juvenile should preside over the dispositional hearing for the same juvenile.

**Rule 513. Aids in Disposition.**

A. *Social Study.* The court may order the preparation of a social study in any case in determining disposition.

B. *Examinations.* The court may order the juvenile to undergo psychological, psychiatric, drug and alcohol, or any other examination, as it deems appropriate to aid in the decision for disposition.

C. *Victim-Impact Statement.* The victim may submit a victim-impact statement to the court. If the victim has submitted a victim-impact statement, the court shall accept and consider the victim-impact statement in determining disposition.

**Comment**

Section 6341(e) of the Juvenile Act requires the court to receive reports and other evidence bearing on the disposition or need of treatment, supervision, and rehabilitation. *In re McDonough*, 430 A.2d 308 (Pa. Super. Ct. 1981).

Paragraph (C) addresses a statement submitted by the victim to the court. For the victim's opportunity to be heard, see Rule 512(A)(2). See also Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

**Rule 515. Dispositional Order.**

A. *Generally.* When the court enters a disposition, the court shall issue a written order including:

- 1) the terms and conditions of the disposition;
- 2) the name of any agency or institution that the court is ordering to provide care, treatment, supervision, or rehabilitation of the juvenile;
- 3) the date of the order; and
- 4) the signature and printed name of the judge entering the order.

B. *Restitution.* If restitution is ordered in a case, the dispositional order shall include:

- 1) a specific amount of restitution to be paid by the juvenile;
- 2) to whom the restitution is to be paid; and

3) a payment schedule, if so determined by the court.

C. *Guardian participation.* The court shall include any obligation in its dispositional order imposed upon the guardian.

**Comment**

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. § 6310.

Dispositional orders should comport in substantial form and content to the Juvenile Court Judges' Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120.

**Rule 516. Service of the Dispositional Order.**

Upon entry of the disposition, the court shall issue a dispositional order and the order shall be served promptly upon:

- 1) the juvenile;
- 2) the juvenile's guardian;
- 3) the juvenile's attorney;
- 4) the attorney for the Commonwealth;
- 5) the juvenile probation officer;
- 6) any agency directed to provide treatment; and
- 7) any other person as ordered by the court.

**PART C. INTER-STATE TRANSFERS OF DISPOSITION**

520. (Reserved).

521. (Reserved).

**CHAPTER 6. POST-DISPOSITIONAL PROCEDURES****PART A. SUMMONS AND NOTICES**

600. Summons and Notices of the Commitment Review, Dispositional Review, and Probation Revocation Hearing.

**PART B. MODIFICATIONS, REVIEWS, AND APPEALS**

605. Detaining Juvenile for Modification of the Dispositional Order or Violation of Probation.
610. Dispositional and Commitment Review.
612. Modification of Dispositional Order: Probation Revocation.
613. Termination of Court Supervision.
616. (Reserved).
617. (Reserved).

**PART A. SUMMONS AND NOTICES****Rule 600. Summons and Notices of the Commitment Review, Dispositional Review, and Probation Revocation Hearing.**

A. *Summons.* The court shall issue a summons compelling the juvenile and the juvenile's guardian to appear for the commitment review, dispositional review, or probation revocation hearing.

B. *Notices.* The court shall give notice of the hearing to:

- 1) the attorney for the Commonwealth;
- 2) the juvenile's attorney;
- 3) the juvenile probation office; and
- 4) the placement facility staff, if the juvenile is in placement.

C. *Requirements.* The general summons and notices procedures of Rule 114 shall be followed.

### Comment

Section 6335(a) of the Juvenile Act provides that the court shall direct the issuance of a summons to the juvenile, guardian, and any other persons as appears to the court to be proper and necessary parties to the proceedings. 42 Pa.C.S. § 6335(a).

The attorney for the Commonwealth or the juvenile probation officer should notify the victim of the hearing. See Victim's Bill of Rights, 18 P. S. § 11.201 et seq.

Other persons may be subpoenaed to appear for the hearing. See 42 Pa.C.S. § 6333.

### PART B. MODIFICATIONS, REVIEWS, AND APPEALS

#### Rule 605. Detaining Juvenile for Modification of the Dispositional Order or Violation of Probation.

A. A juvenile may be detained for a modification of a dispositional order or a violation of probation by:

- 1) the filing of a motion for modification of the dispositional order;
- 2) the anticipated filing of a motion for modification of the dispositional order within twenty-four hours of the juvenile's detention; or
- 3) the filing of a motion alleging probation violations.

B. The court shall adhere to the detention, notice, time, and manner of hearing provisions of Rules 240, 241 and 242.

#### Rule 610. Dispositional and Commitment Review.

##### A. *Dispositional Review Hearing.*

- 1) A court may schedule a review hearing at any time.
- 2) In all cases when the juvenile is removed from the home, the court shall hold dispositional review hearings at least every six months.

B. *Change in dispositional order.* Whenever there is a request for a change in the dispositional order, the court shall give all parties notice of the request and an opportunity to be heard.

- 1) The juvenile may be detained pending a court hearing.
- 2) A detention hearing shall be held within seventy-two hours of the juvenile's detention, if detained.
- 3) The juvenile shall be given a statement of reasons for the discharge from a placement facility or request for change in the dispositional order.
- 4) A review hearing shall be held within twenty days of the discharge from the placement facility or request for change in the dispositional order.

C. *Advanced Communication Technology.* If all parties agree, commitment and dispositional review hearings may be held by teleconferencing, two-way simultaneous audio-visual communication, or another similar method when a juvenile is committed to a placement facility. The juvenile shall be permitted to communicate fully and confidentially with the juvenile's attorney immediately prior to and during the proceeding.

### Comment

Under paragraph (A), the court may hold a review hearing at any time; however, if the juvenile is removed from the home, the court should have a hearing at least every six months.

Paragraph (B) includes, but is not limited to, requests: 1) to transfer a juvenile to a lesser-restrictive facility; 2) to transfer the juvenile to a more secure facility for failing to adjust; 3) to change a probationary term; and 4) to modify disposition for another reason.

Nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order.

Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing, when a juvenile is in a placement facility, to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all parties present in the courtroom.

#### Rule 612. Modification of Dispositional Order: Probation Revocation.

A. *Filing.* A motion to modify disposition or revoke probation shall be filed in accordance with Rule 345.

##### B. *Time of Hearing on the Motion.*

- 1) If the juvenile is detained, the hearing on the motion shall be held within ten days of the detention hearing.
- 2) If the juvenile is not detained, the hearing on the motion shall be held promptly.

C. *Modification.* If the court modifies the dispositional order, the court shall state the grounds for the modification and shall issue a new dispositional order in accordance with Rule 515.

### Comment

A juvenile should be afforded minimal requirements of due process before probation can be revoked. *Cf. Gagnon v. Scarpelli*, 411 U.S. 778 (1973); *Morrissey v. Brewer*, 408 U.S. 471 (1972). A juvenile's probation cannot be revoked simply on the grounds of hearsay evidence. *In re Davis*, 586 A.2d 914 (Pa. 1991).

For detention procedures under paragraph (A), see Rules 240 through 243.

This rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

For dispositional orders, see Rule 515.

#### Rule 613. Termination of Court Supervision.

A. *Notice.* When the juvenile has completed the terms of the dispositional order, the juvenile probation officer shall move for the termination of the court's supervision by filing a motion. The motion shall set forth:

- 1) The juvenile has completed the terms of the court's dispositional order;
- 2) Restitution, fines, and costs have been paid in full; and
- 3) The juvenile has not committed any new offenses in which a criminal proceeding or proceeding governed by the Juvenile Act, 42 Pa.C.S. § 6301 et seq., may be commenced.

B. *Objection.* Any party may object to the motion under paragraph (A) and request a hearing. Such objection shall be made within thirty days of receipt of the motion; otherwise, objections are deemed waived.

C. *Hearing.* If objections have been made under paragraph (B), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

D. *Termination.* When the requirements of paragraphs (A) through (C) have been met and the court is satisfied that the juvenile has carried out the terms of the dispositional order, the court may discharge the juvenile from its supervision.

#### Comment

For procedures on motions, see Rule 344. For procedures on the dispositional order, see Rule 515. See also, 42 Pa.C.S. § 6352.

Under paragraph (A)(2), see 42 Pa.C.S. § 9728 for collection of outstanding restitution.

**Rule 616. (Reserved).**

**Rule 617. (Reserved).**

### CHAPTER 8. SUSPENSIONS

800. Suspensions of Acts of Assembly.

#### Rule 800. Suspensions of Acts of Assembly.

All Acts of Assembly shall be suspended to the extent that they are inconsistent with these Rules.

#### EXPLANATORY REPORT

##### History of the Committee

The amendments to the Juvenile Act, 42 Pa.C.S. § 6301, et seq., passed during the 1995 Special Session on Crime and subsequent legislation changed the purpose of the juvenile court. The juvenile court as a result must balance the: 1) needs of the victim, 2) community safety and protection, and 3) accountability of the juvenile. Because the Juvenile Act now provides for the "automatic" transfer to adult court for prosecution for serious offenses, open proceedings in juvenile court, the extension of juvenile pre-adjudicatory detention, and a Victim's Bill of Rights, there was an imperative need for the creation and ongoing review of statewide rules of procedure to establish uniformity throughout the Commonwealth.

In response to these statutory changes and specifically the resulting need for procedural rules, the Supreme Court initiated the Juvenile Court Procedural Rules Project in 1998 to undertake a close analysis of national standards, statutory and case law, and local practice.

On the basis of the work completed by the Project and the need to begin the detailed and specialized work of drafting the necessary procedural rules, the Supreme Court of Pennsylvania established the Juvenile Court Procedural Rules Committee (hereinafter "Committee") on January 22, 2001. This nine-member advisory Committee to the Court, drawn from members of the bench and bar across Pennsylvania, was charged with the responsibility for conducting a formal review of procedural practice in juvenile court and with developing a comprehensive set of statewide rules for the Court's consideration.<sup>1</sup> The Committee decided that its first task would be to develop rules for delinquency cases only, temporarily setting aside consideration of the dependency jurisdiction of the juvenile court. The Committee will consider rules for dependency in the near future.

#### Process of Rule-Drafting

The Committee surveyed local practices across this Commonwealth by speaking with judges, masters, law

enforcement officials, juvenile probation officers, court administrators, district attorneys, public defenders, and private defense attorneys in every judicial district. The Committee also examined case law, the Juvenile Act, 42 Pa.C.S. § 6301, et seq., the Pennsylvania Rules of Criminal Procedure, the Juvenile Court Judges' Commission Juvenile Court Standards, and many other sources.

After examining these sources and local practices, the Committee debated and discussed every issue with great detail and thought. As a result of our discussions, the Committee has established a set of procedural rules that: 1) simplifies practice and procedure, 2) provides uniformity, and 3) reflects current practices of the majority of the judicial districts. These uniform rules will enable the statewide practice of law and create fairness in administration and disposition of juveniles.

The new rules also will create uniformity in terminology, which will additionally facilitate the statewide practice of law. For example, we have used the term "written allegation" to describe the document that is completed by a law enforcement officer when an act of delinquency is committed. This document has been commonly labeled "probable cause affidavit," "complaint," "police papers," "charge form," or "allegation of delinquency" and is already submitted in most judicial districts. When juvenile courts are automated, common language will be even more important.<sup>2</sup>

#### The Rules Generally

The Committee has presented the rules in an order that tracks the juvenile system from beginning to end. Chapter One sets forth the general provisions and the provisions related to the business of the courts that apply throughout the juvenile court process. Chapter Two deals with the commencement of proceedings and the procedures when a juvenile is arrested and detained in a detention facility. Chapter Three provides for the procedures on venue and jurisdiction, intake and informal adjustment, the filing of a petition, discovery, motions, summons and notices, consent decree, preservation of testimony and evidence, and transfer for criminal prosecution. Chapter Four sets forth the adjudicatory hearing procedures. Chapter Five provides for the procedures for the dispositional hearing. Finally, post-dispositional procedures, including modifications, reviews, and appeals are provided for in Chapter Six.

In these rules, the Committee has proposed several terms of general application. We use the term "juvenile" to describe a child in the juvenile court delinquency process. The Committee considered "child," "minor," "delinquent," and "juvenile" as appropriate terms. After careful thought and consideration, the Committee chose "juvenile," reasoning the intent is not to presume the person to be a delinquent or an innocent child, so the least controversial term is "juvenile." In fact, the name of the court is "juvenile court" and the probation officers are called "juvenile probation officers."

The Committee uses the term "attorney for the Commonwealth" instead of district attorney because occasionally, the Attorney General's office is involved in delinquency cases. When the Committee is referring to the elected District Attorney, we use the term "District Attorney," and when referring to the District Attorney's staff or the Attorney General's staff, we use the term "attorney for the Commonwealth."

<sup>1</sup> The Court's responsibility for prescribing general rules governing practice and procedure, and the conduct of all courts and district justices is derived from PA. CONST. art. V § 10(c) and the Judicial Code, 42 Pa.C.S. § 1722.

<sup>2</sup> The Supreme Court is developing a statewide Common Pleas Case Management Project that will automate the common pleas courts. The first phase of this project is the automation of the criminal division.

The Committee uses the term “guardian” throughout the rules to describe “parent,” “guardian,” “custodian,” “foster parent,” “temporary guardian,” or any other person having custody of the juvenile to simplify what we call the many individuals who serve as this interested adult.

Finally, there are some additional procedural areas the Committee believes may necessitate statewide procedural rules. We have reserved consideration of these for later discussion, and have not included them in this initial set of rules that will be recommended to the Supreme Court. Rules that may be developed at a later date include, for example, Rule 119 (Open Proceedings), Rule 384 (DNA Testing), Rule 520 (Transfer of Disposition and Supervision of Juvenile to Another State), Rule 521 (Disposition and Supervision of a Juvenile Received from Another State), Rule 616 (Post-Dispositional Procedures; Appeals), and Rule 617 (Release of a Juvenile Pending Appeal).

The following discussion highlights the major areas addressed in the Rules, but does not discuss every rule in the proposal.

### Chapter One

The general provisions are Rules 100–105. Business of courts is covered in Part A, Rules 110–125. Part B addresses counsel, Rules 130–132. Records are covered in Part C, Rules 140–163. Part D address masters in Rules 171–177.

#### General Provisions

##### Rule 100—Scope of Rules.

Rule 100 provides that these rules govern delinquency proceedings. At this time, these rules do not govern dependency procedures; however, this rule may be amended in the future to include procedures on dependents.

##### Rule 105—Search Warrants.

After careful thought and consideration, the Committee concluded that police officers should follow the same procedure for obtaining and executing search warrants whether the person or place being searched relates to a case that may involve an adult or juvenile offender. To simplify this procedure and keep the standards uniform, and because law enforcement officers are familiar with these procedures, the Committee has deferred to the Pennsylvania Rules of Criminal Procedure for the search warrant procedures.

#### PART A—BUSINESS OF COURTS

##### Rule 111—Local Rules.

So the Court and Committee are able to regulate and monitor local rules to ensure the local rules are in compliance with the Pennsylvania Rules of Juvenile Court Procedure (Pa.R.J.C.P.), and to ensure that local practices do not inhibit the statewide practice of law, Rule 111 requires all local rules be vacated at the time these rules become effective. This does not mean all local rules have to be redrafted in their entirety. After reviewing their local rules for consistency and conformity with the new statewide rules, each judicial district may only need to repropulgate their rules after rekeying the rule numbers. See paragraph (B)(2) and Comment.

##### Rule 112—Continuances.

The Committee discussed what happens with a summons when a case is continued, and concluded the summons does not have to be reissued if the party is notified of the date, place, and time of the rescheduled hearing. See paragraph (B) and Comment.

##### Rule 118—Proceedings in Absentia.

The issue of whether a juvenile may be adjudicated in absentia generated a great deal of debate. Our surveys of the judicial districts revealed that in most cases, the juvenile is present for the proceedings. There are a few instances in which the juvenile would not be present, such as, fleeing from the courtroom to avoid prosecution. The Committee agreed that there may be times when it is appropriate to adjudicate a juvenile in absentia, but was concerned that, by providing for this, any time a juvenile did not appear at a hearing, the juvenile could be adjudicated in absentia. To safeguard against this possibility, the rule makes it clear that in absentia adjudications may only be conducted in those few cases where the juvenile willfully fails to appear or disappears. The rule also provides for the in absentia adjudication only in the discretion of the juvenile court judge, and that the judge can chose never to adjudicate a juvenile in his or her absence.

##### Rule 121—Guardian’s Presence.

Rule 121 provides that the guardian may accompany the juvenile to any proceeding. This rule also permits a guardian’s presence to be ordered when the guardian does not accompany the juvenile to the hearing. Under the Juvenile Act, the court may order the guardian to participate in the treatment, supervision, or rehabilitation of the juvenile, including, but not limited to, community service, restitution, counseling, treatment, and education programs. 42 Pa.C.S. § 6310. See also 42 Pa.C.S. § 6335(b), 6336.1.

#### PART B—COUNSEL

##### Rule 130—Attorney—Appearances and Withdrawals.

The Committee discussed at length the issue of duration of counsel. The Committee decided to follow the Rules of Criminal Procedure and the decision of *Douglas v. California*, 372 U.S. 353 (1963) and *Commonwealth v. Hickox*, 249 A.2d 777 (Pa. 1969) by requiring counsel to remain in the case until final judgment, including any proceeding upon direct appeal.

From its surveys, the Committee learned that, in some counties, a juvenile does not have an attorney at the dispositional review or the review is continued because counsel is not present. The Committee discussed these divergent practices and concluded the interests of the juvenile are better served if counsel additionally stays in the case through the dispositional reviews because counsel would be familiar with the juvenile and the history of the case.

##### Rule 131—Assignment of Counsel.

The Committee discussed in detail whether every juvenile is in fact indigent. Local practices varied across the Commonwealth with a majority of judicial districts assigning counsel in every case. The phrase “without financial resources or otherwise unable to employ counsel” used in this rule covers every juvenile. The Committee understands that in some situations, the guardian and the juvenile would have a conflict of interest, and the guardian should not be relied upon to employ counsel in those situations. If a juvenile needs counsel, the court must assign counsel. Furthermore, nothing in this rule precludes the court from assessing the cost of counsel on the guardians, which is the current practice in some judicial districts.

##### Rule 132—Waiver of Counsel.

From our survey of local practices, we found that in most cases, the juvenile has counsel present although

waiver of counsel is permitted. The Committee debated whether waiver of counsel should be permitted and decided that this was a substantive right given to the juvenile and could not be taken away. The Committee is concerned about the juvenile's comprehension of the consequences of waiving the right to counsel so we have built into the Rule 132 Comment an extensive colloquy in order for the juvenile to knowingly, intelligently, and voluntarily waive this right with the suggestion that the court is to look at several factors when conducting this colloquy.

The Committee further debated whether an age restriction was appropriate. After discussion, we felt that this was a factor that could not be evenly weighed for every juvenile, but have included it as one factor the court should consider because the court is in the best position to determine what is appropriate in each case with a specific juvenile.

Finally, Rule 132 does not mandate the appointment of stand-by counsel, because, in most cases, the court will appoint stand-by counsel when it is appropriate.

### **PART C—RECORDS**

#### **Rule 156—Filings, Docket Entries, and Service of Court Orders and Notices.**

The Committee tried to anticipate the advances in technology by providing, as one method of service, service by facsimile transmission or other electronic means, if requested. See paragraph (B)(3).

#### **PART (C)(3)—EXPUNGING OR DESTROYING RECORDS**

The Committee considered including provisions on which cases may be expunged but, after extensive discussion, felt 18 Pa.C.S. § 9123 covered this area sufficiently.

#### **Rule 162—Expunging Juvenile Court Records.**

Rule 162 sets forth the motion procedure for expunging juvenile records. Paragraph (A) requires service on all the parties to ensure that every party is aware of a motion to expunge. Paragraph (B) provides for an answer within thirty days, a length of time we deemed reasonable to give the parties an opportunity to object to or agree with the motion. This time requirement is consistent with local practices.

### **PART D—MASTERS**

#### **Rule 171—Appointment to Cases.**

The Committee expressed concern about allowing masters to practice in the same judicial district where they preside, noting the practice creates a conflict of interest; therefore, this was made a prohibited practice under paragraph (B). This prohibition is consistent with what we learned from our surveys; in the majority of the judicial districts, masters are not practicing in juvenile courts.

#### **Rule 172—Authority of Master.**

A major issue for the Committee concerned whether masters should be limited on the types of cases they should hear. After several discussions and reviewing the Juvenile Court Judges' Commission Juvenile Court Standards, the Committee felt that masters should hear only misdemeanors for preliminary, pre-adjudicatory, adjudicatory or dispositional hearings, and that the juvenile court judge should hear the more serious offenses and all felonies. In misdemeanor and felony cases, masters may hear detention hearings, detention review hearings,

shelter-care hearings, uncontested dispositional review hearings, or uncontested probation revocation hearings.

Paragraph (C) provides that at every hearing before the master, the juvenile should be informed of the right to a hearing before the judge. We included this provision here because we thought it made more sense to have a general requirement in one rule that applies across the board rather than including similar language in each rule for a specific hearing. See 42 Pa.C.S. § 6305(b).

#### **Rule 176—Master's Findings and Recommendation to the Judge.**

Paragraph (B) requires the master to submit a recommendation to the juvenile court judge within one business day, which reflects the local practices across the Commonwealth. This requirement will assist the attorney for the Commonwealth and the juvenile's attorney if they appeal the master's decision under Rule 177.

### **Chapter Two**

Part A, Rule 200 provides for the commencement of proceedings. Arrest Procedures are covered in Part B, Rules 210—221. For written allegation procedures, see Part C, Rules 231—233. Part D provides for pre-adjudicatory detention in Rules 240—243.

### **PART A—COMMENCING PROCEEDINGS**

#### **Rule 200—Commencing Proceedings.**

Rule 200 provides the methods of commencing proceedings in a case involving a juvenile. This rule deviates from the Juvenile Act in that the submission of a written allegation commences proceedings instead of the filing of a petition. See 42 Pa.C.S. § 6321(a)(3). The Committee developed this new terminology to clarify that commencing a proceeding does not necessarily imply formal court action; there are several steps in the processing of juvenile cases before a petition is ever filed. Thus, the written allegation procedures reflect what occurs in actual practice whereby a case is processed before a petition is ever filed. Under this rule, once a written allegation has been submitted, the juvenile probation officer must determine if the allegations are within the jurisdiction of the juvenile court and if it is appropriate to schedule an intake conference to determine if the case can be resolved by informal court action, such as, informal adjustment, or if formal court action is necessary by the filing of a petition. See Rules 310—312. Under the Juvenile Act, once a petition is filed, informal adjustment is precluded.

The Juvenile Act provides that the taking into custody is a method for commencing proceedings. See 42 Pa.C.S. § 6321(a)(2.1). The Juvenile Act provides five methods of taking into custody. See 42 Pa.C.S. § 6324. This rule incorporates the commencement of proceedings for taking into custody pursuant to the laws of arrest only. See 42 Pa.C.S. § 6324 (2). The other provisions of taking into custody under 42 Pa.C.S. § 6324 (1), (3), and (4) provide for the taking into custody of dependent children; therefore were omitted from this rule. The Committee understands that these provisions may also apply to delinquent children; however, the taking into custody for those reasons alone should not commence delinquency proceedings.

Proceedings have already been commenced for juveniles who have violated their probation; therefore, Rule 605 provides for detaining juveniles for violations of probation under 42 Pa.C.S. § 6324 (5).

In addition, proceedings have already been "commenced" for juveniles under this rule in paragraphs (3),



(4), and (5); however, this is the method for commencing those proceedings in juvenile court in delinquency proceedings within a judicial district.

## **PART B—ARREST PROCEDURES IN DELINQUENCY CASES**

### **Rules 210—220.**

The Committee agreed that the requirements for requesting and executing an arrest warrant in cases involving a juvenile should apply in the same manner as they apply for adults except that the guardian of the juvenile should be notified as to the juvenile's whereabouts. Additionally, because there is no bail in juvenile cases, the juvenile may be released to the care of a guardian, may come before the juvenile court, or may be sent to a juvenile detention facility.

### **Rule 212—Duplicate and Alias Warrants of Arrest.**

The Committee agreed that the courts could assess costs of the warrant; however, we realized that the juvenile might not have the resources to pay this fee. The court will have to evaluate each case independently, and may consider whether there is a court program to allow the juvenile to earn money, whether the juvenile is employed, whether the guardian should be held responsible, and other similar factors in deciding whether and how much of the costs to access.

## **PART C—WRITTEN ALLEGATION PROCEDURES**

### **Rule 231—Written Allegations.**

Submission of a written allegation is not a new procedure. A written allegation is the document submitted to the juvenile probation office by the law enforcement officer, and in a rare case, by a private citizen, that alleges a juvenile has committed an act of delinquency.

In several counties, the District Attorneys are currently requiring the allegation to be approved by their office. To allow this practice to remain and also to keep law enforcement apprised of this requirement, paragraph (B) requires the District Attorney to file a certification, stating which cases should be submitted to their office for prior approval, with the court of common pleas in their judicial district. The court should notify all law enforcement officials in their judicial district of this requirement.

The Committee discussed whether the juvenile probation officer should receive a copy of the written allegation whether or not it was approved. Because there may be instances when it is necessary for the probation office to know about a case, the Committee agreed that the juvenile probation officer should receive a copy of the written allegation, such as there might not be sufficient grounds for the allegation of delinquency, but the act could be a violation of the juvenile's probation. See paragraphs (C) and (D).

### **Rule 232—Contents of Written Allegation.**

The Committee found from its surveys that several counties transform their written allegation into the delinquency petition. To help facilitate this common practice, the Committee tracked the requirements of the written allegation closely with the contents of the petition. Compare Rule 232 with Rule 330 (C). Two additional requirements are mandated for the petition. See Rule 330 (C)(11)—(12).

### **Rule 233—Approval of Private Written Allegation.**

Consistent with the provisions of 42 Pa.C.S. § 6334, the rules allow any person to commence a juvenile proceeding by filing a written allegation; however, pursu-

ant to Rule 330(B) only the attorney for the Commonwealth or the juvenile probation officer may file a petition. The Committee believes that when the person filing a document alleging a juvenile committed a delinquent act is a private citizen, they should follow the same process and proceedings as probation officers and law enforcement officers; private citizens should not be afforded additional rights when it comes to adjudicating a juvenile delinquent. The purpose of this change is to not preclude informal court action in cases submitted by private citizens. The purpose of the Juvenile Act is achieved by providing an avenue for the private citizen to submit a written allegation and appeal a disapproval of the written allegation to the court. If the court overrules the disapproval, the court may order the juvenile probation officer or an attorney for the Commonwealth to proceed with the case in the same manner as any other case. See Comment to this rule.

## **PART D—PRE-ADJUDICATORY DETENTION**

### **Rule 240—Detention of the Juvenile.**

If the juvenile is detained and the attorney for the Commonwealth is seeking transfer of the case to criminal proceedings, the attorney for the Commonwealth must file notice of intent to transfer within the ten-day period as provided for in Rules 391 and 404. See Rule 391 discussion below.

### **Rule 242—Detention Hearing.**

Rule 242 requires that the petition be filed within twenty-four hours after the detention hearing. Although this is a change from the statutory requirement that a petition be filed within twenty-four hours of the juvenile's detention, the Committee believes this change is vital so that informal adjustment or other informal court action will not be precluded.

### **Rule 243—Detention Rehearings.**

The Committee has built in Rule 243 the requirement that a guardian submit an affidavit alleging he or she was not notified of the hearing. Paragraph (A) is designed to limit the number of re-hearings by the court but allow the guardian to be heard if requested.

## **Chapter Three**

Chapter Three addresses the pre-adjudicatory procedures. Part A encompasses venue and jurisdiction in Rules 300—302. Part B addresses intake and informal adjustment, Rules 310—313. The filing of a petition and pertinent procedures surrounding the petition are included in Part C, Rules 330—336. For procedures following the filing of a petition, see Part D, Rules 340—364, including motions, service, summons, and notices. Consent decree procedures can be found in Part E, Rules 370—373. Part F, Rules 380—384 includes provisions on preservation of testimony and evidence. Finally, Part G addresses procedures for transfer to criminal prosecution from delinquency proceedings in Rules 390—396.

## **PART A—VENUE AND JURISDICTION**

### **Rule 300—Venue.**

There was substantial debate over this rule and whether a proceeding should be commenced in the juvenile's residential county, rather than only the county where the allegation occurred. The Juvenile Act provides for the commencement of proceedings in the county where the allegation occurred or the juvenile's residential county. See 42 Pa.C.S. § 6321(b). Notwithstanding the statutory provisions, our surveys revealed that in most cases, the proceedings are commenced in the county

where the allegation occurred. In view of this, we decided to follow the statute, but added a procedure that allows a motion for change of venue if there was a hardship on the juvenile recognizing that the court is in the best position to decide this issue and to be able to look at all the pertinent factors, including hardship.

**PART B—INTAKE AND INFORMAL ADJUSTMENT  
Rules 310—313.**

These rules lay out the informal court process. If a case is informally adjusted, no formal court action is sought and the case is dismissed. If it is determined that formal court action would be in the best interest of the public and the juvenile, a petition should be filed.

**Rule 311.**

During the surveys and Committee discussions, it was noted that the Victim's Bill of Rights does not give victims the right to participate in an intake proceeding; however, it gives the victims the right to comment on "disposition." If cases are being dismissed, informally adjusted or diverted, the victims should have the opportunity to give their opinion on the "disposition" of the case. To ensure compliance with this provision of the Victim's Bill of Rights, the Committee has developed a rule that will provide the attorney for the Commonwealth with notice of the outcome of an intake conference, i.e. informal adjustment. If the attorney for the Commonwealth feels the victim is aggrieved by the decision of the juvenile probation officer, the attorney for the Commonwealth may file a motion for review by the court.

**PART C—PETITION**

**Rule 330—Petition: Filing, Contents, Function.**

In the majority of judicial districts, the attorney for the Commonwealth or the juvenile probation officer files the petition. After extensive discussion, the Committee agreed to follow these local practices to the extent that the District Attorney of each county may chose to have the petition filed by an attorney for the Commonwealth by filing a certification with the court of common pleas.

Paragraphs two, three, eleven and twelve incorporate the provisions of Section 6334 of the Juvenile Act. Paragraphs four through seven set forth the allegations of delinquency with particularity. In addition to the Juvenile Act, compliance with due process standards requires that the petition set forth the allegation with particularity. *In re Gault*, 387 U.S. 1 (1967). Paragraphs one, nine and ten are essential because the petition is the official charging document and must be signed by the person filing it. Paragraph eight encompasses the statutory requirement that the law enforcement officer or the attorney for the Commonwealth note that laboratory services have been requested. 42 Pa.C.S. § 1725.3 This rule closely tracks the contents of the written allegation. See discussion of Rule 232 in this Report.

**PART D—PROCEDURES FOLLOWING THE FILING OF PETITION**

**Rule 340—Pre-Adjudicatory Discovery and Inspection.**

This rule emphasizes that the discovery process should be informal. Each party should disclose the necessary information to the opposing party without the need of filing a formal motion. Only when there is a general dispute as to discovery, should a motion to compel discovery be made.

**Rules 344—Motions and Answers.**

Rule 344 provides for motions and answers to be made either orally or in writing. Because of the time con-

straints in juvenile court, several motions may be oral. However, if time allows, written motions are preferable.

**PART E—CONSENT DECREE**

**Rule 370—Consent Decree.**

The Committee discussed whether there should be rule procedures for consent decrees. We looked at whether the juvenile was a first time offender, whether specific charges would be prohibited from a consent decree disposition, whether the juvenile had to accept responsibility for the delinquent acts alleged, and some other minor issues. Ultimately, the Committee decided that the juvenile court is in the best position to look at each case independently and to decide if the case is appropriate for consent decree.

The Committee noted that if a juvenile violates the conditions of the consent decree, double jeopardy does not attach and bar subsequent prosecution. See *Commonwealth v. Szebin*, 785 A.2d 103 (Pa. Super. Ct. 2001). This is explained in the Rule 372 Comment.

**PART F—PRESERVATION OF TESTIMONY AND EVIDENCE**

**Rules 380—384.**

These rules provide for preservation of testimony and evidence. Masters may preside over these cases if they involve only misdemeanors. See Rule 172 on master's authority.

**PART G—TRANSFER FOR CRIMINAL PROSECUTION**

**Rule 390—Notice of Request for Transfer to Criminal Proceedings.**

The Committee noted and discussed that the Juvenile Act gives the juvenile the right to request transfer to criminal proceedings. For several reasons, the Committee was apprehensive about letting a fourteen year old make an inappropriate decision that could affect the rest of the juvenile's life. Because of this concern, the Committee explains in the Rule 390 Comment that the court should use caution when a juvenile petitions the court for transfer to criminal proceedings. The court should make an inquiry to determine if the request has been knowingly, intelligently, and voluntarily made.

**Rule 391—Time Restrictions for Detention of Juveniles Scheduled for Transfer Hearing.**

Local practices revealed that preparing for a transfer hearing can be a lengthy process and should not be handled quickly for the sake of swiftness over the welfare of the public or juvenile. Transfer social studies including psychological reports must be prepared. Taking these points into consideration, the Committee agreed the rule should provide that the juvenile may be detained for ten days and up to or on the tenth day, the attorney for the Commonwealth may file a notice of intent to transfer. The ten days allows the attorney for the Commonwealth to consult with the juvenile probation officer and other pertinent persons regarding transfer of the juvenile. The juvenile should normally have a transfer hearing within ten days of the filing of the notice of intent to transfer. However, the juvenile may be detained for one additional ten-day period if the requirements of paragraph (B)(1) are met. Thus, a juvenile may be detained for up to thirty days for a transfer hearing. If the juvenile requests a continuance under paragraph (B)(2), the juvenile may be detained longer than thirty days in ten-day intervals.

**Rule 394—Transfer Hearing.**

This rule requires a transfer hearing in all cases when a notice of request for transfer is filed.

Under paragraph (A), if the attorney for the Commonwealth does not meet the three-day requirement and the case has to be continued, the continuance would be counted against the Commonwealth.

When the transfer hearing is conducted following the juvenile's request for transfer, the court would still make its findings under paragraph (B) although the findings may have been conceded by the juvenile when requesting transfer.

#### **Rules 395—396.**

These rules provide that the Rules of Criminal Procedure apply to the transferred juvenile, and set forth the steps necessary to initiate the criminal prosecution.

### **Chapter Four**

Chapter Four addresses the procedures related to the adjudicatory hearing.

#### **Rule 404—Prompt Adjudicatory Hearing.**

The Committee discussed whether there should be a time limitation for having a hearing for non-detained juveniles. Our survey found that most juveniles are having hearings within six months. The Committee felt that this practice is reasonable; therefore, set no specific time limitation in the rule, other than a "reasonable time."

#### **Rules 406—409.**

These rules separate the stages of proceedings heard by the court. These stages may be consolidated into one hearing by the court as long as everyone is clear that the stages are separate and distinct. Rule 406 governs the adjudicatory hearing. Rule 407 provides for acknowledgments. See discussion of Rule 407 below. After the court has held an adjudicatory hearing or accepted an acknowledgment, the court is to rule on the offenses, stating with particularity the gradings and counts of each offense. Once the court has ruled on the offenses or entered its findings, the court is to determine if the juvenile is in need of treatment, supervision, or rehabilitation.

#### **Rule 407—Acknowledgments.**

This rule reflects current local practices. There are procedures in some form in every judicial district that permit the court to allow the juvenile to acknowledge the facts, adjudication, or disposition rather than holding an adjudicatory hearing.

### **Chapter Five**

This chapter provides for the procedures of the dispositional proceedings in juvenile court, including the final order of the court. Part A provides for summons and notices in Rule 500. Rules 510—516 are covered in Part B addressing the dispositional hearing and aids in the disposition. Part C is reserved for inter-state transfer of disposition.

### **PART B—DISPOSITIONAL HEARING AND AIDS**

#### **Rule 512—Dispositional Hearing.**

The "one judge—one juvenile" philosophy that is sweeping our country was discussed by the Committee. We agreed that this is the best-case scenario for all juvenile courts; however, on the practical side of this issue, we felt that this may not be feasible in all the judicial districts. In view of this, the Rule 512 Comment points out that, if and when practicable, the same judge and master should hear all cases involving the same juvenile.

#### **Rule 513—Aids in Disposition.**

Our survey of local practices revealed that social studies or summaries are being prepared in two-thirds of the cases. Although the rule leaves the decision whether to have a social study prepared to the discretion of the court, in serious cases, the court should order the preparation of the study.

#### **Rule 515—Dispositional Order.**

This rule provides the minimal requirements of the dispositional order. It may be necessary to include additional information in the order depending on the type of case or if the court is to receive funding. See the Rule 515 Comment.

From the Committee's surveys, we found that the courts' dispositional orders are not always clear concerning restitution. We therefore, included in paragraph (B) specific requirements concerning restitution.

In establishing the appropriate disposition, the court may exercise discretion within the limits of the Juvenile Act. *In re Frey*, 375 A.2d 459 (Pa. Super. Ct. 1977). The Legislature intended to give juvenile courts broad discretion in designing remedies to aid in the reformation of juvenile offenders. *Com. v. Russman*, 378 A.2d 459 (Pa. Super. Ct. 1977). Section 6310 of the Juvenile Act gives the court the power to order the guardians to participate in the disposition of the case for the juvenile through community service, restitution, counseling, treatment and education programs, as well as, other treatments. Paragraph (C) of this rule requires the court to include in its dispositional order any obligation imposed by the court upon the guardian. The guardians should receive a copy of the dispositional order for their obligation. See Rule 516.

### **Chapter Six**

This chapter provides for the post-dispositional procedures, including modifications, reviews, and appeals. Part A, Rule 600 provides for the summons and notices. Part B provides for modifications of the dispositional order, violations of probation, dispositional and commitment reviews, termination of court supervision, and appeals.

### **PART B—MODIFICATIONS, REVIEWS, AND APPEALS**

#### **Rule 605—Detaining Juvenile for Modification of the Dispositional order or Violation of Probation.**

The Committee felt that if a juvenile is detained for modification of the dispositional order or violations of probation, Chapter Two procedures should apply. The Committee's intent is that a hearing should be held within ten days unless the requirements of Rule 240(D) are met. Notice of the detention hearing is to be given to specified persons as provided in Rule 241, the juvenile should be informed of rights under Rule 242(A), the manner of hearing provisions of Rule 242(B) are to be followed, and the court is to find probable cause for modification of the dispositional order or violations of probation and that detention is warranted under Rule 242(C).

#### **Rule 610—Dispositional and Commitment Reviews.**

With advancement in technology, several judicial districts are now equipped with advanced communication technology. Reviewing cases by this method is widely accepted and has been used often in this Commonwealth. The Committee wanted to allow this technology to be used but ensure that due process of law was afforded to each party. The requirements of paragraph (C) will

ensure the juvenile's ability to communicate with counsel as if they were at the same location.

**Rule 613—Termination of Court Supervision.**

The current practice of terminating supervision of the juvenile when restitution, fines, and costs are still outstanding is inconsistent with this rule and the Juvenile

Act, 42 Pa.C.S. § 6352. Courts may change how they supervise juveniles in these situations but the case must be administratively kept open.

[Pa.B. Doc. No. 03-562. Filed for public inspection March 28, 2003, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 37—LAW

### COMMISSION ON CRIME AND DELINQUENCY

#### [37 PA. CODE CH. 431]

#### Constables' Education and Training

The Constables' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency (Commission), adopts Chapter 431 (relating to Constables' Education and Training Board) to read as set forth in Annex A.

##### A. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

##### B. *Statutory Authority*

The final-form rulemaking is authorized under the authority of 42 Pa.C.S. §§ 2941—2950 (relating to constables) (act).

##### C. *Background and Purpose*

In this final-form rulemaking, the Board establishes basic training and continuing education programs required by the act for constables and deputy constables to attain or retain Board certification, which is a prerequisite for them to be paid for the duties that they perform. This final-form rulemaking also sets standards for those constables and deputy constables who seek Board qualification to carry and use a firearm while conducting their occupation.

The Board, created in 1994 as an advisory board to the Commission, initiated its training programs in 1997. As of November 4, 2002, 1,298 constables and deputy constables held current certification in this Commonwealth.

Constables and deputy constables are independent contractors who are engaged as needed, primarily by the district justices of this Commonwealth. They perform a variety of duties, including serving complaints, summonses, subpoenas and other legal documents in civil matters, levying on goods and performing other duties relating to execution proceedings, providing courtroom security and transporting prisoners, executing arrest warrants and performing other duties in criminal proceedings.

##### D. *Summary of Comments and Responses on Proposed Rulemaking*

The proposed rulemaking was published at 30 Pa.B. 5961 (November 18, 2000). Publication was followed by a 30-day public comment period during which the Board received no public comments. Neither the House Judiciary Committee nor the Senate Judiciary Committee provided comment. The Board received comments from the Independent Regulatory Review Commission (IRRC), which the Board considered in making revisions to the rulemaking.

The Board approved a final-form rulemaking at its May 2001 meeting. The Commission reviewed and approved it at its June 2001 meeting. The Board submitted a final-form rulemaking to IRRC and to the House Judiciary Committee and Senate Judiciary Committee on August 3, 2001, but withdrew it soon thereafter. The Board took this opportunity to address a language concern of IRRC's and to make additional changes for style and clarity

purposes. Responses to IRRC's comments are as follows, along with descriptions of additional changes that the Board is making.

##### *Section 431.2. Definitions.*

IRRC suggested the deletion of introductory language in the definition section. IRRC suggested that the definition of "waiver" be amended to shorten it and eliminate substantive provisions. The Board adopts both suggestions in the final-form rulemaking. Additionally, the Board shortens the definitions of "basic training," "certification" and "continuing education" to remove substantive provisions.

##### *Section 431.11. Registration.*

IRRC had two comments in this section, both pertaining to the information requested by the Board when a person registers for certification. IRRC suggested that the Board list examples of information to be provided and that it reference a registration form if one exists. The Board implements both suggestions. Additionally, the Board divides the section into two subsections and makes other style changes.

##### *Section 431.12. Initial certification.*

No comments were made pertaining to this section. However, the Board adds the second sentence, which provides that an initial certification is valid through December 31 of the calendar year following its issuance. This addition is consistent with § 431.13(b)(1) (relating to annual certification), which requires a constable to complete continuing education during a calendar year following the constable's completion of basic training to maintain continuous certification.

##### *Section 431.13. Annual certification.*

No comments were made pertaining to this section. However, the Board replaces references to the term "recertification" and similar terms because the word is used in a different context in the act. The Board replaces it with the term "certification."

##### *Section 431.14. Lapse of certification.*

IRRC had no comments on this section of the proposed rulemaking, which discussed what the Board does to a certification when a constable fails to fulfill the requirement for annual training and when the constable subsequently completes that training. The Board on its own decided that this section needed greater specificity to set forth differing approaches to restoring certification depending on the reasons why the constable failed to take the training in a timely manner and how long it took for the constable to make up the training. IRRC provided input in the Board's redrafting of this section.

With this new language, the Board establishes rules for certifying constables following lapse for failure to complete continuing education. Except for lapses of 5 years or more, the Board will reactivate a certification for the calendar year following the year in which the constable completes a continuing education course. For good cause shown, the Board may reactivate the certification in the same year in which the constable completes the course. For lapses of 5 years or more, a certification may not be reactivated and the constable must complete basic training in order for the Board to issue a new certification.

For the reasons discussed in reference to § 431.13, the Board has changed "recertification" to "certification."

*Section 431.15(d) and (e). Certification numbers.*

IRRC had several comments regarding these two subsections. The Board, in response to the comments, has reworked language and substantially revamped the subsections. The section deals with the Board's administrative procedures in issuing, deactivating and reactivating certification numbers of constables and deputy constables. Subsection (d) requires the constable or deputy constable to notify the Board when elective or appointed office is vacated, so that the Board may deactivate the applicable certification number in its database. IRRC commented that the Board's proposed requirement for notification to be accomplished "immediately" was vague, and should be replaced with a specific time frame. The Board implements this suggestion. Additionally, the Board on its own sets forth specific modes of notification. The subsection now provides for notification by telephone, facsimile transmission or e-mail within 48 hours after the vacating action.

Similarly, in subsection (e), the Board now will require a constable or deputy constable who is reelected or reappointed to the office that he once held to notify the Board by one of the same modes now listed in subsection (d), or by United States mail. However, the Board sees no need to require notification within a particular time frame, as suggested by IRRC. The fact that the act precludes a constable or deputy constable from receiving compensation for performing statutory duties without Board certification provides a strong incentive for timely reporting without the need for a deadline. Hence, the word "immediately" has been deleted, with no substitute language being provided.

Primarily in response to IRRC's comments, the Board is rewording the material in § 431.15(e)(1)—(3) (relating to certification numbers). The Board sets up three categories of persons whose certifications are restored after returning to elective or appointed office after a hiatus. The three categories are based on the duration of the hiatus and the constable's previous certification status. It is the Board's intent to require those who had been away from the job for an extended period to complete suitable training prior to obtaining reactivation. One who returns to office less than 1 year after leaving would not need to attend further training. One who returns to office 1 year or more but less than 5 years after leaving would need to complete continuing education to have certification reactivated. Those with 5 years or more of inactivity would need to attend basic training. In response to IRRC's comments, the Board makes the time frame more specific, by beginning the applicable time period at the point when the constable or deputy constable vacates office.

The Board deletes the phrase "as soon as practicable" in § 431.15(e)(1), which states that the Board will reactivate the original certification number if reelection or reappointment occurs within the same calendar year as the constable or deputy constable vacated the office. IRRC had suggested that the term be replaced with a more specific time frame, but upon further reflection the Board believes that a time reference is unnecessary.

At IRRC's suggestion, the Board adds the word "course" at the end of § 431.15(e)(2), and replaces "not less than 5 years" with "5 years or more."

*Section 431.21(a) and (b). Curriculum.*

At IRRC's suggestion, the Board is adding language to make clear that one of the basic training topics listed includes statutorily-mandated instruction in the interpretation and application of the fees provided for in the act.

IRRC questioned the Board proposal that would allow topics to be added to or deleted from the curriculum or modified by simply publishing a notice and without having to undergo the formal rulemaking process. The Board deletes the questioned provision.

*Section 431.22. Requirements.*

The Board adopts IRRC's suggestion to set forth the actual number of hours of basic training currently required by the act. For style purposes, the Board changes the heading of this section, and makes the same change for parallel sections pertaining to continuing education and firearms qualification.

IRRC had three comments regarding subsection (a)(3). The Board concurs with two. First, it adds language to clarify that the Board will require basic training participants to undergo proficiency examinations in practical skills. Second, it sets forth examples of the practical skills to be tested. The Board declines to implement IRRC's suggestion to set forth specific criteria by which candidates are to be judged as proficient in practical skills. The proficiency examinations by their nature are "hands-on" and defy precise quantification of achievement. The Board chooses to use language that allows for the subjective impressions of the instructor administering the proficiency examination. However, the Board deletes the phrase "demonstrate to the Board's satisfaction," which suggests a higher level of precision in proficiency testing than may actually exist.

*Section 431.24(a). Waiver examination.*

The Board adopts language changes suggested by IRRC. Additionally, the Board makes several stylistic changes.

*Section 431.31. Curriculum.*

IRRC suggested replacing the word "periodically" with "annually" in describing how frequently the Board may adjust the continuing education curriculum. The Board makes this change.

IRRC also had concerns about how a constable or deputy constable will receive notice of a curriculum change, and how the Board will implement changes so that a course already completed at the time of the change is not later disallowed. The Board believes that these concerns are unwarranted. Unlike continuing education in many other professions, in which the regulated party chooses courses from the offerings of various independent training providers, the Board provides one standard program every year to all constables and deputy constables. Therefore, there is no way that a constable or deputy constable can take a course that is later disallowed.

*Section 431.32(a)(1) and (c). Requirements.*

IRRC commented that the Board regulation on the criteria for successful completion of continuing education should include a specific reference to the number of hours of training as required by the act. However, unlike the precise number of hours required by the act for basic training (80 hours), a maximum number of "no more than 40 hours per year" is set for continuing education. Because of the evolving need for training in various topics that cannot be foreseen very far in advance, the Board sees a need to maintain flexibility as to number of continuing education hours. Consequently, the Board declines to specify the number of hours of continuing education. However, the Board has added language in the final-from rulemaking by which it will disseminate information annually about the hours requirement for that year.

No comments were made pertaining to subsection (c). However, for the reasons discussed in reference to § 431.13, the Board has changed “recertified” to “certified.” Additionally, the Board changes the heading of this section and makes various stylistic changes.

*Section 431.33. Eligibility for waiver.*

*Section 431.34. Scope of waiver.*

No comments were made on these sections. However, to add clarity the Board substantially restructures the sections. Language pertaining to the Board’s annual determination of waivable topics is moved from one section to the other and superfluous language is excised in both sections.

*Section 431.41. Qualification course.*

No comments were made pertaining to this section. However, the Board makes various language changes to add clarity.

*Section 431.43. Firearm and ammunition.*

IRRC had several comments on this section. The Board adopts the suggestion to make clear that a constable or deputy constable seeking to attend a firearm qualification course must, as a prerequisite, provide a personal weapon and enumerated equipment. IRRC also suggested that the proposed language lacked specificity with regard to the type of weapon and ammunition that the Board requires to be “generally acceptable for law enforcement usage.” The Board declines to adopt a suggestion to allow an attendee to obtain a predetermination that the weapon and ammunition chosen are acceptable. Instead, the Board enumerates a list of acceptable calibers, which it believes will provide sufficient guidance to any attendee who is unclear what kind of weapon would be “generally acceptable for law enforcement usage.” With respect to ancillary equipment, the Board adds the descriptive phrase “specific to the weapon,” which it believes will provide sufficient guidance to the attendee.

*Section 431.51. Board approval of school.*

The Board incorporated IRRC’s suggestion to substitute the word “will” for “may” in discussing the Board’s process for selecting and approving schools to conduct the training programs. The Board agrees that, because it is required under section 2944(a) of the act (relating to program established) to establish, implement and administer training programs, the word “will” is appropriate.

*E. Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The Board pays for the training entirely out of surcharges collected at the county level for initiation of civil matters or service of process. The final-form rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*F. Sunset Date*

The Board will continually monitor the effectiveness of its regulations through communications with the regulated population. Therefore, no sunset date has been set.

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 2, 2000, the Board submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 5961, to IRRC and to the Chairpersons of the House and Senate Judiciary Committees for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on February 14, 2003, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 27, 2003, and approved the final-form rulemaking.

*H. Contact Person*

Further information may be obtained by contacting Steve Spangenberg, Director, Commission on Crime and Delinquency, Bureau of Training Services, P. O. Box 1167, Harrisburg, PA 17108-1167, (717) 705-3693, Ext. 3040.

*I. Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 30 Pa.B. 5961.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the Board’s authorizing statute.

*J. Order*

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

(a) The regulations of the Board, 37 Pa. Code Chapter 431, are amended by adding §§ 431.1, 431.2, 431.11—431.15, 431.21—431.25, 431.31—431.35, 431.41—431.48 and 431.51—431.54 to read as set forth in Annex A.

(b) The Board will submit this order and Annex A to the Office of General Counsel and to the Office of the Attorney General as required by law.

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

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

JAMES J. EISENHOWER, Esq.,  
*Chair*

*Commission on Crime and Delinquency*  
HONORABLE JAMES E. RUSSO,

*Chair*  
*Constables’ Education and Training Board*

*(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 1423 (March 15, 2003).)*

**Fiscal Note:** 35-26. (1) General Fund; (2) Implementing Year 2002-03 is \$1,866,632; (3) 1st Succeeding Year 2003-04 is \$1,966,632; 2nd Succeeding Year 2004-05 is \$2,066,632; 3rd Succeeding Year 2005-06 is \$2,166,632; 4th Succeeding Year 2006-07 is \$2,266,632; 5th Succeed-

ing Year 2007-08 is \$2,366,632; (4) 2001-02 Program—\$1,778,807; 2000-01 Program—\$1,371,099; 1999-00—\$1,434,848; (7) Constables Education and Training Account; (8) recommends adoption. Costs are offset by surcharges collected at the county level relating to initiation of civil matters or service of process. The surcharges are deposited into a restricted account in the General Fund known as the Constable Education and Training Account.

### Annex A

## TITLE 37. LAW

### PART VI. COMMISSION ON CRIME AND DELINQUENCY

#### CHAPTER 431. CONSTABLES' EDUCATION AND TRAINING BOARD

##### GENERAL PROVISIONS

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431.2.	Definitions.

##### CERTIFICATION

431.11.	Registration.
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431.13.	Annual certification.
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431.24.	Waiver examination.
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##### CONTINUING EDUCATION

431.31.	Curriculum.
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##### FIREARMS QUALIFICATION

431.41.	Qualification course.
431.42.	Eligibility for firearms qualification.
431.43.	Firearm and ammunition.
431.44.	Requirements.
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##### SCHOOLS AND INSTRUCTORS

431.51.	Board approval of school.
431.52.	Scope of approval.
431.53.	Board certification of instructors.
431.54.	Scope and limitations of instructor certification.

##### GENERAL PROVISIONS

#### § 431.1. Purpose.

This chapter sets forth standards and procedures relating to the certification of constables and deputy constables and their qualification to carry or use firearms in the performance of their duties.

#### § 431.2. Definitions.

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

*Act*—42 Pa.C.S. §§ 2941—2950 (relating to constables).

*Basic training*—A course of training administered by the Board under section 2945 of the act (relating to program contents).

*Board*—The Constables' Education and Training Board of the Commission.

*Certification*—The Board's official determination that a constable or deputy constable has completed successfully the training required by the act.

*Commission*—The Commission on Crime and Delinquency.

*Constable*—A person currently serving as constable or deputy constable.

*Continuing education*—A course of annual training administered by the Board under section 2946 of the act (relating to continuing education).

*Firearms qualification*—The Board's official determination under the act that a constable is qualified to carry or use firearms in the performance of duties.

*School*—A facility approved by the Board that enters a contract with the Commission to conduct training.

*Waiver*—The Board's grant of permission to a constable to reduce the hours of classroom attendance in a Board training course.

##### CERTIFICATION

#### § 431.11. Registration.

(a) A person shall register with the Board for certification by completing and submitting a form provided by the Board. The person will be required to provide information such as mailing address and telephone number, Social Security number, date of birth and office held or sought. A constable shall set forth the beginning date and expiration date of the term of office held, and provide documentary evidence of election or appointment.

(b) A registrant shall inform the Board of a change to registration information within 15 days of the change.

#### § 431.12. Initial certification.

The Board will issue a certification to a constable who successfully completes basic training or attains a passing grade on the Board's basic training waiver examination. An initial certification will be valid through December 31 of the year following initial certification.

#### § 431.13. Annual certification.

(a) If a constable successfully completes continuing education, the Board will certify the constable for the next calendar year.

(b) To maintain continuous certification, a constable shall complete continuing education during the calendar year following the year in which the constable completed one of the following:

- (1) Basic training.
- (2) The basic training waiver examination.
- (3) A previous course of continuing education.

#### § 431.14. Lapse of certification.

(a) The certification of a constable who fails to complete continuing education successfully within the time allowed in § 431.13(b) (relating to annual certification) shall lapse and the Board will list the constable as inactive.

(b) The Board will reactivate a certification that is lapsed if the constable completes continuing education within 5 years of the lapse. The reactivated certification will be effective for the calendar year following completion of continuing education.

(c) For good cause shown, the Board may reactivate the certification in the same calendar year in which the constable completes continuing education. Examples of



good cause are a medical problem, family crisis or obligation, or conflict with other employment.

(d) The Board will not reactivate a certification 5 years or more after the lapse of a constable's certification. The Board will issue a new certification upon the constable's successful completion of basic training.

**§ 431.15. Certification numbers.**

(a) The Board will issue a unique certification number to a constable who obtains initial certification.

(b) If a person who successfully completes basic training has not been elected or appointed as constable, the Board will issue a certification number upon the individual's election or appointment and the notification to the Board by the constable of the election or appointment.

(c) The Board will reissue the original certification number to a constable who successfully completes continuing education.

(d) A person is required to notify the Board by telephone, facsimile transmission or electronic mail within 48 hours after the person has vacated the office of constable or deputy constable. The Board will place the person's certification number into inactive status upon notification.

(e) A person who is reelected or reappointed to the office of constable after vacating it shall notify the Board. Based upon the timing of reelection or reappointment, the Board will do one of the following:

(1) If the reelection or reappointment occurs less than a year from the date on which the office was vacated, the Board will reactivate the constable's certification number upon notification.

(2) If the reelection or reappointment occurs a year or more but less than 5 years after the date on which the office was vacated, the Board will reactivate the original certification upon the constable's successful completion of a continuing education course.

(3) If the reelection or reappointment occurs 5 years or more after the date on which the office was vacated, the Board will issue a new certification number upon the constable's successful completion of a basic training course.

**BASIC TRAINING**

**§ 431.21. Curriculum.**

Basic training will consist of instruction in the following topics:

- (1) Role of the constable in the justice system.
- (2) Professional development, including instruction in the interpretation and application of the fees provided for in section 2950 of the act (relating to fees).
- (3) Civil law and process.
- (4) Criminal law and process.
- (5) Use of force.
- (6) Mechanics of arrest.
- (7) Defensive tactics.
- (8) Prisoner transport and custody.
- (9) Court security.
- (10) Crisis intervention.

**§ 431.22. Requirements.**

(a) A constable or other person shall be required to attain the following to complete basic training:

- (1) Attend 80 hours of basic training.
- (2) Attain a passing score as established by the Board on the written examination for each topic.
- (3) Demonstrate proficiency in each examination of practical skills, such as defensive tactics and mechanics of arrest.

(b) A constable or other person who fails to achieve a passing score on a written examination may undergo a second examination.

(c) A constable or other person who fails to achieve a passing score in a second examination may attend and complete a second basic training in its entirety.

(d) A constable or other person may attend a third basic training upon failing to complete the second course, but shall be given no additional opportunities upon failing to complete the third course.

**§ 431.23. Eligibility for waiver.**

A constable who has the following qualifications may apply to the Board for a waiver of the requirement to complete basic training:

(1) Current employment as a municipal police officer or deputy sheriff in this Commonwealth with current training and certification required to perform the occupation.

(2) Employment within the past 2 years as a State Police officer, municipal police officer or deputy sheriff with current training and certification required to perform the occupation at the time the constable terminated the employment.

**§ 431.24. Waiver examination.**

(a) A constable who has been granted a waiver of basic training shall attain a passing score as established by the Board on the Board's basic training waiver examination.

(b) A constable shall have one opportunity to obtain a passing score on a basic training waiver examination. A constable who fails the basic training waiver examination shall complete basic training to obtain an initial certification.

**§ 431.25. Attendance policies.**

(a) A person who is not a constable but who intends to seek election or appointment as a constable may register and attend basic training if an opening is available and the person bears financial responsibility for the cost.

(b) A constable or other person who registers for basic training may withdraw from the course without penalty upon timely notification to the director of the school conducting basic training. A notification shall be deemed timely if it is delivered to the director of the school no later than 7 days prior to the start of classes. The school may assess a failing grade for all or part of basic training if the constable or other person fails to provide timely notification and the Board finds that substantial mitigating circumstances do not exist.

**CONTINUING EDUCATION**

**§ 431.31. Curriculum.**

The Board may adjust annually the content of continuing education as it deems necessary to address new or varied topics or skills required to perform judicial duties set forth in the act.

**§ 431.32. Requirements.**

(a) A constable shall attain the following to complete continuing education:

(1) Attend the hours of continuing education per year as determined annually by the Board and published in a Board training bulletin.

(2) Attain a passing score as established by the Board on each written examination taken.

(3) Demonstrate proficiency in each examination of practical skills.

(b) A constable who fails to attain a passing score on any written examination may undergo a second examination for that topic.

(c) A constable who fails to attain a passing score in a second examination may attend and complete another course in the failed module to be certified. The constable shall bear financial responsibility for a second continuing education course.

(d) A constable who fails two successive continuing education courses will not be allowed to attend a third course.

**§ 431.33. Eligibility for waiver.**

A constable who is currently employed as a municipal police officer or deputy sheriff may apply annually to the Board for a waiver of topics in that year's continuing education curriculum if the constable demonstrates that the equivalent training and certification are current.

**§ 431.34. Scope of waiver.**

(a) At the beginning of each calendar year, the Board will publish a list of specific topics available for waiver consideration.

(b) The Board will grant a waiver of continuing education for those topics that also were covered in the certification training for municipal police officers or deputy sheriffs.

**§ 431.35. Attendance policies.**

A constable who registers for continuing education may withdraw without penalty upon timely notification to the director of the school conducting the continuing education. A notification will be deemed timely if it is delivered to the director of the school no later than 7 days prior to the start of classes. The school may assess a failing grade for the entire course or applicable topic if the constable fails to provide timely notification and the Board finds that substantial mitigating circumstances do not exist.

**FIREARMS QUALIFICATION****§ 431.41. Qualification course.**

(a) A constable shall complete a basic firearms qualification course established by the Board to attain initial firearms qualification.

(b) After a constable attains initial firearms qualification, the constable shall complete the Board's annual firearms qualification course to maintain firearms qualification.

**§ 431.42. Eligibility for firearms qualification.**

A constable holding certification who is not precluded under State or Federal law from possessing or using a firearm may enroll in a firearms qualification course.

**§ 431.43. Firearm and ammunition.**

(a) As a prerequisite for attending a firearms qualification course, a constable shall provide at all times during

the course a firearm and ammunition, magazines, speed loaders, safety accessories and cleaning equipment specific to the firearm. The Board will provide ammunition to the constable for use during instruction. The constable shall provide ammunition for use during the qualification test.

(b) The firearm provided shall be of a design generally acceptable for law enforcement usage, and shall be in a condition for safe operation as designed and intended by the firearm manufacturer. The firearm provided shall be one of the following calibers:

- (1) .380.
- (2) .38 special.
- (3) .357.
- (4) .40.
- (5) .45.
- (6) 9MM.
- (7) 10MM.

(c) The ammunition provided shall be of a type and design generally acceptable for law enforcement usage, and may not be remanufactured or reloaded.

**§ 431.44. Requirements.**

(a) A constable who meets the eligibility criteria of § 431.42 (relating to eligibility for firearms qualification) shall attain the following to obtain firearms qualification:

(1) Attend training scheduled by the Board, except for topics specifically waived by the Board under this chapter.

(2) Attain a passing score as established by the Board on each written examination.

(3) Demonstrate proficiency in each examination of practical skills, using the same firearm and the same or comparable ammunition that the constable will carry in the performance of duties during the upcoming year.

(b) A constable who fails to attain a passing score on a written examination or course-of-fire may undergo one retest of the applicable written examination or practical skill proficiency examination.

(c) A constable who fails to attain a passing score in a retest of a written examination or practical skill proficiency examination shall attend a second firearms qualification course in its entirety and complete it successfully to obtain a firearms qualification. The constable shall bear financial responsibility for the second firearms qualification course.

(d) A constable who fails two successive firearms qualification courses will not be afforded an opportunity to attend a third course.

**§ 431.45. Eligibility for waiver.**

(a) A constable who is currently employed as a municipal police officer, deputy sheriff or officer of the Game Commission or the Fish and Boat Commission may apply to the Board for a full or partial waiver of a Board firearms qualification course if the constable demonstrates that training and certification required to carry and use a firearm in the other occupation are current.

(b) A constable shall apply to the Board for each separate firearms qualification course for which the constable is seeking waiver.

**§ 431.46. Scope of waiver.**

The Board may grant a waiver relating to a Board firearms qualification course for those topics that also were covered in the firearms training for the other occupation.

**§ 431.47. Attendance policies.**

A constable who enrolls in a firearms qualification course may withdraw from the course without penalty upon timely notification to the school conducting the course. A notification will be deemed timely if it is delivered to the director of the school at least 7 days prior to the start of classes. The school may assess a failing grade for all or part of the course if the constable fails to provide timely notice and the Board finds that substantial mitigating circumstances do not exist.

**§ 431.48. Lapse of qualification.**

A firearms qualification will lapse immediately if a person no longer meets all of the eligibility criteria of § 431.42 (relating to eligibility for firearms qualification), or does not complete a firearms qualification course in the calendar year following the person's most recent completion of such a course.

**SCHOOLS AND INSTRUCTORS**

**§ 431.51. Board approval of school.**

(a) The Board will approve one or more schools to conduct training under the act.

(b) Selections will be made from a list of schools solicited by the Commission through a competitive process.

**§ 431.52. Scope of approval.**

Board approval of a school shall be effective only for the duration of a contract executed between the Commission and the school.

**§ 431.53. Board certification of instructors.**

The Board will certify training instructors from persons who apply to the Board through a school and submit information as requested. Information shall include a detailed description of the formal training and actual experience in the specific topics for which certification is being sought, and a description of instructional experience.

**§ 431.54. Scope and limitations of instructor certification.**

A person certified by the Board as an instructor shall use the certification only for Board training in a school. Board certification shall be effective only if the instructor is actively teaching in a school the topics for which certification was granted.

[Pa.B. Doc. No. 03-563. Filed for public inspection March 28, 2003, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[Correction]

### Index of Issuances—Directives Management System

An error appeared in a document amending 4 Pa. Code §§ 1.4 and 1.5 (relating to Index of Issuances; and office hours) which appeared at 33 Pa.B. 1452 (March 22, 2003). The document should have appeared as a statement of policy.

[Pa.B. Doc. No. 03-505. Filed for public inspection March 21, 2003, 9:00 a.m.]

## Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 102]

### Child Passenger Protection—Statement of Policy

The Department of Transportation adopts this statement of policy in response to the requirements of section 17 of the act of December 23, 2002 (P. L. 1982, No. 229) (Act 229). See 75 Pa.C.S. § 4581 (relating to restraint systems). These guidelines are designed to improve safety in transporting children by providing for exemption from the booster seat requirements in Act 229 for children over a certain weight or height or for children with a medical condition which makes use of a child passenger restraint system inappropriate.

#### Effective Date

This statement of policy shall be effective upon publication in the *Pennsylvania Bulletin*.

#### Contact Person

The contact person is Dianna J. Reed, Transportation Planning Specialist Supervisor, Bureau of Highway Safety and Traffic Engineering, Department of Transportation, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-6853.

#### Authority

This statement of policy is adopted under the authority contained in section 21 of Act 229.

#### Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 67 Pa. Code, are amended by adding a statement of policy in §§ 102.1—102.4 to read as set forth in Annex A.

(b) The Secretary of the Department shall certify this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

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

ALLEN D. BIEHLER, P. E.  
Secretary

**Fiscal Note:** 18-381. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 67 TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE VI. OPERATION OF VEHICLES

#### CHAPTER 102. CHILD PASSENGER PROTECTION—STATEMENT OF POLICY

#### § 102.1. Purpose.

(a) Section 4581 of the act (relating to restraint systems) requires all children under 8 years of age traveling anywhere in a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home be fastened securely in a child passenger restraint system or child booster seat.

(b) Section 4581 also provides that exemptions will be allowed if it is determined, according to the rules and regulations of the Department, that the use of a child passenger restraint system or child booster seat would be impractical for physical reasons including, but not limited to, medical reasons or the size of the child.

(c) This chapter establishes the criteria determining when use of a child passenger restraint system is impractical.

#### § 102.2. Definitions.

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

*Act*—75 Pa.C.S. §§ 101—9910 (relating to Vehicle Code).

*Child booster seat*—A child passenger restraint system or a belt positioning seat designed and manufactured to meet Federal motor vehicle safety standards in 49 CFR 571.213 (relating to child restraint systems) to position a child to properly sit in a Federally-approved safety seat belt system.

*Child passenger restraint system*—A device or system to enhance the safety of children in motor vehicles which is designed and manufactured for use in motor vehicles equipped with a safety seat belt system and which meets the Federal motor vehicle safety standards in 49 CFR 571.213.

*Department*—The Department of Transportation of the Commonwealth.

#### § 102.3. Physical criteria for use of child passenger restraint system.

(a) *General criteria.* Children under 4 years of age shall be securely fastened in a safety seat belt system and a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer. Children 4 years of age but younger than 8 years of age shall be securely fastened in a safety seat belt system and an appropriately fitting child booster seat in accordance with the recommendations of the manufacturer.

(b) *Exemption based on child's weight or height, or on vehicle characteristics.* Exemption from the general criteria in subsection (a) shall be as follows:

(1) Children 4 years of age but younger than 8 years of age who weigh less than 40 pounds may, in lieu of use of a booster seat, be securely fastened in a child safety seat or other child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer.

(2) Children 4 years of age but younger than 8 years of age riding in a passenger position in the vehicle which was not originally equipped with a shoulder safety seat belt shall be fastened in the safety seat belt system without the use of a child booster seat and may be fastened in a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer.

(3) Children 4 years of age but younger than 8 years of age who weigh more than 80 pounds or who are of a height of 4 feet 9 inches or taller may be fastened in the safety seat belt system without the use of a child booster seat.

**§ 102.4. Medical exemption from use of child passenger restraint system.**

(a) Exemption from the use of a child passenger restraint system for medical reasons may be obtained upon written certification by a physician that use of a child passenger restraint system is impractical. The certifica-

tion shall be made on a form developed by the Department which shall require the following information:

(1) The physician's name and practice address.

(2) The date the form was completed.

(3) The name, age and weight of the child.

(4) The medical or physical reasons that the use of a particular child passenger restraint system or systems is impractical.

(5) A recommendation of the type of restraint the child should be fastened into or a statement that no appropriate restraint system is known.

(6) A recommendation regarding the length of time the exemption should extend, or a statement of the conditions under which the exemption should be lifted.

(7) Other information deemed relevant by the physician, such as whether the child can be fastened into the child passenger restraint system but for only limited periods of time.

(b) The completed form shall be in the possession of the vehicle operator whenever the child is being transported.

[Pa.B. Doc. No. 03-564. Filed for public inspection March 28, 2003, 9:00 a.m.]

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# 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 March 18, 2003.

### BANKING INSTITUTIONS

#### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-12-03	Keystone Savings Bank Bethlehem Northampton County	Bethlehem	Withdrawn
Application represents reorganization into a mutual holding company to be known as "Keystone Mutual Holding Company."			

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Locations</i>	<i>Action</i>
3-14-03	Keystone Savings Bank Bethlehem Northampton County	Club Avenue and Union Boulevard Bethlehem Lehigh County	Filed
3-14-03	Keystone Savings Bank Bethlehem Northampton County	3926 Linden Street Bethlehem Township Northampton County	Filed
3-18-03	Fidelity Savings Bank Pittsburgh Allegheny County	1339 Freedom Road Cranberry Township Butler County	Approved
3-18-03	Orrstown Bank Shippensburg Cumberland County	1355 Orchard Drive Chambersburg Franklin County	Approved
3-18-03	Fulton Bank Lancaster Lancaster County	1649 Broadway Hanover Penn Township York County	Approved
3-18-03	Community Bank & Trust Company Clarks Summit Lackawanna County	Route 611 Tannersville Pocono Township Monroe County	Approved
3-18-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Eagle/Upper Uwchlan Acme 400 Simpson Drive Chester Springs Chester County	Approved
3-18-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Roxborough ShopRite 6901 Ridge Avenue Philadelphia Philadelphia County	Approved
3-18-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Chadds Ford Giant 1393 Wilmington Pike West Chester Chester County	Approved
3-18-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1520 Cecil B. Moore Avenue Philadelphia Philadelphia County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-18-03	Farmers and Merchants Trust Company Chambersburg Franklin County	<i>To:</i> 1712 Lincoln Way East Chambersburg Franklin County  <i>From:</i> 1805 Lincoln Way East Chambersburg Franklin County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-18-03	PeoplesBank, a Codorus Valley Company Glen Rock York County	Normandie Ridge 1700 Normandie Dr. West Manchester Twp. York County (Limited Service Facility)	Filed

**SAVINGS INSTITUTIONS****Main Office Relocation**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
3-11-03	Washington Savings Association Philadelphia Philadelphia County	<i>To:</i> Intersection of Comly Road and Norcom Road Philadelphia Philadelphia County  <i>From:</i> 2701 East Allegheny Ave. Philadelphia Philadelphia County	Approved

(Note: "To" and "From" addresses on previous Weekly Summary (No. 10) were listed incorrectly.)

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Acting Secretary*

[Pa.B. Doc. No. 03-565. Filed for public inspection March 28, 2003, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2003**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of April 2003 is 7%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities

is 4.39 to which was added 2.50 percentage points for a total of 6.89 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,  
*Acting Secretary*

[Pa.B. Doc. No. 03-566. Filed for public inspection March 28, 2003, 9:00 a.m.]

**DEPARTMENT OF  
EDUCATION**

**Application of Mountain State University of West Virginia for Approval to Operate in this Commonwealth and to Offer Undergraduate and Graduate Degree Programs**

**Opportunity for Hearing and  
Invitation to Protest**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Mountain State University

6 of West Virginia for approval of a Certificate of Authority to operate a branch campus in Center Township, Beaver County, offering undergraduate and graduate degree programs. Initially, offerings at the undergraduate level would include: Spectrum (general education courses), a program in Organizational Leadership leading to a Bachelor of Science (BS) degree and Independent Study courses. Offerings at the graduate level would include: a program in Strategic Leadership leading to a Master of Science (MS) degree and a program in Interdisciplinary Studies leading to either a Master of Arts or MS degree. Offerings to be reviewed further in the approval process include: a program in Criminal Justice Administration leading to an MS degree and a program in Health Science leading to an MS degree.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating

to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, (717) 787-4448 or Paula Fleck, Chief, Division of Program Services, (717) 772-3623, 333 Market Street, Harrisburg, PA 17126-0333, by 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the previously mentioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist, (717) 787-4448 to discuss how the Department may best accommodate their needs.

VICKI L. PHILLIPS, Ed.D.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-567. Filed for public inspection March 28, 2003, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### 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 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 and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0054879	William and Joan Elsing 46 Mega Way Furlong, PA 18925	Bucks County Wrightstown Township	Little Neshaminy Creek	Y
PA0057266	Nicholas B. Kemp, Jr. 1971 Kimberwick Road Media, PA 19063	Delaware County Upper Providence Township	UNT to Ridley Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0040487	Maple Lane Estates 1300 Market Street Lemoyne, PA 17043	Luzerne County Foster Township	Pond Creek 5D	Y
PA0021547	Orwigsburg Borough Municipal Authority 209 North Warren Street Orwigsburg, PA 17961-1829	Schuylkill County North Manheim Township	Mahannon Creek 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0084883	Borough of Broad Top City P. O. Box 228 Broad Top City, PA 16621	Huntingdon County Broad Top City Borough	Shoups Run 11-D	Y
PA0041505	Berks Properties, Inc. Hereford Estates MHP 2620 Egypt Rd. Norristown, PA 19403	Berks County Hereford Township	Perkiomen Creek 3E	Y
PA0087742	Eagles Peak Campground 397 Eagles Peak Road Robesonia, PA 19551	Lebanon County Millcreek Township	UNT Tulpehocken Creek 3C	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0029122**, Sewage, **Saxonburg Area Authority**, Dinnerbell Road, Saxonburg, PA 16056. This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Activity: Existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Zelenople Municipal Water Works and Connoquenessing Creek located at Zelenople, 24 miles below point of discharge.

The receiving stream, Thorn Run, is in watershed 20-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.5 MGD.

*Interim Limits*

<i>Parameter</i>	<i>Monthly Average (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
CBOD <sub>5</sub> (5-1 to 10-31)	42	63	10	15	20
(11-1 to 4-30)	83	125	20	30	40
Total Suspended Solids	125	187	30	45	60

<i>Parameter</i>	<i>Monthly Average (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH <sub>3</sub> -N (5-1 to 10-31)	8.3		2		4
(11-1 to 4-30)	25		6		12
Total Phosphorus (as P) (4-1 to 10-31)	8.3		2		4
Copper (Interim)	XX		0.04		0.08
Zinc	XX		XX		
Fecal Coliform (5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			2,800/100 ml as a geometric average		
Total Residual Chlorine			0.43		1.42
Dissolved Oxygen			minimum of 6 mg/l at all times		
pH			6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 001 based on a design flow of 0.75 MGD.

*Final Limits*

<i>Parameter</i>	<i>Monthly Average (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
CBOD <sub>5</sub> (5-1 to 10-31)	94	125	15	20	30
(11-1 to 4-30)	156	250	25	40	50
Total Suspended Solids	188	281	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	15.6		2.5		5.0
(11-1 to 4-30)	46.9		7.5		15
Total Phosphorus (as P) (4-1 to 10-31)	12.5		2		4
Copper (Interim)	0.25		0.04		0.08
(Final)	0.18		0.028		0.066
Zinc (Interim)	1.31		0.21		0.42
(Final)	1.25		0.2		0.56
Fecal Coliform (5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			2,900/100 ml as a geometric average		
Total Residual Chlorine			0.38		1.25
Dissolved Oxygen			minimum of 5 mg/l at all times		
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report.

The EPA waiver is in effect.

**PA0090514—Amendment No. 1**, Sewage, **EJ Gulick Mobile Home Park**, 123 Beatty Drive, Saxonburg, PA 16056. This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Clearview Water Company on the Allegheny River located at Natrona Heights, approximately 11 miles below point of discharge.

The receiving stream, unnamed tributary to Buffalo Creek, is in watershed 18F and classified for HQ-TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of .00525 MGD.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub> (5-1 to 10-31)	20		40
(11-1 to 4-30)	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	4.5		9.0
(11-1 to 4-30)	13.5		27.0

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 5,000/100 ml as a geometric average	
Total Residual Chlorine	.4		.9
Dissolved Oxygen		minimum of 6.0 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

XX = Monitor and Report on DMR.  
The EPA waiver is in effect.

**PA0033936**, Sewage, **Denny Ridge Mobile Home Park**, 14842 Nickelson Drive, Meadville, PA 16335. This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Franklin City Authority on French Creek located at Franklin, Crawford County, approximately 30 miles below point of discharge.

The receiving stream, unnamed tributary to Cussewago Creek, is in watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01335 MGD.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5		3.5
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA0000213**, Industrial Waste, **Pennsylvania American Water Company—Kane District, Kane Treatment Plant**, Route 321 North, Kane, PA 16735. This existing facility is located in Wetmore Township, **McKean County**.

Description of Proposed Activity: Discharge of treated IW.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Allegheny River and the Emlenton Water Company located at Emlenton, approximately 105 miles below point of discharge.

The receiving stream, Hubert Run, is in watershed 16-B and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.009 MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
Aluminum	0.07		1	2	2.5
Iron	0.15		2	4	5
Manganese	0.08		1	2	2.5
Total Suspended Solids	2.3		30	60	75
Total Residual Chlorine			1.0		2.3
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and Report on monthly DMRs.

The EPA waiver is in effect.

**PA0101672**, Sewage, **David W. Reed d/b/a Crestview MHP**, 3599 SR 322, Williamsfield, OH 44093. This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Franklin General Authority on French Creek located at Franklin, approximately 28 miles below point of discharge.

The receiving stream, unnamed tributary to Van Horne Creek is in watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		XX
CBOD <sub>5</sub> (5-1 to 10-31)	20		40
(11-1 to 4-30)	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	10		20
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4		4.3
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA0209872**, Sewage, **New Horizons Recycling, Inc., Jane Eaton**, Box 19A Route 18, Adamsville, PA 16110. This proposed facility is located in Sugar Grove Township, **Mercer County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Greenville Municipal Water Authority and the Little Shenango River located at Greenville, approximately 3.4 miles below point of discharge.

The receiving stream, unnamed tributary to Crooked Creek, is in watershed 20A and classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00045 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine			XX
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on AMRs.

The EPA waiver is in effect.

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

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

**PAS202205**, Industrial, **Fabricated Components, Inc.**, P. O. Box 431, Stroudsburg, PA 18360. This proposed facility is located in Stroudsburg City, **Monroe County**.

Description of Proposed Activity: Renewal of NPDES stormwater permit.

The receiving stream, Little Pocono Creek, is in the State Water Plan watershed no. iE and is classified for HQ, CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River, approximately 50 miles below the point of discharge.

Two stormwater outfalls subject to stormwater Appendix J optional monitoring requirements.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA0247103**, Sewage, **Northeastern York County Sewer Authority (Saginaw WWTP)**, P. O. Box 516, Mt. Wolf, PA 17347. This facility is located in East Manchester, **York County**.

Description of activity: Issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 7-F and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Company is located on the Susquehanna River, approximately 9 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.3 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	12	XXX	24
(11-1 to 4-30)	Monitor and Report	XXX	XXX
Total Phosphorus	2.0	XXX	4.0
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

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

**PA0028134**, Industrial Waste, SIC 4941, **Pennsylvania American Water Company**, 1789 Route 286 South, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Kittanning Filter Plant in Rayburn Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Cadogen Township Water Works, located at Cadogen Plant, 6 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.047 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron			2.0		4.0
Manganese			1.0		2.0
Aluminum			4.0		8.0
Total Suspended Solids			30.0		60.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0027430**, Sewage, **City of Municipal Authority**, P. O. Box 294, Penn, PA 15675-0294. This application is for renewal of an NPDES permit to discharge treated sewage from Jeannette Wastewater Treatment Plant in City of Jeannette, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Brush Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company—Pittsburgh.

*Outfall 001: existing discharge, design flow of 3.3 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.0	6.0		8.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0042820**, Sewage, **Donald J. Dallatore, Jr.**, 1011 S. Main Street, Washington, PA 15301-3218. This application is for renewal of an NPDES permit to discharge treated sewage from Ridgecrest Mobile Home Park Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Chartiers 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 Western Pennsylvania Water Company.

*Outfall 001*: existing discharge, design flow of 0.001 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	12.0			24.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205877**, Sewage, **Redstone Township Sewer Authority**, 1002 Main Street, P. O. Box 751, Republic, PA 15475. This application is for renewal of an NPDES permit to discharge treated sewage from Redstone Township Sewer Authority Wastewater Treatment Facility in Redstone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunlap Creek, which are classified as a 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 California Water Company located on the Monongahela River.

*Outfall 001*: existing discharge, design flow of 0.45 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	7.5	11.3		15.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	25,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217662**, Sewage, **Angelo Poli**, 93 Belmeade Terrace, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from Bennington Place Subdivision Sewage Treatment Plant in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Bennington Spring Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Newell Municipal Authority located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	8.5			17.0
(11-1 to 4-30)	25.5			51.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	6,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st Month to 36th Month)	Monitor and Report			
(37th Month to Expiration)	0.8			1.9
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.

**PA0028223**, Sewage, **Municipal Authority of the City of Corry**, 100 Sciota Street, Corry, PA 16407. This existing facility is located in City of Corry, **Erie County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage. The permit contains interim and final limits corresponding to a proposed treatment plant expansion.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the City of Franklin, located on the Allegheny River, 75 miles below point of discharge.

The receiving stream, Hare Creek, is in watershed 16-B and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.0 MGD.

*Interim Limits*

Parameter	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD <sub>5</sub>					
(5-1 to 10-31)	275	413	11	16.5	22
(11-1 to 4-30)	551	826	22	33	44
Total Suspended Solids	751	1,126	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	50		2.0		4.0
(11-1 to 4-30)	150		6.0		12.0
Fecal Coliform					
(5-1 to 9-30)	200/100 ml as a geometric average				
(10-1 to 4-30)	2,900/100 ml as a geometric average				
Total Residual Chlorine (Interim)			0.7		2.2
Dissolved Oxygen	Minimum of 5.0 mg/l at all times.				
pH	6.0 to 9.0 standard units at all times				

The proposed effluent limits for Outfall 001 are based on a design flow of 3.5 MGD.

*Final Limits*

Parameter	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD <sub>5</sub>					
(5-1 to 10-31)	467	700	16	24	32
(11-1 to 4-30)	730	1,168	25	40	50
Total Suspended Solids	876	1,314	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	58		2.0		4.0
(11-1 to 4-30)	175		6.0		12.0

Parameter	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,800/100 ml as a geometric average		
Total Residual Chlorine (Final)			0.2		0.7
Total Phosphorus			XX		XX
Total Copper			XX		XX
Dissolved Oxygen			Minimum of 8.0 mg/l at all times.		
pH			6.0 to 9.0 standard units at all times		

XX = Monitor and Report

The EPA waiver is not 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 an application 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. 3903401, Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: This project will re-rate the existing wastewater treatment plant from a capacity of 2.0 MGD to a capacity of 2.5 MGD.

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

**WQM Permit No. 0603401**, Sewerage, **North Heidelberg Sewer Company**, P. O. Box 609, Bernville, PA 19506. This proposed facility is located in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: Construction/operation of pump station no. 3 (Guenther/Smith Subdivision).

**WQM Permit No. 6703403**, Sewerage, **West Manheim Township**, 31 Fairview Drive, Hanover, PA 17331. This proposed facility is located in West Manheim Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of sewer extension and pump station for Sanitary Sewer Area 1.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2003404**, Sewerage, **Leslie M. Forinash**, 8930 Hickory Drive, Meadville, PA 16335. This proposed facility is located in Beaver Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

**WQM Permit No. 6203407**, Sewerage, **Janice K. Mong**, R. R. 3, Box 3336, Russell, PA 16345. This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

#### NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.



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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application, within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability who 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 PAI2011503013**, Stormwater, **Land Associates, Inc.**, 100 Colonial Way, West Chester, PA 19382 has applied to discharge stormwater associated with a construction activity located in New London Township, **Chester County** to Hodgson Run (HQ-TSF-MF).

**NPDES Permit PAI2011503014**, Stormwater, **939 Pottstown Pike Building Renovation**, 436 Creamery Way, Suite 100, Exton, PA 19341, has applied to discharge stormwater associated with a construction activity located in West Vincent Township, **Chester County** to Black Horse and Marsh Creeks (HQ-TSF-MF).

**NPDES Permit PAI2011503015**, Stormwater, **Thomas R. and Sara W. Shick**, P. O. Box 276, Birchrunville, PA 19421, has applied to discharge stormwater associated with a construction activity located in West Vincent Township, **Chester County** to Birch Run (EV).

**NPDES Permit PAI2011503016**, Stormwater, **Uwchlan Township**, 715 North Ship Road, Exton, PA 19341, has applied to discharge stormwater associated with a construction activity located in Uwchlan and West Whiteland Townships, **Chester County** to Shamona and Pine Creeks (HQ).

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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

NPDES No.	Applicant Name and Address	County and Municipality	Receiving Water/Use
PAS10S009-R-2	Resorts USA, Inc. P. O. Box 447 Bushkill, PA 18324	Monroe County Middle Smithfield Township	Bush Kill HQ-TSF Sand Hill Creek HQ-CWF

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

NPDES No.	Applicant Name and Address	County and Municipality	Receiving Water/Use
PAI024803007	Taras Zawarski Nic Zawarski & Sons 1441 Linden St. Bethlehem, PA 18018	Northampton County Hanover Township	Monocacy Creek HQ-CWF

*Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Bedford County Conservation District, 702 W Pitt Street, Suite 4, Fairlawn Court, Bedford, PA 15522; (814) 623-7900.*

NPDES No.	Applicant Name and Address	County and Municipality	Receiving Water/Use
PAI2030503001	Breezewood Proving Grounds, Inc. 4626 Robinsonville Road Clearville, PA 15535	Monroe Township Bedford County	East Branch Sideling Hill Creek EV

*Lancaster County Conservation District, 1383 Arcadia Road, Room 6, Lancaster, PA 17601; (717) 299-5361.*

NPDES No.	Applicant Name and Address	County and Municipality	Receiving Water/Use
PAI2033603003	Wanner's Pride-N-Joy 5800 Wanner Road Narvon, PA 17555	Salisbury Township Lancaster County	Pequea Creek HQ, CWF

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2033603002	Bruce Vanderhoef 341 Fremont Road Nottingham, PA 19362	Colerain Township Lancaster County	Gables Run HQ, CWF, MF

*Adams County Conservation District, 670 Old Harrisburg Road, Suite 201, Gettysburg, PA 17325; (717) 334-0636.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2030103001	Mike Gastley 65 Mauss Road Biglerville, PA 17307	Hamiltonban Township Adams County	Middle Creek HQ, CWF

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

*Northumberland Conservation District: R. R. 3, Box 238C, Sunbury, PA 17901 (570) 286-7114, Ext. 4.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2044903001	Ralpho Township Municipal Authority 32 A South Market St. Elysburg, PA 17824	Northumberland County Ralpho Township	South Branch Roaring Creek HQ-CWF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931.*

**NPDES Permit PAI051103001**, Stormwater, **Central Mainline Sewer Authority**, P.O. Box 56, Lilly, PA 15938, has applied to discharge stormwater associated with a construction activity located in Cresson, Portage and Washington Townships, **Cambria County** to Bens Creek (EV), Noels Creek (HQ-CWF), Little Conemaugh River (CWF) and Bear Rock Run (CWF).

**NPDES Permit PAI051103003**, Stormwater, **The Peoples Natural Gas Company d/b/a Dominion Peoples**, 625 Liberty Avenue, Pittsburgh, PA 15222, has applied to discharge stormwater associated with a construction activity located in Jackson Township, **Cambria County** to Findley Run (HQ-CWF).

**PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application, within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of 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 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 who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2203501**, Public Water Supply.

Applicant	<b>Loyalton Water Association</b>
Municipality	Washington Township
County	<b>Dauphin</b>
Responsible Official	Karl Dietrich, Operator 1160 N. Second Street Lykens, PA 17048
Type of Facility	PWS
Consulting Engineer	Angelo A. Tesoriero, P. E. GeoSource Engineers 7 Winter Drive Dillsburg, PA 17019-9550
Application Received Date	February 12, 2003
Description of Action	Installation of pH/alkalinity adjustment, utilizing soda ash and orthophosphate for LCR treatment.

**Permit No. 3103501**, Public Water Supply.

Applicant	<b>Petersburg Borough Water Authority</b>
Municipality	Logan Township
County	<b>Huntingdon</b>

Responsible Official	William L. Lightner, Authority Chairperson P. O. Box 257 Petersburg, PA 16669
Type of Facility	PWS
Consulting Engineer	Mark V. Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475
Application Received Date	February 25, 2003
Description of Action	Installation of Well No. 3 to supplement the existing sources.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

#### **Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environ- mental 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 a 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, a combination of the cleanup standard or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and

implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Former U.S. Magnet Site, Yardley Borough, Bucks County.** Samuel J. Kucia, Environmental Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA 19401, on behalf of Redevelopment Authority of Bucks County, Robert White, Ex. Dir., 1 N. Wilson Ave., Bristol, PA 19007, has submitted a Notice of Intent to Remediate soil contaminated with Fuel Oil No. 2, 4 and 6, other organics, benzo(a)pyrene, lead and arsenic. The applicant proposes to remediate the site to meet special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on February 21, 2003.

**Warrington Equities, LLC, Warrington Township, Bucks County.** John A. Morris, Audubon Environmental, Inc., P. O. Box 2083, Medford, NJ, on behalf of Warrington Equities, LLC, Dan Wallace, 17000 Horizon Way, Mt. Laurel, NJ 08054, has submitted a Notice of Intent to Remediate soil contaminated with leaded gasoline and groundwater contaminated with leaded gasoline, MTBE and unleaded gasoline. The applicant proposes to remediate the site to meet Statewide Health and Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on March 11, 2003.

**City of Philadelphia Water Department—North-east Water Pollution Control Plant, City of Philadelphia, Philadelphia County.** Roy Romano, PWD, Planning and Research, 1101 Market St., Philadelphia, PA 19107-2994 has submitted a Notice of Intent to Remediate site groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH, PCB and pesticides. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* in March 2003.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**JMH, Inc., formerly Goss Graphic Systems, Borough of Wyomissing, Berks County.** ARCADIS G & M, Inc., 3000 Cabot Boulevard West, Suite 3004, Langhorne, PA 19047, on behalf of JMH, Inc., 200 North Park Road, Suite 400, Wyomissing, PA 19610-2908, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PAHs, chlorinated solvents, inorganics and lead. The applicant proposes to remediate the site to meet a combination of requirements for the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on February 3, 2003.

**Weaver Road Release Site**, Manheim Township, **Lancaster County**. Shaw Environmental & Infrastructure, Inc., 1161 McDermott Drive, Suite 101, West Chester, PA 19380-4022, on behalf of John W. Hess, 566 Constitution Road, Lansdale, PA 19446 and ExxonMobil Refining and Supply Company, 1900 East Linden Avenue, Linden, NJ 07036, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with MTBE and unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster New Era* on December 23, 2002.

*Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.*

**Frank Volz Property**, Smithfield Township, **Bradford County**. S&M Management, Inc., on behalf of Frank Volz, 46 Mermaid Drive, Manahawkin, NJ 08050, has submitted a Notice of Intent to Remediate soil contaminated with BTEX and PHCs and surface water contaminated with BTEX, PHCs and PAHs. A summary of the Notice of Intent to Remediate was reported to have been published in the *Towanda Daily Review* on October 18, 2002.

**Sunbury Textile Mills, Inc.**, City of Sunbury, **Northumberland County**. Conestoga-Rovers & Associates, on behalf of NCFII Holdings, Inc., 21001 Van Born Road, Taylor, MI 48180, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents and PAHs. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Item* on February 1, 2003.

**GE Transportation Systems—Motor Coils**, Emporium Borough, **Cameron County**. Mactec Engineering and Consulting, Inc., on behalf of General Electric Transportation Systems, 2901 East Lake Road, Erie, PA 16531, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAHs and PCBs. A summary of the Notice of Intent to Remediate was reported to have been published in the *Cameron County Echo* on February 12, 2003.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**ORB, Inc. Property (Former ROGOFF Junkyard)**, Borough of Leetsdale, **Allegheny County**. Frank Benacquista, Earth Sciences, Consultants, Inc., One Triangle Lane, Export, PA 15632 (on behalf of Joseph Jakovic ORB, Inc., c/o The Buncher Company, 5600 Forward Avenue, Pittsburgh, PA 15217) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and PCB. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post-Gazette* on December 26, 2002.

**Eastman Chemical Resins, Inc. (formerly Hercules Inc.—Jefferson Plant)**, Jefferson Borough, **Allegheny County**. William A. Baughman, Cummings/Riter Consultants, Inc., 339 Haymaker Road, Parkway Building, Suite 201, Monroeville, PA 15146 (on behalf of William C. Hendon, Eastman Company, State Highway 837, P. O. Box 567, West Elizabeth, PA 15088-0567 and Joseph A. Keller, Hercules Incorporated, Research Center, Building 8139/15, 500 Hercules Road, Wilmington, DE

19808-1599) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics and PAHs. The applicant proposes to remediate the site to meet the Site Specific, Background and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily News—McKeesport, PA* on February 27, 2003.

**Johnstown High School**, City of Johnstown, **Cambria County**. Von E. Fisher, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of Donald Irwin, Greater Johnstown School District, 1091 Broad Street, Johnstown, PA 15906 and Johnstown Redevelopment Authority, Fourth Floor, 401 Washington Street, Johnstown, PA 15901) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, inorganics, other organics, diesel fuel, leaded gasoline, unleaded gasoline, used motor oil and PAHs. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Democrat* on February 27, 2003.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application for Determination of Applicability 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/or 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. WMGR082D001. SQP Industries**, P. O. Box 15, Brownsville, PA 15417-0015. The application involves processing of landfilled steel slag for removal of metallic residuals and mechanical sizing prior to beneficial use as aggregate material. The application was accepted by Central Office on March 12, 2003.

Comments concerning the application should be directed Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

### AIR QUALITY

#### 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; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-301-046: Heintzelman Funeral Home** (326 Main Street, Hellertown, PA 18055) for construction of a human crematory and associated air cleaning device at their facility at Magnolia Road and Front Street, Hellertown Borough, **Northampton County**.

**58-303-001A: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for modification of a batch asphalt plant to utilize recycled oil (WDLF) as fuel at their facility on Route 374, Clifford Township, **Susquehanna County**.

**48-303-007A: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for modification of a batch asphalt plant to utilize recycled oil (WDLF) as fuel at their facility at 1010 East Market Street, Bethlehem, **Northampton County**.

**13-399-008A: Horsehead Resource Development Co., Inc.** (900 Delaware Avenue, Palmerton, PA 18071) for construction of a calcine kiln receiving bin and associated air cleaning device at their facility in Palmerton Borough, **Carbon County**.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**67-05100A: Cummins Power Systems, Inc.** (2727 Ford Road, Bristol, PA 19007-6895) for construction of ten No. 2 oil-fired 1,500 kW electrical generating units at its Zions View Substation in East Manchester Township, **York County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.*

**100281D: II-VI, Inc.** (375 Saxonburg Boulevard Saxonburg, PA 16056) for the upgrade of a set of identical caustic scrubber units in Clinton Township, **Butler County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**23-0051: Riddle Memorial Hospital** (1068 West Baltimore Pike, Media, PA 19063) for modification of the existing 480-pound per hour hospital waste incineration system to comply with the applicable requirements of 40 CFR Part 60 Subpart Ce Standards. Riddle Memorial Hospital is a Title V facility in Middletown Township, **Delaware County**. The modification includes installation of a wet scrubber system and will reduce the emissions of particulate matter, acid gases, heavy metals, dioxin and other criteria pollutants from the facility. 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.

**46-0108B: Highway Materials, Inc.** (128 Crusher Road, Perkiomenville, PA 18074) for installation of two tertiary crushers, one screen and three conveyors, at an existing facility in Marlborough Township, **Montgomery County**. This facility is a non-Title V facility. The Plan Approval will contain recordkeeping, operating restrictions and performance testing requirements designed 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; Mark J. Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-303-014A: Bartlett Materials and Construction, Inc.** (East Broad Street, P. O. Box 550, Tamaqua, PA 18252) for modification of an asphalt plant by addition of a Recycled Asphalt Pavement Feed System. This facility is a non-Title V facility. Modification will not increase the existing emission rates for the pollutants. The modification will provide the facility to use RAP material. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

**39-00021: Lehigh Valley Hospital and Health Network** (P. O. Box 7017, Allentown, PA 18105-7017) for an administrative amendment of the State-only Operating Permit issued to the 17th and Chew Street Hospital in the City of Allentown, **Lehigh County**.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**36-03069A: Nissin Foods (USA) Co., Inc.** (2901 Hempland Road, Lancaster, PA 17601) for construction of three natural gas fired boilers in East Hempfield Township, **Lancaster County**. The boilers are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**61-0011B: Merisol Antioxidants LLC** (292 Star Route 8, Oil City, PA 16301) for operation of their plant in Cornplanter Township, **Venango County**. The facility is a Title V Facility. 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.

Plan approval No. 61-0011B is for the modification of sources to recover VOC emissions and control other VOC emissions at the facility that are currently being emitted from the 314/340 distillation columns. The plan will reduce average VOC emissions from approximately 195.3 TPY to approximately 8.83 TPY. The Plan Approval will require a flare performance test, continuous monitoring of the flare for the presence of a flame and will limit the atmospheric bypass to 10% of distillation hours (during startup, shutdown and malfunction). The Plan Approval and Operating Permit will include conditions that require recordkeeping for the components and control designed to keep the facility operating within all applicable air quality requirements.

#### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**46-00033: Waste Management Disposal Services of Pennsylvania—Pottstown Landfill without the Eastern Expansion** (1425 Sell Road, Stowe, PA 19464) for an administrative amendment partly in West Pottsgrove Township, **Montgomery County** and the remainder in Douglass Township, **Berks County**. The Title V Operating Permit TVOP 46-00033 is being amended to incorporate the amended RACT Operating Permit OP 46-0033 which was previously issued on April 20, 1999. The changes in amended OP 46-0033 include: (1) superseding 46-322-009; (2) including 40 CFR Part 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills; and (3) changing the NOx emission limits for each of the gas turbines by an additional 4.25 pounds per hour and 3.99 tons per year on a 12-month rolling basis. The change is a result of correcting the method of calculation. The new emission limit for each of the gas turbines is 9.0 pounds per hour and 24.77 tons per year on a 12-month rolling basis.

The facility's major emission points include two gas turbines, two enclosed flares and the landfill without the Eastern Expansion. The amended Title V Operating Permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-00003: Stroehmann Bakeries, L.C.—Norristown Plant** (1810 East Ridge Pike, Norristown, PA 19404) for an Administrative Amendment to a Renewal of Title V Operating Permit No. 46-00003, originally issued on May 21, 1998, for their facility in Plymouth Township, **Montgomery County**. The permit is being amended to incorporate changes approved under Plan Approval No. 46-0003A (for a catalytic oxidizer). The facility's other major emission points include two boilers, an emergency generator, eight inkjet printers, a roll oven and a bread oven. In addition, the permit is being updated to reflect changes to minor sources at the facility and modified to facilitate the determination of VOC emissions from the roll and bread ovens. The amended/renewed Title V Operating Permit will contain all necessary monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05069B: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) for modification of a lead/acid battery assembly facility controlled by various scrubbers and fabric collectors in Richmond Township, **Berks County**. The sources involved in the modification have the potential to emit 5 tons per year of particulate, 0.4 ton per year of lead and 4.5 tons per year of VOC. Most of the sources are subject to 40 CFR Part 60, Subpart KK—Standards of Performance for New Stationary Sources. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The plan approval will be incorporated into the Title V operating permit in accordance with 25 Pa. Code § 127.450.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Program Manager, (570) 327-0512.*

**17-00003: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) for renewal of the Title V Operating Permit for the Luther natural gas production and transmission facility in Brady Township, **Clearfield County**. The facility is currently operating under Title V Operating Permit 17-00003, which was issued May 8, 1998. The facility's main sources include two 440 horsepower natural gas fired internal combustion gas transmission engines and a natural gas fired dehydration system which have the potential to emit major quantities of NOx. The facility has the potential to emit CO, VOCs, PM10, SOx and HAPs below the major emission thresholds. The facility is subject to all applicable regulatory requirements of Reasonably Available Control Technology (RACT) for NOx emissions. The proposed Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**18-00006: Dominion Transmission, Inc.** (625 Liberty Avenue Pittsburgh, PA 15222-3199). Under 25 Pa. Code §§ 127.521 and 127.541, the Department intends to issue a revised Title V Operating Permit to Dominion Transmission, Inc. for their Leidy natural gas transmission

facility in Leidy Township, **Clinton County**. In accordance with 25 Pa. Code § 127.541, this Title V Operating Permit revision is to modify and clarify various RACT determinations made by the Department for the Dominion Leidy facility on June 15, 1999. In accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve an amendment of a previously-submitted RACT plan and an amendment to the State Implementation Plan for various air contamination sources at the Dominion Transmission Leidy facility. These sources include three 40 million Btu per hour boilers, four 6.5 million Btu per hour salt bath heaters, a 0.07 million Btu per hour boiler, two hot water heaters and two space heaters. The revised Title V Operating Permit includes all applicable requirements including monitoring, recordkeeping and reporting.

**Intent to Issue Operating Permits 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; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**36-03047: Camino Real Foods, Inc.** (2919 Hempland Road, Lancaster, PA 17601) for operation of a food manufacturing facility in East Hempfield Township, **Lancaster County**. This facility is a non-Title V facility. The State-only operating permit will include appropriate conditions designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**14-00031: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for their crushed and broken sandstone facility in Rush Township, **Centre County**. The facility's main sources include a primary crusher, secondary crusher, portable crusher and associated various material sizing and conveying equipment. The facility has taken restrictions to limit potential PM10 emissions below Title V 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; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**63-00914: Bolsan Co., Inc.** (163 Linnwood Road, Eighty-Four, PA 15330) for operation of a surface coating plant in North Strabane Township, **Washington County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**42-00117: Zippo Manufacturing Co.** (Congress Street Extension, Bradford, PA 16701) for operation of a Natural Minor Permit for their fabricated metal products facility in Bradford Township, **McKean County**. Emissions sources associated with this facility include a surface imprint operation, plating machine, buffing machine, etching machine, polishing machine, boilers, dryer and ovens.

**25-00961: National Fabricators and Machining, Inc.** (9209 West Main Road, North East, PA 16428) for a Natural Minor Permit to operate an industrial machinery fabricating facility in North East Township, **Erie County**. Emission sources associated with this facility

include a surface coating booth, degreasing unit and miscellaneous natural gas fired combustion units.

**PUBLIC HEARINGS**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**18-00006: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for issuance of a revised Title V Operating Permit under 25 Pa. Code §§ 127.521 and 127.541 for their Leidy natural gas transmission facility in Leidy Township, **Clinton County**. The Dominion representative to contact regarding this application is J. Darrell Bowen, Consulting Engineer.

In accordance with 25 Pa. Code § 127.541, this Title V Operating Permit revision is to modify and clarify various RACT determinations made by the Department for the Dominion Leidy facility on June 15, 1999.

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve an amendment of a previously submitted RACT plan and an amendment to the State Implementation Plan (SIP) for various air contamination sources at the Dominion Transmission Leidy facility.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amendment of the RACT approval for the facility which are intended to comply with current regulations.

The preliminary RACT determination, if finally approved, will result in the revision of Title V Operating Permit 18-00006 and will be submitted to the EPA as a revision to the SIP.

The following is a summary of the preliminary RACT determination which the Department proposes to incorporate into Title V Operating Permit 18-00006, as a revision to that permit, for three 40 million Btu per hour boilers, four 6.5 million Btu per hour salt bath heaters, a 0.07 million Btu per hour boiler, two hot water heaters and two space heaters:

1. Respective sources shall only be fired on natural gas.
2. Respective sources shall be maintained and operated in accordance with manufacturer's specifications and good air pollution control practices. This requirement shall be considered as RACT for the VOC emissions from the respective sources as well as for the NOx emissions.
3. The VOC emissions from each of the three 40 million Btu per hour boilers shall not exceed 0.946 ton in any 12 consecutive month period.
4. An annual tune-up shall be performed on each of the 40 million Btu per hour boilers.
5. Records shall be maintained of the amount of natural gas burned in each of the 40 million Btu per hour boilers each month as well as the dates and results of each tune-up performed on any of the respective three boilers.

A public hearing will be held for the purpose of receiving comments on the proposed Title V operating permit revision, RACT revision and SIP revision. The hearing will be held on May 8, 2003, at 1 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is

invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the revision request, the Department's analysis and other documents used in the evaluation of the request are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

Those unable to attend the hearing, but wishing to comment or provide the Department with additional information which they believe should be considered prior to the revision of Title V operating permit 18-00006, may submit the comments or information to the Department at the previous address. Written comments must contain the name, address and telephone number of the person submitting the comments or information as well as a concise statement regarding the relevancy of the comments or information provided.

Written comments or information should be sent to David W. Aldenderfer, Air Quality Environmental Program Manager, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701. Comments or information must be received by the Department by May 19, 2003, to be considered.

### COAL AND NONCOAL 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); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and 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 identified in this notice for the respective coal and noncoal applications. 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; 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; a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0;	less than 9.0
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.



A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54900101C16. Blackwood, Inc.** (P. O. Box 639, Wind Gap, PA 18091), correction to an existing anthracite surface mine operation for the addition of fly ash disposal in Branch and Reilly Townships, **Schuylkill County** affecting 1,847.6 acres, receiving stream: Panther and Swatara Creeks. Application received March 6, 2003.

**49860102C3. Mid-Valley Coal Sales, Inc.** (1380 Tioga Street, Coal Township, PA 17866), correction to an existing anthracite surface mine operation for the addition of fly ash disposal in Coal Township, **Northumberland County** affecting 1,215.1 acres, receiving stream: Shamokin Creek. Application received March 7, 2003.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982.*

**65980103. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received to change the land use at an existing bituminous surface mine located in Ligonier Township, **Westmoreland County**, affecting 101 acres. Receiving streams: unnamed tributaries to Loyalhanna Creek (CWF) and Loyalhanna Creek (TSF). The first downstream potable water supply intake from the point of discharge is the Latrobe Municipal Authority. Application received February 25, 2003.

**26870202 and NPDES Permit No. 0589608. Carbon Fuel Resources, Inc.** (200 College Drive, Suite 300, Lemont Furnace, PA 15456). Application received for transfer of permit currently issued to Carriage Mining, Inc. for continued operation and reclamation of a bituminous surface mine site located in German Township, **Fayette County**, affecting 103.2 acres. Receiving stream: unnamed tributary to Browns Run (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received March 5, 2003.

**65990102 and NPDES Permit No. PA0202479. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Application received for transfer of permit currently issued to Dunamis Resources, Inc. for continued operation and reclamation of a bituminous surface mining site located in Fairfield Township, **Westmoreland County**, affecting 91 acres. Receiving streams: unnamed tributaries to Conemaugh River, to Conemaugh River (CWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received March 11, 2003.

**65020101 and NPDES Permit No. PA0250082. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Application received for transfer of permit currently issued to Laurel Energy, LP, for continued operation and reclamation of a bituminous surface mining site located in Unity Township, **Westmoreland County**, affecting 68.0 acres. Receiving streams: unnamed tributary to Nine Mile Run to Nine Mile Run (CWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received March 11, 2003.

**65950104 and NPDES Permit No. PA0201367. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Application received for transfer of permit currently issued to Dunamis Resources, Inc., for continued operation and reclamation of a bituminous surface mining site located in Fairfield and Ligonier Townships, **Westmoreland County**, affecting 111.5 acres. Receiving streams: unnamed tributaries to Hannas Run (CWF) and Hypocrite Creek (TSF). The first potable water supply intake within 10 miles downstream from the point of discharge is Latrobe Municipal Authority. Transfer application received March 11, 2003.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

**11940201 and NPDES Permit No. PA0212831. Senate Coal Mines, Inc.**, One Energy Place, Suite 5100, Latrobe, PA 15650, permit revision to change the land use from forestland to unmanaged natural habitat in Adams Township, **Cambria County**, affecting 76.9 acres. Receiving streams: unnamed tributary to South Fork of the Little Conemaugh River (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Little Conemaugh surface water intake. Application received March 6, 2003.

**56990104 and NPDES Permit No. PA0235181. Dunamis Resources, Inc.**, One Energy Place, Suite 4000, Latrobe, PA 15650, permit revision for a land use change from forestland to unmanaged natural habitat in Jenner Township, **Somerset County**, affecting 140.0 acres. Receiving streams: unnamed tributaries to and Gum Run, unnamed tributaries to and Roaring Run. The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Quemahoning surface water intake. Application received March 6, 2003.

**56980105 and NPDES Permit No. PA0234818. Dunamis Resources, Inc.**, One Energy Place, Suite 4000, Latrobe, PA 15650, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Lincoln Township, **Somerset County**, affecting 93.0 acres. Receiving streams: UNTs to North Branch of Quemahoning Creek (CWF) and UNTs to Horner Run (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Quemahoning surface water intake. Application received March 6, 2003.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317.*

**30031301. NPDES Permit N/A, Dana Mining Company of PA, Inc.** (P. O. Box 1209, Morgantown, WV 26507), to operate the 4-West Mine in Dunkard and Perry Townships, **Greene County**, to operate, Surface Acres Proposed 30.5, Underground Acres Proposed 2100, SCP Acres Proposed 390, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Dunkard Creek (WWF). The first downstream potable water supply intake from the point of discharge is N/A. Application received January 30, 2003.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**10030101 and NPDES Permit No. PA0242331. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225-0347). Commencement, operation and restoration of a bituminous surface strip and beneficial use coal ash operation in Venango Township, **Butler County** affecting 95.0 acres. Receiving streams: three unnamed tributaries to Seaton Creek (CWF). There are no potable

surface water supply intakes within 10 miles downstream. Application to include a landuse change from forestland to unmanaged natural habitat on the properties of Jacqueline Hindman, Thomas C. Kennedy, John J. Hindman and George and Zetta Tiche. Application received March 5, 2003.

**5380-10030101-E-1. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225-3047). Application for a stream encroachment to encroach and conduct surface mining activities within the 100 foot stream barrier of a portion of an unnamed tributary to Seaton Creek, in Venango Township, **Butler County**. Receiving streams: three unnamed tributaries to Seaton Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received March 5, 2003.

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*Parameter*

Suspended solids  
pH\*

*30-Day  
Average*

35 mg/l

*Daily  
Maximum*

70 mg/l  
greater than 6.0; less than 9.0

*Instantaneous  
Maximum*

90 mg/l

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**44030302 and NPDES Permit PA0224294. Glenn O. Hawbaker, Inc.** (P. O. Box 135, 1952 Waddle Road, State College, PA 16804), commencement, operation and restoration of a quarry operation and for discharge of treated mine drainage in Armagh Township, **Mifflin County** affecting 110.6 acres, receiving stream: Honey Creek (CWF, MF). Application received February 28, 2003.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669.*

**61830609. Joe Klapac & Son, Inc.** (218 SR 428, Oil City, PA 16301). Transfer of an existing sandstone operation in Pinegrove Township, **Venango County** affecting 10 acres. Receiving streams: unnamed tributary to Porcupine Creek (EV). There are no potable surface water supply intakes within 10 miles downstream. Transfer from Michael J. Klapac. Application received March 12, 2003.

## 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. 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

**16030101 and NPDES Permit No. PA0242349. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Redbank and Limestone Townships, **Clarion County** affecting 75.2 acres. Receiving streams: unnamed tributaries to Pine Creek; Poe Run and Town Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received March 7, 2003.

### *Noncoal Applications Received*

*Effluent Limits*—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

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issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 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.

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**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.*

**E09-852. Pennsbury School District**, 134 Yardley Avenue, P. O. Box 338, Fallsington, PA 19058, Falls Township, **Bucks County**, ACOE Philadelphia District.

To expand and maintain a portion of the Penn Valley Elementary School located in the 100-year floodplain of the Martin's Creek (WWF). Work will include construction of sidewalks, a driveway and a playing area. The site is located just west of the intersection of North Turn Lane and Park Drive (Trenton West, NJ-PA USGS Quadrangle N: 6.8 inches; W: 9.6 inches).

**E46-932. Lower Pottsgrove Township**, 2199 Buchert Road, Pottstown, PA 19464, Lower Pottstown Township, **Montgomery County**, ACOE Philadelphia District.

The applicant proposes to replace the existing bridge and appurtenant structures and: (1) to construct and maintain a single span open bottom box culvert with a 24 foot span, a 6.51 foot span and 34.5 foot roadway width; (2) to place 40 linear feet of R-5 riprap for scour protection along the footers of the proposed bridge; (3) to place temporary cofferdam and pipes to dewater 115 linear feet of the stream bed and to convey flows around the proposed footer work; (4) to place fill on both left and right floodplain and floodway with an average dimension of 13 feet wide by 72.5 feet long by 2.5 feet high associated with widening of the roadway approach to the bridge; and (5) to realign approximately 45 linear feet of Hartenstine Creek, a perennial stream classified as a WWF, a tributary of the Sanatoga Creek. The project proposes to temporally affect 115 linear feet and directly affect a total of 55 linear feet of stream channel. The project site is located approximately 1,830 feet north of the intersection of Ridge Pike and the SR 0422 Ramp (Phoenixville, PA Quadrangle N: 22.44 inches; W: 10.10 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E29-085: Creek Valley Farms**, 438 Patterson Run Road, McConnellsburg, PA 17233 in Licking Creek Township, **Fulton County**, ACOE Baltimore District.

To maintain 0.9 acre of excavation, up to 4 feet deep, on the left floodway and to construct and maintain 720 feet of R-7 riprap bank protection on the right bank of Licking Creek, a perennial stream classified as a CWF in Licking Creek Township, Fulton County (Meadow Grounds, PA Quadrangle N: 12.9 inches; W: 11.2 inches). The project proposes to directly affect 720 feet of stream channel and 0.9 acre of floodway.

**E36-753: Daniel B. Lantz**, 6151 Old Philadelphia Pike, Gap, PA 17527 in Salisbury Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a steel girder bridge with composite concrete deck having a clear span of approximately 12 feet, a rise of approximately 3.65 feet and a stream length of approximately 26 feet at a point across Indian Spring Run (CWF) approximately 400 feet northeast of the intersection of Philadelphia Pike and the Chester County line (Honey Brook, PA Quadrangle N: 4.6 inches; W: 10.0 inches) in Salisbury Township, Lancaster County.

**E05-308: Department of Transportation**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Juniata Township, **Bedford County**, ACOE Baltimore District.

To remove the existing bridge and to construct and maintain a concrete bridge having a single span of 34.5 feet on 80 degree skew with a minimum underclearance of 5.57 feet across Spicer Brook (WWF) on SR 3019, Section 002, Segment 0160, offset 1047 and to fill in 0.17 acre of wetland to improve the traffic condition located just north of New Buena Vista Village (Schellsburg, PA

Quadrangle N: 2.45 inches; W: 10.0 inches) in Juniata Township, Bedford County. The wetland impact will be mitigated at Huntingdon County Advance Wetland Replacement Site.

**E06-581: Greth Development Group, Inc.**, P. O. Box 305, Temple, PA 19560 in Exeter Township, **Berks County**, ACOE Philadelphia District.

To remove two 30 inch diameter RC pipes and to install and maintain a 57 inch by 38 inch corrugated metal pipe arch approximately 16 feet long within an UNT to Antietam Creek (CWF) at a point accessing Lot 55 within the Sagebrook Subdivision (Birdsboro, PA Quadrangle N: 13.0 inches; W: 13.4 inches) in Exeter Township, Berks County.

**E44-120: Department of Transportation, District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16803 in Brown and Derry Townships, **Mifflin County**, ACOE Baltimore District

To construct and maintain a four-span bridge with a total length of 390 feet with an average underclearance of 11 feet across Kishacoquillas Creek (TSF) on SR 1005, section A01, segment 0100, offset 2009 and to temporarily impact 0.074 acre of wetland to refurbish a dirt road for nonmotorized vehicles and bikers located just north of Burnham Borough (Burnham, PA Quadrangle N: 5.35 inches; W: 11.6 inches) in Brown and Derry Townships, Mifflin County.

**E36-755: Rapho Township**, 971 North Colebrook Road, Lancaster, PA 17545 in Rapho Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing concrete T-beam bridge and to construct and maintain a reinforced concrete rigid frame bridge with a clear span of 24 feet, a maximum rise of 6.8 feet and a stream length of 31 feet along Brubaker Run (WWF) at a point approximately 1,800 feet southeast of the Masterson Elementary School along North Colebrook Road (Manheim, PA Quadrangle N: 11.9 inches; W: 15.0 inches) in Rapho Township, Lancaster County.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1416. Mills Corporation—Pittsburgh Mills LP**, 1300 Wilson Boulevard, Suite 400, Arlington, VA 22209. Springdale, Frazer, West Deer and Indiana Townships, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing structures, to construct and maintain a 6 foot by 6 foot concrete box culvert for a distance of 576 feet in Tawney Run (WWF), to construct and maintain a 7.6 foot by 7.6 foot concrete box culvert for a distance of 824 feet in Tawney Run, to construct and maintain an 80 foot long reconstructed channel in Tawney Run, to operate and maintain an existing 6 foot by 6 foot concrete box culvert for a distance of 469 feet in Tawney Run and to construct and maintain various outfall structures to Tawney Run and to place and maintain fill in 1.09 acres of wetlands (PSS/PEM). This permit is for a proposed interchange to provide access to the proposed Pittsburgh Mill Development and Tawney Run Road located on Route 28, 1.5 miles north of the Springdale/Cheswick Interchange (Exit 12). The permittee is required to provide 2.89 acres of replacement wetlands, located in Emmerling Park, along the right bank side of Deer Creek in Indiana Township, 1.09 acres for the proposed interchange and 1.78 acres for the proposed mall and to provide for stream mitigation they will construct and maintain 11,000 feet of stream habitat improvements within the delayed harvest area of Deer

Creek in West Deer Township both of these will be permitted under E02-843A-1. This project will also impact approximately 820 feet of tributaries to Tawney Run, which qualifies for authorization under the Departments waiver 105.12(a)(2) (New Kensington West, PA Quadrangle N: 12.5 inches; W: 6.6 inches).

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-371, Grandview Development Corporation**, P. O. Box 163, Curwensville, PA 16833. Grandview Development Group Student Housing, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 10.5 inches; W: 5.25 inches).

The applicant proposes to construct two 12-unit apartment buildings for student housing at 347 Kiester Road involving: (1) permanent fill of 0.048 acre of de minimis PSS wetlands; (2) construction and maintenance of a stormwater outfall discharging approximately 10 feet upgradient of a PSS wetlands and having an 1.5-foot diameter pipe; and (3) construction and maintenance of three 90-foot long corrugated metal elliptical culverts placed side by side and each having a 5-foot wide by 3.16-foot high waterway opening in an unnamed tributary to Slippery Rock Creek, which is a perennial stream classified as a CWF. The project proposes to directly affect 90 linear feet of stream channel and 0.048 acre of wetlands.

**E25-667, Ben Byler**, 15180 Union LeBoeuf Road, Union City, PA 16438. Private Bridge Across South Branch French Creek, in Concord Township, **Erie County**, ACOE Pittsburgh District (Union City, PA Quadrangle N: 2.8 inches; W: 1.6 inches).

To construct and maintain a steel beam bridge having a clear, normal span of 50 feet and an average underclearance of 6 feet across South Branch French Creek (CWF) on a private driveway approximately 0.6 mile south of the terminus of Dewett Road.

**E25-671, United States Coast Guard**, Civil Engineering Unit Room 2179, 1240 East Ninth Street, Cleveland, OH 44199-2060. United States Coast Guard Station—Erie, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 5.0 inches; W: 10.75 inches).

To conduct the following activities associated with rehabilitation of the existing United States Coast Guard boat basin at the entrance to Presque Isle Bay, Lake Erie:

1. To dredge approximately 2,000 cubic yards of accumulated sediment from the floor of the basin by hydraulic method discharging the dredged material directly into the Erie Harbor Confined Disposal Facility south of the entrance channel.

2. To remove approximately 1,750 square yards of the existing concrete "fabriform" bank revetment on the east and north sides of the basin and to install and maintain sloped rock riprap shoreline protection.

3. To remove two sheet pile cells at the entrance to the basin to widen the entrance to allow for more maneuvering room for a larger vessel.

**E42-296, Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Existing Natural Gas Pipeline LN 20, in Liberty, Norwich and Sergeant Townships, **McKean County**, ACOE Pittsburgh District (Crosby, PA Quadrangle N: 16.9 inches; W: 2.1 inches).

The applicant proposes to operate and maintain an existing 16-inch natural gas pipeline LN 20 in McKean

County from the McKean/Elk County border (Hazel Hurst, PA Quadrangle N: 0.7 inch; W: 10.6 inches) approximately 600 feet west of SR 2001 (Wilcox Clermont Road) traversing northeast to the McKean/Potter County border (Roulette, PA Quadrangle N: 5.9 inches; W: 10.9 inches) approximately 0.4 mile south of U.S. Route 6. The project crosses and includes but is not limited to the crossing of the following streams described in the application: Sevenmile Run (perennial) (HQ-CWF) (N41° 37' 50", W78° 34' 31"), Fivemile Run (perennial) (HQ-CWF) (N41° 37' 53", W78° 34' 29"), unnamed tributary to Smith Run (intermittent) (HQ-CWF) (N41° 39' 16", W78° 33' 24"), unnamed tributary to Smith Run (intermittent) (HQ-CWF) (N41° 39' 34", W78° 33' 5"), Cold Spring Run (intermittent) (HQ-CWF) (N41° 39' 41", W78° 32' 58"), Martin Run (perennial) (HQ-CWF) (N41° 40' 46", W78° 31' 29"), unnamed tributary to East Branch Clarion River (intermittent) (HQ-CWF) (N41° 41' 5", W78° 30' 3"), unnamed tributary to East Branch Clarion River (intermittent) (HQ-CWF) (N41° 41' 6", W78° 29' 48"), Red Mill Brook (perennial) (CWF) (N41° 41' 22", W78° 28' 57"), Wernwag Hollow (perennial) (HQ-CWF) (N41° 41' 28", W78° 27' 51"), unnamed tributary to Red Mill Brook (perennial) (CWF) (N41° 42' 45", W78° 26' 35"), unnamed tributary to Red Mill Brook (perennial) (CWF) (N41° 42' 46", W78° 26' 31"), unnamed tributary to Red Mill Brook (perennial) (CWF) (N41° 42' 43", W78° 25' 53"), Red Mill Brook (perennial) (CWF) (N41° 42' 42", W78° 25' 46"), Red Mill Brook (perennial) (CWF) (N41° 42' 43", W78° 25' 37"), unnamed tributary to Red Mill Brook (perennial) (CWF) (N41° 42' 43", W78° 25' 34"), Red Mill Brook (perennial) (CWF) (N41° 42' 38", W78° 24' 38"), Red Mill Brook (perennial) (CWF) (N41° 42' 47", W78° 24' 21"), Potato Creek (perennial) (TSF) (N41° 43' 5", W78° 23' 25"), Colegrove Brook (perennial) (HQ-CWF) (N41° 43' 31", W78° 22' 56"), Combs Creek (perennial) (CWF) (N41° 43' 59", W78° 18' 50"), Combs Creek (perennial) (CWF) (N41° 44' 27", W78° 17' 58"), Combs Creek (perennial) (CWF) (N41° 44' 36", W78° 17' 45"), McAllister Hollow (perennial) (CWF) (N41° 45' 4", W78° 16' 59"), unnamed tributary to Combs Creek (intermittent) (CWF) (N41° 45' 11", W78° 16' 52"), Combs Creek (perennial) (CWF) (N41° 46' 4", W78° 16' 25"), unnamed tributary to Allegheny Portage Creek (perennial) (CWF) (N41° 46' 27", W78° 16' 9"), Allegheny Portage Creek (perennial) (TSF) (N41° 46' 29", W78° 16' 7"), unnamed tributary to Allegheny Portage Creek (intermittent) (CWF) (N41° 46' 32", W78° 16' 3"), unnamed tributary to Allegheny River (intermittent) (CWF) (N41° 46' 58", W78° 14' 52"), unnamed tributary to Allegheny River (intermittent) (CWF) (N41° 47' 1", W78° 14' 5") and Dexter Hollow (perennial) (CWF) (N41° 47' 3", W78° 13' 6").

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## 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 (Department) 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. PA0058637**, Industrial Waste, **Moyer's Chicks, Inc.**, 266 East Paletown Road, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to discharge into an unnamed tributary to Morgan Creek-Three Mile-2D.

**NPDES Permit No. PA0054917**, Industrial Waste, **Uwchlan Township**, 715 North Ship Road, Exton, PA 19341-1940. This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into Shamona Creek-3H Watershed.

**NPDES Permit No. PA0012327**, Industrial Waste, **County of Bucks—Department of Public Works**, 55 East Court Street, Doylestown, PA 18901. This proposed facility is located in Nockamixon Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary of Gallows Run-2D.

**NPDES Permit No. PA0050865**, Industrial Waste, **Gessner Products Company, Inc.**, 241 North Main Street, P. O. Box 389, Ambler, PA 19002. This proposed facility is located in Ambler Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into Rose Valley Creek-3-F.

**NPDES Permit No. PA0055875, Amendment No. 1**, Sewage, **Upper Hanover Authority**, P. O. Box 205, East

Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for an amendment of an existing permit to discharge into an unnamed tributary of Macoby Creek-3E Watershed.

**NPDES Permit No. PA0031178**, Sewage, **Melody Lakes Properties**, 1045 North West End Boulevard, Lot 600, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to discharge into an unnamed tributary to Tohickon Creek-Three Mile Run-2D.

**WQM Permit No. 4602202**, Industrial Waste, **Unitech Services Group, Inc.**, 401 North Avenue, Royersford, PA 19468. This proposed facility is located in Royersford Borough, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation to upgrade an industrial wastewater treatment plant.

**WQM Permit No. 5172202**, Industrial Waste, **Sunoco, Inc. (R & M)**, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval to utilize existing stormwater storage tank no. 7308 as an equalization tank at the Pint Breeze Processing area oil refinery.

**WQM Permit No. 0991426**, Sewage, **Camp Men-O-Lan**, 1414 Doerr Road, Quakertown, PA 18951. This proposed facility is located in Milford Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal of permit for large onlot disposal system which drains to Perkiomen Creek Watershed designated as 3E-Watershed basin.

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

**NPDES Permit No. PA0062855**, Industrial Waste, **Mary-D Community Association**, 36 Forest Lane, Mary-D, PA 17952. This proposed facility is located in Schuylkill Township, **Schuylkill County** and discharges to Swift Creek.

Description of Proposed Action/Activity: Renewal of NPDES permit.

**NPDES Permit No. PAS802216**, Industrial Waste, **C.C. Eastern, Inc.**, 12225 Stephens Road, Warren, MI 48089-2010. This proposed facility is located in East Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Renewal of NPDES stormwater permit to continue discharge to Monocacy Creek.

**NPDES Permit No. PA0026042**, Sewage, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018. This proposed facility is located in City of Bethlehem, **Northampton County** and discharges to Lehigh River and Saucon Creek.

Description of Proposed Action/Activity: Renewal of NPDES permit. General Stormwater Requirements since the original draft have been removed for this 5 year permit cycle.

**NPDES Permit No. PA0060046**, Sewage, **Can-Do, Inc.**, 1 S. Church Street, Hazleton, PA 18201. This

proposed facility is located in Hazle Township, **Luzerne County** and discharges to Tomhicken Creek.

Description of Proposed Action/Activity: Renewal of NPDES permit.

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

**NPDES Permit No. PA0087637**, Sewage, **Mountain View Terrace Mobile Home Park, Thomas Rodas**, 1190 Wyndsong Drive, York, PA 17403. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT in Watershed 7-B.

**NPDES Permit No. PA0082287**, Sewage, **Philip Bongiorno Conference Center**, 430 Union Hall Road, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

**NPDES Permit No. PA0080268**, Sewage, **William Kollas and William Costopoulos, Regency Woods Mobile Home Park**, 1104 Fernwood Avenue, Camp Hill, PA 17011. This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT in Watershed 7-B.

**NPDES Permit No. PA0024708, Amendment No. 1**, Sewerage, **Municipal Authority of Union Township (Union Township WWTP)**, P. O. Box 5625, Belleville, PA 17004-9701. This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Permit Amendment with Authorization to discharge to Kishacoquillas Creek in Watershed 12-A.

**NPDES Permit No. PA0084816, Amendment No. 2**, Industrial Waste, **Sunoco Pipeline, L.P. (Montello Pump Station)**, 1801 Market Street, Philadelphia, PA 19103-1699. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT to Cacoosing Creek in Watershed 3-C.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA0095176, Amendment No. 1**, Industrial Waste, **Elliott Turbomachinery Company, Inc.**, 901 North Fourth Street, Jeannette, PA 15644-0800 is authorized to discharge from a facility located at Jeannette Machine Plant, Jeannette, **Westmoreland County** to receiving waters named unnamed tributary to Brush Creek.

This notice reflects changes from the notice published at 32 Pa.B. 5432 (November 2, 2002).

- (1) The dissolved iron final effluent limitations and

interim monitoring requirements have been removed from Outfall 003. (Pages 2d and 2f have been deleted.)

- (2) The manganese final effluent limitations and interim monitoring requirements have been removed from Outfall 008. (Pages 2i and 2j have been deleted.)

- (3) The toxics reduction evaluation was removed from the permit.

**NPDES Permit No. PA0216607**, Industrial Waste, **Texas Eastern Transmission, LP**, 5400 Westheimer Court—SP 311, Houston, TX 77056-5310 is authorized to discharge from a facility located at Delmont Compressor Station, Salem Township, **Westmoreland County** to receiving waters named Beaver Run.

**NPDES Permit No. PAS406101**, Industrial Waste, **Envirotrol, Inc.**, 432 Green Street, P. O. Box 61, Sewickley, PA 15143-0061 is authorized to discharge from a facility located at Darlington Township, **Beaver County** to receiving waters named North Branch Little Beaver Creek.

**NPDES Permit No. PA0007196**, Sewage, **Charles Shay**, R. D. 1, Box 2120, Clarksburg, PA 15725 is authorized to discharge from a facility located at Charles Shay Sewage Treatment Plant, Young Township, **Indiana County**, to receiving waters named unnamed tributary of Blacklegs Creek.

**NPDES Permit No. PA0026425**, Sewage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235 is authorized to discharge from a facility located at Lincoln Road Sewage Treatment Plant, Municipality of Penn Hills, **Allegheny County** to receiving waters named Shades Run.

**NPDES Permit No. PA0027626-A1**, Sewage, **Kiski Valley Water Pollution Control Authority**, 1200 Pine Camp Road, Leechburg, PA 15656 is authorized to discharge from a facility located at Kiski Valley Sewage Treatment Plant, Allegheny Township, **Westmoreland County** to receiving waters named Kiskiminetas River.

**NPDES Permit No. PA0032182**, Sewage, **Mingo Park Estates, Inc.**, 92 Little Mingo Road, Finleyville, PA 15332 is authorized to discharge from a facility located at Mingo Park Estates, Inc. STP, Nottingham Township, **Washington County** to receiving waters named drainage swale tributary to a tributary of Mingo Creek.

**NPDES Permit No. PA0039489**, Sewage, **Garrett Borough Municipal Authority**, P. O. Box 218, 307 Municipal Road, Garrett, PA 15542 is authorized to discharge from a facility located at Garrett Borough STP, Garrett Borough, **Somerset County** to receiving waters named Casselman River.

**NPDES Permit No. PA0092533**, Sewage, **Indiana County Municipal Services Authority**, 827 Water Street, Indiana, PA 15701 is authorized to discharge from a facility located at Iselin STP, Young Township, **Indiana County** to receiving waters named Harpers Run.

This notice reflects changes from the notice published at 33 Pa.B. 769 (February 8, 2003).

Parameter	Avg. Mon	Maximum Daily	Avg. Mon.	Avg. Weekly	Maximum Daily	Instantaneous Maximum
Ammonia Nitrogen (5-1 to 10-31)			3.0			6.0
(11-1 to 4-30)			8.0			16.0
Dissolved Oxygen			6.0 mg/l minimum			

**NPDES Permit No. PA0095036**, Sewage, **EL-DO, Inc.**, 700 Atlantic Avenue, McKeesport, PA 15132 is authorized to discharge from a facility located at Smithton Truck Stop STP, South Huntingdon Township, **Westmoreland County** to receiving waters named unnamed tributary of the Youghiogheny River.

**NPDES Permit No. PA0205559**, Sewage, **WJT Enterprises**, 4639 Rte. 119, Hwy. N, Home, PA 15747 is authorized to discharge from a facility located at Crystal Waters Personal Care Facility STP, Rayne Township, **Indiana County** to receiving waters named Pine Run.

**NPDES Permit No. PA0216071**, Sewage, **Univar USA, Inc.**, 328 Bunola River Road, P. O. Box 303, Bunola, PA 15020-0303 is authorized to discharge from a facility located at Univar USA Sewage Treatment Plant, Forward Township, **Allegheny County** to receiving waters named Monongahela River.

**NPDES Permit No. PA0217824**, Sewage, **YMCA Camp Kon-O-Kwee**, 126 Nagel Road, Fombell, PA 16123-1198 is authorized to discharge from a facility located at Camp Kon-O-Kwee Sewage Treatment Plant, Marion Township, **Beaver County** to receiving waters named Connoquenessing Creek.

**Permit No. 0203401**, Sewerage, **V. Martin Wintermantel**, 1723 North Springs Drive, Atlanta, GA 30338. Construction of single residence, small flow, sewage treatment plant located in Sewickley Heights Borough, **Allegheny County** to serve V. Martin Wintermantel Property.

**Permit No. 6502410**, Sewerage, **Jeff Kochis**, 641 Buckeye Tram Road, Mt. Pleasant, PA 15666. Construction of Sewage Treatment Plant located in Mt. Pleasant Township, **Westmoreland County** to serve Jeff Kochis Single Residence Sewage Treatment Plant.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**NPDES Permit No. PA0238911**, Industrial Waste, **Titusville Dairy Products Co.**, 217 South Washington Street, P. O. Box 186, Titusville, PA 16354-0186. This proposed facility is located in City of Titusville, **Crawford County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Oil Creek.

**NPDES Permit No. PA0030333**, Sewage, **Shenango Valley Commercial Institute, Inc.**, 335 Boyd Drive, Sharon, PA 16146-3843. This proposed facility is located in Pulaski Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Deer Creek.

**NPDES Permit No. PA0036056**, Sewage, **Heritage Hills Mobile Home Estates**, 100 Beechwood Blvd., Pulaski, PA 16143. This proposed facility is located in Pulaski Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to the Shenango River.

**NPDES Permit No. PA0103969**, Sewage, **Varischetti and Sons, Inc.**, P. O. Box 220, Brockway, PA 15824. This proposed facility is located in Washington Township, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Wolf Run.

**WQM Permit No. 2003403**, Sewerage, **Daniel J. Cowher**, 5112 U.S. Highway 322, Jamestown, PA 16134. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 2003402**, Sewerage, **Daniel J. Cowher**, 5112 U.S. Highway 322, Jamestown, PA 16134. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 1003402**, Sewerage, **Andrea Weider**, 10500 Irwin Road, Gibsonia, PA 15044. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a single residence.

#### **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 and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G374	Thomas H. Biedekapp 979 Sills Mill Road Kennett Square, PA 19348	Chester	Penn Township	East Branch Big Elk Creek HQ-TSF-MF
PAS10G499	Harkins Farm, LLC 242 Winged Foot Drive Blue Bell, PA 19422	Chester	East Fallowfield Township	Unnamed tributary West Branch Brandywine Creek EV
PAS10G504	Jerome McArdle 155 Schoolhouse Road Christiana, PA 17509	Chester	Lower Oxford Township	Unnamed tributary Big Elk Creek HQ-TSF-MF
PAS10G511	S&S Development Company, Inc. 1155 Lancaster Avenue Berwyn, PA 19312	Chester	Charlestown Township	Unnamed tributary Pickering Creek HQ-TSF
PAS10G535	General Residential Holding, Inc. 101 Marchwood Road Exton, PA 19341	Chester	Upper Uwchlan Township	Pickering Creek and unnamed tributary to Marsh Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10V044	Department of Transportation District 4-0 P. O. Box 111 Scranton, PA 18503	Pike	Blooming Grove, Westfall, Greene, Palmyra, Dingman and Milford Townships Matamoras Borough	Lackawaxen River HQ-TSF, MF Wallenpaupack Creek HQ-CWF HQ-WWF Shohola Creek HQ-CWF Delaware River WWF, MF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10W091	North Strabane Township Municipal Authority 1929B Route 519 South Canonsburg, PA 15317	Washington County North Strabane Township	Little Chartiers Creek HQ-WWF

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2084202001	East Resources, Inc. P. O. Box 279 51 Main Street Allegany, NY 14706	McKean	Lafayette Township	Lewis Run HQ-CWF

#### **APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted a Notice of Intent and have received coverage under each applicable general permit listed.

The approval for coverage under these general permits is subject to effluent or pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices, monitoring, reporting requirements and other conditions set forth in the general permit. This and other project specific information are on file and are open for public review. Arrangements for reviewing this information can be made by contacting the identified office listed with each action.

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).



**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 Residential Septage 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 and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Goshen Township Chester County	PAR10G484	Craig Hough 43 Leopard Road, Suite 301 Paoli, PA 19301	East Branch Chester Creek TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Goshen Township Chester County	PAR10G513	West Goshen Business Park 1025 Andrew Drive, Suite 200 West Chester, PA 19382	East Branch Chester Creek TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Easttown Township Chester County	PAR10G521	Waterloo Partners P. O. Box 428 Villanova, PA 19085	Darby Creek CWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Caln Township Chester County	PAR10G525	Skelp Lead Associates P. O. Box 33 Downingtown, PA 19335	Unnamed tributary to East Branch Brandywine Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Fallowfield Township Chester County	PAG2001503012	Glenville Farms 2391 Glenville Road Cochranville, PA 19330	Muddy Run TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Garden Township Chester County	PAG2001503010	David S. Kahn 124 West Market Street West Chester, PA 19382	Unnamed tributary West Branch Red Clay Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Brandywine Township Chester County	PAG2001502011	McCahon Property 930 Horseshoe Pike Downingtown, PA 19335	Unnamed tributary Beaver Creek TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Nottingham Township Chester County	PAG2001503012	Mike Zimmerman 144 Kings Highway Dover, DE 19901	Tweed Creek TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Schuylkill County South Manheim Township	PAG2005403005	Mountain Star Sub. Anthony Forino Forino Co., L.P. 555 Mt. Home Rd. Sinking Springs, PA 19608	Plum Creek to Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Schuylkill County Pine Grove Township	PAG2005403010	Department of Transportation District 5-0 SR 81, Section 02B 1713 Lehigh St. Allentown, PA 18103	Tributary to Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Northampton County East Allen Township	PAG2004803005	Winside Industrial Group, L.P. 6374 Winside Drive Bethlehem, PA 18017	Catasauqua Creek CWF	Northampton County Conservation District (610) 746-1971
Northampton County Lower Nazareth and Palmer Townships	PAG2004803002	George and Jeanne Joseph c/o John Joseph 1269 Miller Rd. Wind Gap, PA 18091	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Northampton County Palmer Township	PAG2004803010	John Morello 1201 South 12th St. Easton, PA 18042	Lehigh River (UNT) CWF	Northampton County Conservation District (610) 746-1971
Silver Spring Township Cumberland County	PAG2002103002	Eastern Communities John Kerschner 7300 Derry Street Harrisburg, PA 17111	Trindle Spring Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
Greene Township	PAR10M147-R	Delbert L. Hawbaker 1333 Georgetown Circle Carlisle, PA 17013	Conococheague Creek CWF	Franklin County Conservation District (717) 264-8074
Boyer Subdivision Porter Township Huntingdon County	PAG2003103001	John C. Yenter Associates 731 West 14th St. Tyrone, PA 16686	UNT to Frankstown Branch of the Juniata River WWF	Huntingdon County Conservation District R. D. 1 Box 7C Rt. 26, S. Huntingdon, PA 16652
Endres Subdivision Porter Township Huntingdon County	PAG2003103002	Richard Endres P. O. Box 12 Huntingdon, PA 16652	Frankstown Branch of the Juniata River WWF	Huntingdon County Conservation District R. D. 1 Box 7C Rt. 26, S. Huntingdon, PA 16652
Bradford County Ridgebury Township	PAG2000803002	Dominion Exploration and Production Inc. 1380 Rt. 286 Hwy., East Suite 303 Indiana, PA 15701	Miller Run Buck Creek WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Centre County Rush Township	PAG2001403001	Philipsburg-Osceola School District 1810 Black Moshannon Rd. Philipsburg, PA 16866	One Mile Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Piatt Township	PAG2004103003	Lycoming County Commissioners 48 West 3rd St. Williamsport, PA 17701	Larry Creek WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Tioga County Westfield Township	PAG2005903005	North Penn Gas Co. 2 North 9th St. Allentown, PA 18101	Mill Creek TSF	Tioga County Conservation District 29 East Avenue Wellsboro, PA 16901 (570) 724-1801
Cambria County Richland Township	PAG2001103004	Derricott Construction 411 Kring Street Johnstown, PA 15904	Sandy Run CWF	Cambria County Conservation District (814) 472-2120
Indiana County White Township	PAG2003203002	Douglas W. Lockard Heritage Oaks One Highpointe Place Indiana, PA 15701	UNT to McCarthy Run CWF	Indiana County Conservation District (724) 463-8547
Washington County N. Strabane Township	PAG2006303009	Racetrack Road Realty 73 East Wilson Bridge Road Suite B5 Worthington, OH 43085-2359	UNT to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Westmoreland County North Huntingdon Township	PAR10X276	Norman McHolme 315 Payday Drive Elizabeth, PA 15037	Tinkers Run Tributary TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Washington Township	PAR10X279	Swank Development Co. 200 Hunt Valley Rd. New Kensington, PA 15062	Pine Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County City of New Kensington	PAR10X311	Richard Fee Dr. Ice Sports Complex 300 Penn Center Blvd. Suite 201 Pittsburgh, PA 15235	Little Pucketa Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAR10X312	Dennis Henry R. D. 6, Box 300, Suite 11 Greensburg, PA 15601	Tributary to Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Unity Township	PAR10X316	Eidemiller, Inc. 1003 East Pittsburgh St. Greensburg, PA 15601	UNT to Four Mile Run TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2056503002	Marino & Marino 766 East Pittsburgh St. Greensburg, PA 15601	Brush Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Allegheny Township	PAG2056503003	Ronald Ravotti R. D. 1, Box 1558 Leechburg, PA 15656	UNT to Kiskiminetas River WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Mt. Pleasant Township	PAG2056503006	Fred Crack 10380 Center Highway North Huntingdon, PA 15642	Shupe Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Murrysville	PAG2056503016	Emogene Johnson 2508 Harrison City Rd. Export, PA 15632	Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Butler County Cherry and Marion Townships	PAG2001003002	Department of Environmental Protection BAMR—Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Slippery Rock Creek CWF	Butler County Conservation District (724) 284-5270
Erie County Harborcreek Township	PAG2002503008	David Maille 7653 Dutton Road Harborcreek, PA 16421	7 Mile Creek CWF, MF 8 Mile Creek HQ-CWF, MF	Erie County Conservation District (814) 825-6403
Lawrence County Shenango Township	PAG2003703001	Hidden Lakes Limited Partnership 106 E. North Street New Castle, PA 16101	UNT to Big Run WWF	Lawrence County Conservation District (724) 652-4512
Venango County Cranberry Township	PAG2006103001	Harold R. Best, Chairperson Venango County General Authority P. O. Box 378 Seneca, PA 16346	Tributary to Lower Two Mile Run	Venango County Conservation District (814) 676-2832
Venango County Cranberry Township	PAG2006103002	Fred Gustafson Cranberry Area School District 1 Education Drive Seneca, PA 16346	Tributary to Lower Two Mile Run	Venango County Conservation District (814) 676-2832

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Fairview Township Butler County	PAR808321	Superior Carriers, Inc. 1569 Hooker Road Karns City, PA 16041	South Branch Bear Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Frazer Township Allegheny County	PAG046133	Dennis Olszewski 2324 Dellenbaugh Road Tarentum, PA 15084	UNT of Bull Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
South Beaver Township Beaver County	PAG046140	Janet L. Karczewski 115 Lemp Way Darlington, PA 16115	UNT to North Fork of Little Beaver Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Mt. Pleasant Township Westmoreland County	PAG046265	Jeff Kochis 641 Buckeye Tram Road Mt. Pleasant, PA 15666	UNT of Brush Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-400

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
South Shenango Township Crawford County	PAG048881	Daniel J. Cowher 5112 U.S. Highway 322 Jamestown, PA 16134	Unnamed tributary to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
South Shenango Township Crawford County	PAG048880	Daniel J. Cowher 5112 U.S. Highway 322 Jamestown, PA 16134	Unnamed tributary to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Forward Township Butler County	PAG048878	Andrea Weider 10500 Irwin Road Gibsonia, PA 15044	Unnamed tributary to Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Susquehanna Depot Susquehanna County	PAG082204	Tri-Boro Municipal Authority 282 Erie Boulevard Susquehanna, PA 18847	DEP—NERO 2 Pubic Square Wilkes-Barre, PA 18711

## PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

#### Permit No. 0902510, Public Water Supply.

Applicant	<b>Warminster Municipal Authority</b> 45 Gibson Avenue Warminster, PA 18974
Township	Warminster
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	CKS Engineers, Inc. 88 S. Main Street Doylestown, PA 18901
Permit to Construct Issued	March 13, 2003

*Southcentral Region: Water Supply Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.*

#### Permit No. 6702514, Public Water Supply.

Applicant	<b>United Water Pennsylvania</b>
Municipality	Newberry Township
County	<b>York</b>

Type of Facility Construction Permit for a proposed booster station. The booster station will be located on a newly constructed 12-inch interconnection between the Susquehanna Village and Reeser's community water systems. The station is designed to transfer approximately 25,000 gallons per day from Susquehanna Village to the Reeser's system.

Consulting Engineer R. Michael Gephart, P. E.  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111

Permit to Construct February 28, 2003  
Issued:

**Permit No. 0602506**, Public Water Supply.

Applicant **Pennsylvania Suburban Water Company**

Municipality Centre Township

County **Berks**

Type of Facility Construction Permit 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 permit approves use of the well at a rate of up to 20 gallons per minute.

Consulting Engineer William A. LaDieu  
CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct February 26, 2003  
Issued:

**Permit No. 0602507**, Public Water Supply.

Applicant **Valley View Mobile Home Park**

Municipality Amity Township

County **Berks**

Type of Facility Construction Permit for installation of a granular activated carbon adsorption system for removal of tetrachloroethene from raw water supplied to the Valley View Mobile Home Park.

Consulting Engineer Paul J. Opila, P. E.  
Miller Pump Systems, Inc.  
P. O. Box 105  
Cedars, PA 19423

Permit to Construct February 28, 2003  
Issued:

**Operations Permit** issued to **Regency Woods Mobile Home Park**, 7210057, Middlesex Township, **Cumberland County** on March 11, 2003, for the operation of facilities approved under Construction Permit No. 2101504.

**Operations Permit** issued to **Philadelphia Suburban Water Company**, 3060018, Cumru Township, **Berks County** on March 7, 2003, for the operation of

facilities approved under Construction Permit No. 0697503.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0403501, Minor Amendment.** Public Water Supply.

Applicant **The Borough of Ambridge Water Authority**  
600 11th Street  
Ambridge, PA 15003

Borough or Township Harmony Township

County **Beaver**

Type of Facility Highland Booster No. 3 Pump Station

Consulting Engineer NIRA Consulting Engineers Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

Permit to Construct March 13, 2003  
Issued

#### 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.*

**WA56-126A**, Water Allocations, **Central City Water Authority**, 314 Central Avenue, Suite 203, Central City, PA 15926, **Somerset County**. Modification order to Condition No. 2 (relating to permit duration) is modified to read as follows: The duration of this permit shall be until September 11, 2012.

#### 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:

Borough or Township	Borough or Township Address	County
Bern Township	1069 Old Bernville Road Reading, PA 19605	Berks

Plan Description: The approved plan provides for the construction of a collection and conveyance sewage system for areas of Bern Township defined in the plan, the rerating of the Berks County Wastewater Treatment Plant and the expansion and upgrading of the Reading regional Airport Authority Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Franklin Township	Larry Collar, Chairperson East Franklin Town- ship Supervisors R. D. 3, Box 211A Kittanning, PA 16201	Armstrong

Plan Description: The approved Act 537 plan provides for domestic sewage collection, conveyance and treatment for the areas of Adrian, Furnace Run, Tartown, Walkchalk and Cowansville/Boltz Road in East Franklin Township, Armstrong County.

For this Act 537 plan dated March 2001 and revised October 2002, immediate sewerage facilities will be as follows. Approval is given to:

(1) Adrian area of East Franklin Township, Plate No. 1, with approximately 7,000 feet of gravity collection sewers, no pump stations and a new 13,000 gpd package sewage treatment plant located approximately 4,000 feet east of Adrian. Discharge is into Limestone Run at approximately coordinates of Latitude 40°53'04", Longitude 79°31'48".

(2) Furnace Run area of East Franklin Township, Plate No. 15, with a collection and conveyance system, one pump station and connection to the existing West Hills Area Water Pollution Control Authority sewer system. Connection is approximately 4,500 feet southwest of Furnace Run along SR 0268 at the intersection of SR 0268 and Township Road (number not given) on Plate No. 15. Discharge is into the existing West Hills Area Water Pollution Control Authority wastewater collection system. Ultimate treatment shall be at the existing West Hills Area Water Pollution Control Authority Plant with its existing outfall into the Allegheny River.

(3) Tartown area of East Franklin Township, Plate No. 18, with a gravity collection system, no pump stations and a new 18,000 gallons per day package sewage treatment plant located in Tartown along the Allegheny River. Discharge is into the Allegheny River. The approximate outfall location is at coordinates of Latitude 40°15'57", Longitude 79°31'15".

(4) Walkchalk area of East Franklin Township, Plate No. 20, with a gravity collection system, no pump stations and connection to the existing West Hills Area Water Pollution Control Authority sewer system in Walkchalk along the Benjamin Franklin Highway (Old Route 422) at the intersection of an unnamed Township Road in Walkchalk.

(5) Cowansville/Boltz Road Area of East Franklin Township, Option 2, Plate No. 13, with a collection and conveyance system, two pump stations and a new 29,000 gpd package sewage treatment plant located on Glade Run approximately 4,500 feet southeast of Cowansville. Discharge is into Glade Run. The approximate coordinates of that discharge are Latitude 40°52'47" and Longitude 79°34'27".

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

*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>
Ellwood City Borough	525 Lawrence Avenue Ellwood City, PA 16117	Lawrence

Plan Description: The approved plan provides for the construction of a new 3.3 MGD sewage treatment facility with a discharge to Connoquenessing Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

## 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 after which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**HiLine Storage Systems/Seiz Corp.**, East Rockhill Township, **Bucks County**. Douglas B. Schott, Walter B. Satterthwaite Associates, Inc., 720 Old Fern Rd., West Chester, PA 19380, on behalf of Frederick Seiz, Seiz Corp./HiLine Storage Systems, HiLine Dr. and E. Ridge Rd., Perkasio, PA 18944, has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with chlorinated solvents, lead and other organics and groundwater contaminated with chlorinated solvents, MTBE, other organics and unleaded gasoline.

**Bryn Hill Industries**, Ridley Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA

19401, on behalf of Morris Realty & Investment, Greg Morris, 515 Shoemaker Rd., King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Glenn Kulp Residence**, Lower Frederick Township, **Montgomery County**. Misti L. Wetzal, Buschman & Johnson, 228 N. Main St., Souderton, PA 18964, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Fort Indiantown Gap Former Fire Training Site**, Union Township, **Lebanon County**. Herbert, Rowland, & Grubic, Inc., 116 Baltimore Street, Gettysburg, PA 17325, on behalf of Department of Military and Veterans Affairs, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with aviation gasoline and diesel fuel. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Frank Volz Property**, Smithfield Township, **Bradford County**. S&M Management, Inc., on behalf of Frank Volz, 46 Mermaid Drive, Manahawkin, NJ 08050, has submitted a Final Report concerning soil contaminated with BTEX and PHCs and surface water contaminated with BTEX, PHCs and PAHs. The Final Report is intended to demonstrate attainment of the Statewide Health Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**MetalTech**, City of Pittsburgh, **Allegheny County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of The Techs, 20 Stanwix Street, Suite 620, Pittsburgh, PA 15222) has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with BTEX, PAH and VOCs. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Power Circuit Breaker Facility (Former) Lot 3 and Lot 1A**, Borough of Trafford, **Allegheny County**. William C. Smith, Cummings Riter Consultants, Inc., 339 Haymaker Road, Parkway Building, Suite 201, Monroeville, PA 15146 (on behalf of Viacom, Inc., 11 Stanwix Street, Pittsburgh, PA 15222) has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PAHs and cyanide. The report is intended to document remediation of the site to meet the Site Specific Standard.

**The Buncher Company**, City of Pittsburgh, **Allegheny County**. Frank Benacquista, Earth Sciences Consultants, Inc., One Triangle Lane, Export, PA 15632 (on behalf of Joseph Jakovic, The Buncher Company, 5600 Forward Avenue., Pittsburgh, PA 15217) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and PCB.

The report is intended to document remediation of the site to meet the Site Specific Standard.

**Lubriquip, Inc.**, Stowe Township, **Allegheny County**. Bruce Fishman, RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 (on behalf of W.L. Roenigk, 798 Ekastown Road, Sarver, PA 16055 and Oscar C. Alvarez, Lubriquip, Inc., 18901 Cranwood Parkway, Cleveland, OH 44128) has submitted a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**LTV Southside Works (Parcel D1-A)**, City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and 2800 Block Associates L.P., 400 Penn Centre Boulevard, Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Stackpole Center, Northeast Area**, 201 Stackpole St., St. Marys, PA 15857, **Elk County**, has submitted a Act 2 Risk Assessment Report and Addendum concerning remediation of Stackpole Center, Northeast area of soil, groundwater and surface water contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The Report was submitted to *The Daily Press* on September 26, 2002.

## 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. 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. 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the Act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. 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 after 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 plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Springfield Elementary School**, Springfield Township, **Bucks County**. Marc Chartier, Pennoni Associates, Inc., 515 Grove St., Suite 2A, Haddon Heights, NJ 08035, on behalf of Palisades School District, Attn: David Kepel, 39 Thomas Free Dr., Kintnersville, PA 18930, has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2003.

**The Shops at Wellington Ridge**, City of Chester, **Delaware County**. John R. Gee, P. E., GeoTrans, Inc., 198 Allendale Rd., Suite 302, King of Prussia, PA 19406, on behalf of Chester Housing Authority, Steven Lalli, 1010 Madison St., Chester, PA 19016, has submitted a Baseline Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with Fuel Oil No. 4, inorganics, lead, PAH and pesticides. The report demonstrated attainment of special industrial area requirements and was approved by the Department on March 12, 2003.

**Former Schuylkill Valley Oil Company Property**, Pottstown Borough, **Montgomery County**. Brian McAleese, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Estate of Benjamin Longaker, 275 Willowbrook Dr., Portola Valley, CA 94028, has submitted a Final Report and Addendum concerning remediation of site soil contaminated with naphthalene and groundwater contaminated with naphthalene, BTEX, ethylene dibromide and MTBE. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 5, 2003.

**Martin Weinberger Property**, Hatboro Borough, **Montgomery County**. David J. Arber, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, on behalf of Martin Weinberger, 469 Jacksonville

Rd., Hatboro, PA, has submitted a Final Report concerning remediation of site soil contaminated with Fuel Oil No. 2. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 3, 2003.

**Cira Centre Site**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104-2897, on behalf of National Railroad Passenger Corp., William McDowell, III, 30th Street Station, 5th Fl., Southwest, Box 25, Philadelphia, PA 19104, has submitted a Baseline Remedial Investigation Report concerning remediation of site soil contaminated with inorganics, lead, other organics, PAH, PCB and pesticides; and site groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and PCB. The report demonstrated attainment of special industrial area requirements and was approved by the Department on March 5, 2003.

**Kurz-Hastings, Inc.**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Kurz-Hastings, Inc., 10901 Dutton Rd., Philadelphia, PA 19154, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with volatiles. The report did not demonstrate attainment of Site-Specific Standards and was disapproved by the Department on March 7, 2003.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former Elliot & Hatch Typewriter Facility**, City of Harrisburg and Swatara Township, **Dauphin County**. Skelly & Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110, on behalf of the City of Harrisburg, 10 North Second Street, Harrisburg, PA 17101, submitted a Final Report concerning remediation of site soils contaminated with inorganics, leaded gasoline, lead, PAHs and pesticides. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 10, 2003.

**Columbia Gas Grant Street Site**, City of York, **York County**. NiSource Corporate Services Corporation, P. O. Box 117, Columbus, OH 43216 resubmitted a Cleanup Plan concerning remediation of site soils contaminated with BTEX and PAHs. The plan was approved by the Department on March 11, 2003. The site is being remediated to meet the Site Specific Standard.

**Brewery Products**, Springettsbury Township, **York County**. React Environmental Services, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142, on behalf of Stover Fuel Oil Company, P. O. Box 117, Hershey, PA 17033, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 11, 2003.

**Dennis Residence**, City of Reading, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Joseph and Mary Dennis, 506 Schuylkill Avenue, Reading, PA 19601, submitted a Final Report concerning remediation of site soils contaminated with benzene, ethylbenzene, toluene, cumene, naphthalene, fluorene and phenanthrene. The report was submitted within 90 days of a contaminant release and demonstrated attainment of the Statewide Health Standard. The Final Report was approved by the Department on March 14, 2003.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Keystone Opportunity Zone Property, Big Beaver Borough, Beaver County.** Karen Souza, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Beaver County CED, 250 Insurance Street, Suite 300, Beaver, PA 15009) has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with heavy metals. The Baseline Environmental Report was approved by the Department on January 2, 2003.

**American Refining Group—Indianola Plant, Indiana Township, Allegheny County.** Key Environmental Inc., Don Blackert, 1200 Arch Street, Suite 200, Carnegie, PA 15106 and American Refining Group, Inc., 3240 William Pitt Way, Pittsburgh, PA 15238 (on behalf of Kinder Morgan Inc., 2010 William Pitt Way, Pittsburgh, PA 15238) has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with BTEX, PAHs and MTBE. The Remedial Investigation Report was approved by the Department on January 8, 2003.

**Westinghouse Specialty Coating Division Facility (Former), Manor Borough, Westmoreland County.** Dean Reed, Viacom, Inc., 11 Stanwix Street, Pittsburgh, PA 15222-1384 (on behalf of RANBAR Technologies, Harrison City Road, Manor, PA 15665) has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with lead, solvents, BTEX, PHCs and PAHs. The Risk Assessment Report was approved by the Department on February 11, 2003.

**LTV Southside Works (Parcel D1-A), City of Pittsburgh, Allegheny County.** Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and 2800 Block Associates L.P., 400 Penn Centre Boulevard, Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on January 28, 2003.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permits Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 101656. Accurate Recycling Corp., 300 E. Baltimore Pike, Lansdowne, PA 19050, Upper Darby Township, Delaware County.** Permittee requested that the permit be revoked and the bond be released as the construction/demolition waste transfer facility had been closed and the property sold. Closure certifications have been approved and the bond will be released upon the permit revocation action becoming final. The permit was revoked by the Southeast Regional Office on March 10, 2003.

**Permits 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.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 100963. Lycoming County, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA 17701-6536, for the Lycoming County Landfill located in Brady Township, Lycoming County.** A Major Permit Modification was received for permit reissuance by the Williamsport Regional Office on March 7, 2003.

Persons interested in reviewing the permit may contact David Garg, P. E., Acting 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.

**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.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 300837. Keystone Station Ash/Refuse Disposal Site, Reliant Energy Northeast Management Company, 1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050.** Operation of a residual waste landfill in Plumcreek Township, **Armstrong County.** Major permit modification authorizing disposal of previously unapproved waste streams in the West Valley Disposal Area and revisions to the water quality monitoring requirements, was issued in the Regional Office on March 17, 2003.

**Permit No. 100281. Greenridge Reclamation, LLC, R. D. 1, Landfill Road, Scottdale, PA 15683.** Operation of a municipal waste landfill in East Huntingdon Township, **Westmoreland County.** Major permit modification for revisions to the liner system approving the composite layer and approving the meteorological monitoring and radiation monitoring plans, issued in the Regional Office on March 18, 2003.

Persons interested in reviewing the permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service at (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.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**10-001: AK Steel Hilltop Processing** (210 Pittsburgh Road, P. O. Box 832, Butler, PA 16003) on March 7, 2003, for installation of a natural gas fired combustion unit in Butler Township, **Butler 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.**

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**31-03004A: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on March 17, 2003, for construction of a limestone crushing and screening operation in Warriors Mark Township, **Huntingdon County**. The sources are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**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; Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0112: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) on March 11, 2003, for operation of a thermal oxidizer in Skippack Township, **Montgomery County**.

**46-0015A: Occidental Chemical** (Armand Hammer Blvd., Pottstown, PA 19464) on March 11, 2003, for operation of a process line No. 6 in Lower Pottsgrove Township, **Montgomery County**.

**46-0036C: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on March 12, 2003, for operation of a selective solder no. 8 in Worcester Township, **Montgomery County**.

**09-0050: Better Materials Corp.** (852 Swamp Road, Penns Park, PA 18943) on March 12, 2003, for operation of one crusher and two conveyor belts in Wrightstown Township, **Bucks County**.

**46-0036D: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on March 12, 2003, for operation of a wave solder No. 12 in Worcester Township, **Montgomery County**.

**46-0191B: Merck and Co., Inc.** (351 North Sumneytown Pike, North Wales, PA 19454) on March 17, 2003, for operation of a 100 kW emergency generator in Upper Gwynedd Township, **Montgomery County**.

**46-0185: Fairhill Fabricators, Inc.** (831 West Fifth Street, Lansdale, PA 19446) on March 18, 2003, for operation of a paint spray booth in Lansdale Borough, **Montgomery County**.

**46-0005M: Merck & Co., Inc.** (351 N. Sumneytown Pike, North Wales, PA 19454) on March 18, 2003, for operation of a natural gas-fired combustion turbine in Upper Gwynedd Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.*

**67-02004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on March 12, 2003, for construction of three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.*

**19-320-005: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on March 11, 2003, to amend a blanket wash solution HAP content requirement (from .83 to .11 pound per gallon), a VOC emission limitation (from 3.37 to 4.37 tons in any 12 consecutive month period) and an HAP emission limitation (from 1.33 to 1.24 tons in any 12 consecutive month period) for an eight color heatset web offset lithographic printing press in Scott Township, **Columbia County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.*

**43-277B: George and Thomas Cone Co.—Joy Cone** (3435 Lamor Road, Hermitage, PA 16148) on February 28, 2003, for an incinerator in Hermitage, **Mercer 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.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**23-00003: ConocoPhillips Co.** (4101 Post Road, Trainer, PA, 19061) on March 13, 2003, the Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of their facility formerly owned by Tosco Corp. in Trainer Borough, **Delaware County**. The facility's major emission points include storage tanks containing VOCs and various crude oil processing equipment. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change any conditions and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued February 24, 2003.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05064: Sunoco Partners Marketing and Terminals LP** (1801 Market Street 3110PC, Philadelphia, PA 19103) on March 14, 2003, for operation of the bulk liquid petroleum fuel storage and loading at Montello Terminal in Spring Township, **Berks County**. This is a renewal of the operating permit.

**36-05078: Nexans, Inc. d/b/a Berk-Tek** (132 White Oak Road, New Holland, PA 17557-9722) on March 10, 2003, for operation of a cable extrusion facility in Earl Township, **Lancaster County**. This is a renewal of the operating permit.

**67-05012: Transcontinental Gas Pipe Line Corp.** (P. O. Box 1396, Houston, TX 77251) on March 11, 2003,

for operation of a natural gas compressor station in Peach Bottom Township, **York County**. This is a renewal of the operating permit.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**49-00018: Arcos Industries, LLC** (1 Arcos Drive, Mount Carmel, PA 17851) on a revised operating permit, Revision No. 1, on March 11, 2003, for the change of ownership of the Mount Carmel plant from Arcos Alloys to Arcos Industries, LLC in Mount Carmel Township, **Northumberland County**. This Title V 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; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**16-00021: OEM Enterprise, Inc.** (2465 Penn Street, Fairmount City, PA 16224) for operation of their facility in Redbank Township, **Clarion County**. The initial Title V Operating Permit issued on October 6, 1997, and revised on December 4, 1998, was reissued on March 11, 2003. The reissued permit expires on February 29, 2003. OEM Enterprise, Inc. air emission's sources are two wood-fired boilers, a gas-fired boiler, three flash off ovens, the coating operations and the woodworking equipment. The facility, because it is a major source of VOC emissions, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

**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 Elmerston Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**01-05018: McClarin Plastics, Inc.** (600 Linden Avenue, Hanover, PA 17331-0486) on March 13, 2003, for operation of their reinforced fiberglass plastic manufacturing facility in Conewago Township, **Adams County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**04-00713: USNR Microspheres** (212 State Street, Belle Vernon, PA 15012) on March 17, 2003, for operation of a drying and bagging facility in Harmony Township, **Beaver County**.

**INTERSTATE OZONE TRANSPORT REDUCTION**

**NOx Budget Trading Program**

**Statement of 25 Pa. Code § 145.43(b)—(d) Compliance Supplement Pool**

**Early Reduction Credit Requests**

As provided under 25 Pa. Code § 145.43(e)(6), the Department has determined the Early Reduction Credit allocations and is requesting comment. Publication of final allocations is planned for the April 12, 2003, *Pennsylvania Bulletin*. Final allocations will be transferred into unit accounts by the NOx Budget Administrator by May 1, 2003.

This allowance allocation is in addition to the initial allocations that were included in the operating permit of

the NOx budget unit. The allocations contained in this notice have been adjusted as necessary to reflect any difference between unit requests and the qualifying 2001-02 allowances remaining in unit accounts after reconciliation by the NOx Budget Administrator.

The proposed allocations for units that made a request under 25 Pa. Code § 145.43(b) and (c) are listed in the columns under "Para. (b)" and "Para. (c)," respectively.

Adjustments were made for requests for allowances residing in accounts of units that are not NOx budget units under 25 Pa. Code Chapter 145 which do not qualify for allocations from the Compliance Supplement Pool as provided by 25 Pa. Code § 145.43(b). Further adjustments may be made to the final allocations based on any comments received in response to this notice.

Send written comments to Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105. Contact James Stoner, Division of Air Resource Management, (717) 772-3921. Comments must be received by April 4, 2003.

<i>Facility</i>	<i>ORIS</i>	<i>Para. (b)</i>	<i>Para. (c)</i>
AES Ironwood	55337	70	
Allegheny Energy 1-2	55196	2	
Allegheny Energy 8-9	55377	2	
Allegheny Energy 12-13	55654	2	
Armstrong	3178	451	
Bruce Mansfield	6094	296	
Brunner Island	3140	1854	
Brunot Island	3096	133	
Cheswick	8226	134	
Colver Power Project	10143	1896	
Cromby	3159	447	
Ebensburg Power	10603	84	
Eddystone	3161	19	
Elrama	3098	134	
Fairless Hills—Exelon	7701	10	
Glatfelter, P. H. Co.	50397	7	
Hatfield's Ferry	3179	1101	
Homer City	3122	167	241
Hunlock Pwr. Station	3176	52	
Keystone	3136	3	
Liberty Electric Power	55231	132	
Mitchell	3181	419	
Montour	3149	249	1335
Mountain	3111	1	
New Castle	3138	709	
Portland	3113	3	
Procter & Gamble Co.	50463	6	
Schuylkill	3169	5	
Seward	3130	4339	
Shawville	3131	5	
St. Nicholas Cogeneration	54634	0	

<i>Facility</i>	<i>ORIS</i>	<i>Para. (b)</i>	<i>Para. (c)</i>
Sun Refining & Marketing Co.	880020	13	
Sun Refining & Marketing Co.	52106	70	
Sunbury	3152	5	
Sunoco Inc.	880007	4	
Titus	3115	4	
Tolna	3116	1	
Tosco Refining	880025	43	
Warren	3132	7	
Westwood Energy Properties	50611	293	
Wheelabrator Frackville	50879	28	
Williams Gen.—Hazleton	10870	985	
Total	14187	1576	

**NOx Budget Trading Program**

**New Source Set-Aside Allocations**

In accordance with 25 Pa. Code § 145.41(d), the Department is publishing the allowance allocations from the new source set-aside for the 2003 control period. The new source set-aside contains 2,234 allowances, 1,763 of which are available for new sources after allocation corrections. For each NOx budget unit, the following table lists the following: the allowances applied for under the “request” column; the maximum potential number of allowances authorized by the regulation under the “maximum” column; and the final, pro-rata allocation under the “allocation” column.

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
AES Ironwood, LLC	55337	1	92	92	71
AES Ironwood, LLC	55337	2	92	92	71
PEI Power (Archbald)	50279	2	84	84	65
Allegheny Energy 1	55196	1	41	41	32
Allegheny Energy 2	55196	2	41	41	32
Allegheny Energy 3	55710	1	37	37	29
Allegheny Energy 4	55710	2	37	37	29
Allegheny Energy 8	55377	8	50	50	39
Allegheny Energy 9	55377	9	50	50	39
Allegheny Energy 12	55654	12	49	49	38
Allegheny Energy 13	55654	13	49	49	38
UGI Hunlock	31760	4	38	38	29
Connectiv Bethlehem	55690	1	26	26	20
Connectiv Bethlehem	55690	2	26	26	20
Connectiv Bethlehem	55690	3	26	26	20
Connectiv Bethlehem	55690	5	95	95	74
Connectiv Bethlehem	55690	6	95	95	74
Connectiv Bethlehem	55690	7	95	95	74
Grays Ferry	54785	2	147	147	114

New source operators are advised that this allocation is for one control period only. To receive allocations from the new source set-aside for future control periods, source operators must submit new requests by December 31 each year.

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.

*Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105; James Stoner, Division of Air Resource Management, (717) 772-3921.*

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Grays Ferry	54785	25	80	80	62
Williams Hazleton	10870	2	39	39	30
Williams Hazleton	10870	3	39	39	30
Williams Hazleton	10870	4	39	39	30
Armstrong Energy LLC	55347	1-4	278	278	216
PPL Mt. Bethel	55667	1	49	49	38
PPL Mt. Bethel	55667	2	39	39	30
Merck Turbine No. 3	52149	40	34	34	26
Liberty Elec. Power	55276	1	76	76	59
Liberty Elec. Power	55276	2	76	76	59
Hunterstown LLC	31100	CT101	52	52	40
Hunterstown LLC	31100	CT201	52	52	40
Hunterstown LLC	31100	CT301	52	52	40
Duke Energy Armaugh	880071	31301	52	52	40
Duke Energy Entriiken	880072	31601	53	53	41
Ontelaunee Energy	55193	CT1	27	27	21
Ontelaunee Energy	55193	CT2	27	27	21

**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.**

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**01-05017: Quebecor World Fairfield, Inc.** (100 North Miller Street, Fairfield, PA 17320) for operation of their lithographic printing facility in Fairfield Borough, **Adams County**. On March 10, 2003, the State-only operating permit was administratively amended to incorporate modifications completed under plan approval No. 01-05017B. This is Revision No. 1 of the operating permit.

**36-05093: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) for operation of its Denver Asphalt Plant in East Cocalico Township, **Lancaster County**. On March 13, 2003, the State-only operating permit was administratively amended to incorporate modifications completed under plan approvals Nos. 36-05093A and 36-05093B. This is Revision No. 1 of the operating permit.

**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); and The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and 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 re-**

**quirements 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.*

**54910205R2. CLS Coal Company** (P. O. Box 81, Port Carbon, PA 17965), renewal of an existing coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County** affecting 12.5 acres, receiving stream: none. Application received November 21, 2002. Renewal issued March 12, 2003.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**65860105 and NPDES Permit No. PA0588601. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717). Renewal issued for continued reclamation and treatment of discharges at a bituminous surface mining operation located in Donegal Township, **Westmoreland County**, affecting 369.0 acres. Receiving streams: unnamed tributaries to Four Mile run and unnamed tributary to Jacobs Creek. Application received January 15, 2003. Renewal issued March 11, 2003.

**03940101 and NPDES Permit No. PA0200654. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Permit revised to include a stream variance and stream crossing for a portion of the unnamed tributary to Holder Run, as well as an increase in the conventional bond due to the additional activities and structures at a bituminous surface mining operation located in Bradys Bend Township, **Armstrong County**, affecting 129.2 acres. Receiving streams: unnamed tributary to Holder Run and to Holder Run to Sugar Creek. Application received April 29, 2002. Revised permit issued March 13, 2003.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**11020102 and NPDES Permit No. PA0249220. Bell Resources, Inc.,** R. R. 2, Box 281, Curwensville, PA 16833-9101, commencement, operation and restoration for a bituminous surface and auger mine and for discharge of treated mine drainage in Reade Township, **Cambria County**, affecting 78.2 acres. Receiving streams: unnamed tributaries to Muddy Run and Muddy Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 6, 2002. Permit issued March 10, 2003.

**56920112 and NPDES Permit No. PA0212270. PBS Coals, Inc.,** P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Stonycreek Township, **Somerset County**, affecting 76.3 acres. Receiving streams: an unnamed tributary to Clear Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received November 18, 2002. Permit issued March 11, 2003.

**11970201 and NPDES Permit No. PA0234648. Maple Coal Company,** 2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143 for permit renewal for continued operation of a bituminous surface and beneficial use of ash mine and for discharge of treated mine drainage in Barr and Blacklick Townships, **Cambria County**, affecting 47.1 acres. Receiving streams: unnamed tributary to/and Elk Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 14, 2003. Permit issued March 13, 2003.

**56870201 and NPDES Permit No. PA0598097. J. R. Coal Sales, Inc.,** 882 Wyndemere Way, Naples, FL 34105, permit renewal for reclamation only and continued restoration of a bituminous coal refuse reprocessing surface mine and for discharge of treated mine drainage in Boswell Borough, **Somerset County**, affecting 19.9 acres. Receiving streams: Quemahoning Creek (CWF). The first downstream potable water supply intake from the point of discharge is Cambria/Somerset Authority Quemahoning Dam Surface Water Withdrawal. Application received January 21, 2003. Permit issued March 12, 2003.

**56980104 and NPDES Permit No. PA0234729. Dunamis Resources, Inc.,** One Energy Place, Suite 4000, Latrobe, PA 15650, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Lincoln Township, **Somerset County**, affecting 20.5 acres. Receiving streams: unnamed tributary to North Branch of Quemahoning Creek (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning surface water intake. Application received January 30, 2003. Permit issued March 12, 2003.

**56980105 and NPDES Permit No. PA0234818. Dunamis Resources, Inc.,** One Energy Place, Suite 4000, Latrobe, PA 15650, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Lincoln Township, **Somerset County**, affecting 93.0 acres. Receiving streams: UNTs to North Branch of Quemahoning Creek (CWF) and UNTs to Horner Run (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning surface water intake. Application received March 6, 2003. Permit issued March 12, 2003.

**32920104 and NPDES Permit No. PA0212237. Opal Industries, Inc.,** P. O. Box 980, Latrobe, PA 15650,

permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Conemaugh Township, **Indiana County**, affecting 88.0 acres. Receiving streams: unnamed tributary to/and Blacklegs Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 27, 2003. Permit issued March 12, 2003.

**32970111 and NPDES Permit No. PA0234567. Dutch Run Coal, Inc.,** R. D. 2, Box 366, Shelocta, PA 15774, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 49.2 acres. Receiving streams: unnamed tributaries to/and Sulfur Run (CWF). The first downstream potable water supply intake from the point of discharge is Saltsburg Municipal Waterworks Conemaugh River intake. Application received March 3, 2003. Permit issued March 12, 2003.

**11980201 and NPDES Permit No. PA0234745. Ridge Energy Company,** 265 Swamp Road, Clymer, PA 15728, permit renewal for reclamation only and for continued restoration of a bituminous coal refuse reprocessing surface mine in West Carroll Township, **Cambria County**, affecting 25.0 acres. Receiving stream: Fox Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 19, 2003. Permit issued March 12, 2003.

**32980102 and NPDES Permit No. PA0234672. Sky Haven Coal, Inc.,** R. D. 1, Box 180, Penfield, PA 15849, for permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Montgomery Township, **Indiana County**, affecting 64.6 acres. Receiving streams: unnamed tributaries to Cush Creek and Cush Creek (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 21, 2003. Permit issued March 12, 2003.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**10970104 and NPDES Permit No. PA0227561. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous strip operation in Venango Township, **Butler County** affecting 130.8 acres. Receiving streams: unnamed tributaries to Little Scrubgrass Creek, unnamed tributaries to Scrubgrass Creek and unnamed tributaries to Seaton Creek. This renewal is issued for reclamation only. Application received January 14, 2003. Permit issued March 11, 2003.

#### *Noncoal Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**22890301C3 and NPDES Permit PA0594491. Dauphin Meadows, Inc.** (P. O. Box 68, Millersburg, PA 17061), renewal of NPDES Permit for discharge of treated mine drainage in Washington Township, **Dauphin County**, receiving stream: unnamed tributary to Wiconisco Creek. Application received December 31, 2002. Renewal issued March 12, 2003.

**64020811. Tompkins Bluestone Co., Inc.** (Tar Hollow Road, P. O. Box 776, Hancock, NY 13783), commencement, operation and restoration of a Small Bluestone quarry operation in Buckingham Township, **Wayne County**, affecting 4.0 acres, receiving stream: tributary to Delaware River. Application received December 16, 2002. Permit issued March 13, 2003.

**67830301C4 and NPDES Permit PA0613380. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES permit for discharge of treated mine drainage in Conewago Township, **York County**. Receiving stream: unnamed tributary to Conewago Creek. Application received January 10, 2003. Renewal issued March 13, 2003.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**14990301 and NPDES Permit No. PA0242781. Glenn O. Hawbaker, Inc.**, P. O. Box 135, State College, PA 16804. Revision to the existing NPDES permit to allow utilization of an existing treatment basin, from an inactive coal mining operation, for pumped pit water settling. The permit is located in Rush Township, **Centre County** and affects 90.5 acres. Receiving streams: unnamed tributary Moshannon Creek. Application received June 11, 2002. Permit issued February 19, 2003.

**59020302 and NPDES Permit No. PA0243272. Fred J. Robbins**, R. R. 2, Box 25A, Tioga, PA 16946. Commencement, operation and restoration of a Large Industrial Minerals (Gravel) permit in Lawrence Township, **Tioga County** affecting 17.5 acres. Receiving streams: None. Application received June 21, 2002. Permit issued March 7, 2003.

**ABANDONED MINE RECLAMATION**

*Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.*

Bond Forfeiture	<b>BF 441-101.1</b>
Contract Awarded	
Location	<b>McCandless Mining Company</b> Brady Township, <b>Butler County</b>
Description	Abandoned Mine Land Reclamation
Contractor	Cherep's Excavating Pittsburgh, PA
Amount	\$36,228.48
Date of Award	March 3, 2003
Bond Forfeiture	<b>BF 476-101.1</b>
Contract Awarded	
Location	<b>Rich Coal Company</b> Reade Township, <b>Cambria County</b>
Description	Abandoned Mine Land Reclamation
Contractor	Greenley Energy Holdings of PA, Inc. Central City, PA
Amount	\$97,225
Date of Award	February 28, 2003
Bond Forfeiture	<b>BF 481-101.1</b>
Contract Awarded	
Location	<b>Beechdale Mining, Inc.</b> Brothersvalley Township, <b>Somerset County</b>
Description	Abandoned Mine Land Reclamation
Contractor	Covenant Properties

Amount \$109,700  
Date of Award March 3, 2003

**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. 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.*

**06034003. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Spring Township, **Berks County** with an expiration date of December 31, 2004. Permit issued March 12, 2003.

**28034006. Fayetteville Contractors, Inc.** (P. O. Box FCI, Fayetteville, PA 17222), construction blasting in Guilford Township, **Franklin County** with an expiration date of April 3, 2004. Permit issued March 12, 2003.

**36034019. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in East Hempfield Township, **Lancaster County** with an expiration date of April 3, 2004. Permit issued March 12, 2003.

**36034020. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Lancaster, **Lancaster County** with an expiration date of December 31, 2003. Permit issued March 12, 2003.

**36034021. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Upper Leacock Township, **Lancaster County** with an expiration date of May 3, 2003. Permit issued March 12, 2003.

**46034006. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting in Lower Moreland Township, **Montgomery County** with an expiration date of April 3, 2004. Permit issued March 12, 2003.

**46034007. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting in Perkiomen Township, **Montgomery County** with an expiration date of April 3, 2005. Permit issued March 12, 2003.

**67034009. Thomas J. Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting in Fairview Township, **York County** with an expiration date of April 3, 2005. Permit issued March 12, 2003.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**14034002. Paradise Contracting**, 223 Paradise Road, Bellefonte, PA 16823 for construction blasting, located in Spring Township, **Centre County**, with an expected duration of 60 days. Permit issued March 11, 2003.

**14034003. Ameron Construction Co., Inc.**, 2501 N. Atherton Street, State College, PA 16803 for construction blasting, located in Benner and Spring Townships, **Centre County**, with an expected duration of 8 months. Permit issued March 11, 2003.

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.

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### 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.*

**E51-207. City of Philadelphia, Streets Department,** 1401 JFK Boulevard, Room 830 MSB, Philadelphia, PA 19102-1617, City and **County of Philadelphia,** ACOE Philadelphia District.

To operate and maintain the Century Lane bridge crossing of the Poquessing Creek (WWF). The existing structure is a twin span stone arch bridge with associated abutments that spans a total of 39 feet, has an under clearance of 8 feet and is 20 feet wide. Immediate maintenance will include the following:

1. To drill into the existing structure for the purpose of inserting steel anchors that will be cemented in place to accommodate the necessary loads.
2. To perform minor grading in the approaches to the structure.

The project site is located 100 feet east of the intersection of Century Lane and Mechanicsville Road (Beverly, PA-NJ Quadrangle N: 19.6 inches, W: 12.65 inches).

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

**E64-237. Department of Transportation, Engineering District 4-0,** P. O. Box 111, Scranton, PA 18501. Dyberry Township, **Wayne County,** Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Big Brook, consisting of an 8.5-foot by 4.5-foot precast reinforced concrete box culvert, with its invert depressed 1.0 foot below streambed elevation. The project will impact a de minimis area of wetlands equal to 0.04 acre, associated with grading along the roadway and at the culvert inlet and outlet. The project is located along SR 4019, Segment 0010, Offset 0390 (Aldenville, PA Quadrangle N: 4.0 inches; W: 2.2 inches).

**E40-608. City of Wilkes-Barre,** 40 East Market Street, Wilkes-Barre, PA 18711. the City of Wilkes-Barre, **Luzerne County,** Army Corps of Engineers Baltimore District.

To remove the existing structures and to construct and maintain four single-span prestressed concrete adjacent box beam bridges across Solomon Creek. Each bridge has a proposed span of approximately 48 feet and underclearances range from 6.7 to 7.4 feet. The project includes approximately 80 linear feet of channel paving at each structure. The project also includes relocation of a 27-inch

sanitary sewer line crossing of Solomon Creek, immediately upstream of Barney Street. The project is located within a 1,000 foot reach of Solomon Creek, at Waller, Barney, Regent and South Franklin Streets (Wilkes-Barre West, PA Quadrangle N: 19.8 inches; W: 4.8 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E36-698: Millbrook Manor Mobile Home Park**, 100 E. Queen Street, Stevens, PA 17578 in West Cocalico and Clay Townships, **Lancaster County**, ACOE Baltimore District

To construct and maintain an 8-inch diameter sanitary sewer line and outfall pipe at the left bank of an unnamed tributary to Indian Run and associated wetlands to construct a sewage treatment plant located on the north side of SR 36001 (Mt. Airy Road) about 0.9 mile northeast of Mt. Airy Village (Ephrata, PA Quadrangle N: 21.6 inches; W: 12.19 inches) in West Cocalico and Clay Townships, Lancaster County.

**E07-366: Department of Transportation, District 9-0**, 1620 N. Juniata Street, Hollidaysburg, PA 16648 in Tyrone Township, **Blair County**, ACOE Baltimore District

To construct and maintain a concrete box culvert having a clear span of 14.5 feet on a 56 degree skew with an underclearance of 3.75 feet at the channel of Elk Run (WWF) on SR 1015, Section 01B, Segment 0100, Offset 0000, located about 3 miles southwest of the Village of Ironville (Tipton, PA Quadrangle N: 0.01 inch; W: 0.10 inch) in Tyrone Township, Blair County.

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

**E08-399. William Jackson**, R. R. 3 Box 401, Troy, PA 16947. Mill Creek Restoration Project Reach 1, in Springfield Township, **Bradford County**, ACOE Baltimore District (East Troy, PA Quadrangle N: 12.25 inches, W: 8.6 inches).

To construct, operate and maintain a stream restoration project consisting of 3 rock Cross Vanes and 21 rock J-Hook vanes for a distance of 1,930 linear feet. The structures shall be constructed of a durable blocky angular rock measuring a minimum of 2 feet by 2 feet by 2 feet. This reach is the downstream portion of a 3,756 linear foot assessment segment and success of the entire segment is dependent on completion and maintenance of this reach. Allowances for structure placement of 50 linear feet upstream and downstream of the location shown on the drawings are authorized without prior notification to the Department. All modifications beyond those distances shall receive prior authorization by the Department. All structure placement, channel pattern, profile and dimension shall be conveyed on a complete set of as-built drawings within 60 days of project completion.

**E08-400. Wilson Leiby**, R. R. 3, Box 418, Troy, PA 16947. Mill Creek Restoration Project Reach 2, in Springfield Township, **Bradford County**, ACOE Baltimore District (East Troy, PA Quadrangle N: 13 inches; W: 8.95 inches).

To construct, operate and maintain a stream restoration project consisting of six rock Cross Vanes and one rock J-Hook vane for a distance of 600 linear feet. The structures shall be constructed of a durable blocky angular rock measuring a minimum of 2 feet by 2 feet by 2 feet. This reach is the downstream portion of a 3,756 linear foot assessment segment and success of the entire segment is dependent on completion and maintenance of

this reach. Allowances for structure placement of 50 linear feet upstream and downstream are authorized without prior notification to the Department. All modifications beyond those distances shall receive prior authorization by the Department. All structure placement, channel pattern, profile and dimension shall be conveyed on a complete set of as-built drawings within 60 days of project completion.

**E12-133. Cameron County Conservation District**, 20 East Fifth Street, Room 105, Emporium, PA 15834. North Creek Bank Stabilization Project, in Shippen Township, **Cameron County**, ACOE Baltimore District. See description for north and west locations.

To construct, operate and maintain a bank stabilization project that consists of seven sites along the North Creek Watershed and one on site Waldy Run, tributary to North Creek. The eight sites are located in Shippen Township, Cameron County (Rich Valley, PA Quadrangle) and are designated by property owner, which follows: (1) Couchman property, located on Waldy Run (N: 14.5 inches; W: 5.5 inches). Authorized work includes excavate the left bank to a two horizontal to one vertical slope, install biotextile fabric, install live stakes and establish riparian buffer plantings; (2) Russell property, located on North Creek (N: 9.9 inches; W: 4.5 inches). Authorized work includes establish a temporary access road, remove fallen tree across the channel and reuse for root wad armament, remove gravel deposition to a depth equal to normal water elevation and not extending longer than 10 linear feet, install 200 cy of clean fill material on the right bank, install five root wad armament system, install R-5 riprap, install biotextile fabric and live stake plantings on disturbed surfaces; (3) Hudson property, located on North Creek (N: 8.75 inches; W: 4.5 inches). This property is made up of three individual projects. The authorized work of the three projects includes bank excavation, live stakes and riparian plantings, root wad system installation, 13.5 cy of clean fill material, install R-4 riprap and remove the existing stone vanes; (4) Harris property, located on North Creek (N: 7.75 inches; W: 4.1 inches). This property is made up of two individual projects. The authorized work of the two projects includes removal of tree debris, install live stakes and riparian plantings, excavate slope, install R-4 riprap and install root wad system; and (5) Game Commission property is located on North Creek (N: 5.75 inches; W: 3.4 inches). The authorized work includes install access road, install live stakes and riparian plantings, install R-5 riprap and remove and restore access road. All disturbed areas shall be seeded and mulched within 72 hours of final grading, and all work shall be completed from the existing banks with no equipment in the stream channel. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E26-302. Fayette County Commissioners**, Court House, 61 East Main Street, Uniontown, PA 15401. North Union and Menallen Townships, **Fayette County**, ACOE Pittsburgh District.

To remove the County Bridge No. 184 and to construct and maintain a bridge having a normal clear span of 36.0 feet and an underclearance of 5.4 feet across Jennings Run (WWF) located on T-719 (Fan Hollow Road) approximately 1.5 miles north of the intersection with SR 40 (New Salem, PA Quadrangle N: 11.85 inches; W: 0.35 inch).

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## SPECIAL NOTICES

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### **Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

*Southcentral Region: Waste Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

The Department of Environmental Protection (Department) approved the Mifflin County Municipal Waste Plan Revision on March 21, 2003.

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.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472; or to Mark Vottero, Regional Planning and Recycling Coordinator, Bureau of Land Recycling and Waste Management, at the previously noted Regional Office.

### **Application Period for Municipal Recycling Program Performance Grant Applications under section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101)**

#### **Calendar Year 2002 Recycling**

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under Act 101. Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter

A. This application period is for eligible materials recycled and marketed in calendar year 2002.

Municipal recycling program performance grant funds will be awarded to municipalities based upon the weight of source separated recyclable materials identified in section 1501(c)(1)(i) of Act 101 recovered by municipal recycling programs and the population of the municipality as determined by the most recent decennial census. Municipalities will be eligible to receive an award based on a formula of \$5 for each Department approved ton of eligible recyclable materials recycled or marketed and \$1 per approved ton for each percentage of municipal waste calculated by the Department to be diverted from disposal. The weight of eligible materials allowable from nonresidential (commercial, institutional and municipal) sources under the preceding formula will be limited to no more than the weight of approved eligible materials from residential sources. Department approved materials from nonresidential sources not factored into the preceding formula will be awarded a bonus of \$10 per ton. The Department will not award grants calculated to be less than \$10.

Applicants that have failed to comply with the conditions set forth in previously awarded grants, the grant requirements of Act 101 or the regulations of Act 101 may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with section 272.314(b)(2) of Act 101.

Eligible materials include post-consumer: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 2002, to and including December 31, 2002. Grant funds will not be awarded for residues, materials not listed as eligible including, but not limited to, leaf and yard wastes or any materials which cannot be documented as being recycled into a new product or use.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department, the Office of the Auditor General, the Office of the Treasurer or agents of those offices for 4 years. The Department will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application.

*Acceptable Supporting Documentation:* Weight slips or receipts verifying that the materials were recycled or marketed are required as supporting documentation for the grant application. The documentation must include: (1) the date the materials were recycled/marketed; (2) the type of material recycled/marketed; (3) the name of the municipality where the material was generated; and (4) weight, stated in pounds or tons, of the material recycled/marketed. Documentation supporting materials source separated from municipal waste by commercial/institutional establishments and recycled/marketed must bear the name of the establishment and the municipality where the establishment is located.

Acceptable documentation must be provided in one of the following formats: (1) a dated weight/market receipt

identifying the generator of the recyclable materials and the market; (2) a dated report submitted by the hauler or market on company letterhead clearly indicating the name of the company generating the recyclable materials; or (3) a dated report submitted by the generator, which is signed by the hauler or market vendor that received the materials. Reports may be submitted on annual, monthly, weekly or other time period format. Information must be legible.

Estimates of weight will not be accepted except in cases where: (1) the material is packaged in uniform bales and the average weight of a bale can be demonstrated and supported by weight receipts and a record of the number of bales was provided by the market vendors; or (2) when multiple generators contribute to a known quantity of marketed material and the hauler or market estimates the quantities attributable to any individual establishment or municipality and verifies the estimate with a signature.

Although the supporting documentation is not required to be submitted with the grant application, documentation provided must conform to the previous requirements or the materials claimed will not be credited toward the grant award.

Grant applications must be on forms provided by the Department for calendar year 2002. Grant applications must be delivered by 3 p.m. on September 26, 2003, or postmarked on or before that day. Applications received by the Department after the deadline will be returned to the applicant. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Municipalities wishing to file an application should contact their county recycling coordinator or the Department at the following address. Applicants who filed a performance grant application for calendar year 2001 will be mailed a current application by the Department as soon as they are available. Applications may also be obtained from the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (direct link "Recycle"). Inquiries concerning this notice should be directed to Todd Pejack, Bureau of Land Recycling and Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, [tpejack@state.pa.us](mailto:tpejack@state.pa.us).

[Pa.B. Doc. No. 03-568. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "January 2003 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 2003.

### 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.

### Final Technical Guidance

DEP ID: 363-2134-013. Title: Permit Guidelines for Phased NPDES Stormwater Discharges Associated with Construction Activity Permits, Chapter 102, Erosion and Sediment Control Permits, and Chapter 105, Waterways Restoration Project Permits. Description: The Department's Phased Permit Guidelines for construction and waterway restoration activities promotes the development of long-range project plans, provides for public participation, ensures compliance with applicable rules and regulations, eliminates redundant application and permit processing functions and streamlines the permitting process. Effective Date: March 29, 2003. Contact: Ken Reisinger, (717) 787-6827, [kreisinge@state.pa.us](mailto:kreisinge@state.pa.us).

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-569. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Laboratory Accreditation Advisory Committee Meeting Cancellation

The Laboratory Accreditation Advisory Committee meeting scheduled for Tuesday, April 8, 2003, has been cancelled. The next meeting is scheduled for Wednesday, May 7, 2003, at 9 a.m. in the First Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Richard Sheibley, (717) 705-2425, [rsheibley@state.pa.us](mailto:rsheibley@state.pa.us). The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-570. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Request for Volunteers for the Stormwater Management Best Management Practices Manual Oversight Committee

As part of the Commonwealth's Comprehensive Stormwater Management Policy, the Department of Environmental Protection (Department) committed to develop a Stormwater Management Best Management Practices Manual (manual) to assist persons in meeting the policy objectives. Early in 2003, the Department issued a Request for Proposals for the development of the manual. To guide the manual development process, the Department is convening an Oversight Committee composed of government and nongovernment agencies, interest groups and technical experts that will be responsible for providing expert advice, technical reviews and guidance to ensure the final product meets the needs of this Commonwealth's businesses, citizens and our natural resources. It is anticipated that the Oversight Committee will consist of 12-18 people and meet approximately eight times over the next 12-18 months. Meetings will be held in Harrisburg during normal business hours.

Persons interested in serving on the Oversight Committee should send a letter to Ken Reisinger, Chief, Division of Waterways, Wetlands and Erosion Control, Rachel Carson State Office Building, P. O. Box 8775, Harrisburg, PA 17105-8775, kereisinge@state.pa.us. The letter should state interest, professional qualifications, experience in stormwater management and other relevant information and materials. Letters and e-mails must be received by the Department by May 1, 2003.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-571. Filed for public inspection March 28, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Chambersburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Chambersburg Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.2, 138.15 and 138.17(c) (relating to definitions; high-risk cardiac catheterizations; and PTCA).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-572. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Forbes Regional Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Forbes Regional Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.64 and 117.30 (relating to administration of drugs; and emergency paramedic services) and 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 10.15.A2 (relating to minimum size of inpatient room areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-573. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Healthsouth Rehabilitation Hospital for Special Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Healthsouth Rehabilitation Hospital for Special Services has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
Acting Secretary

[Pa.B. Doc. No. 03-574. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Lehigh Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lehigh Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.2.A4 (relating to handwashing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
Acting Secretary

[Pa.B. Doc. No. 03-575. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Lehigh Valley Hospital—Muhlenberg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lehigh Valley Hospital—Muhlenberg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.2.A4 (relating to handwashing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
Acting Secretary

[Pa.B. Doc. No. 03-576. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Leo McCafferty, M.D. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Leo McCafferty, M.D. has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 9.5.F2.c and 9.5.H1 (relating to Class B OR minimum clear area; and width of public corridor).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-577. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Memorial Hospital York for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Memorial Hospital York has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.9.A1 (relating to minimum clear area in procedure room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-578. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Mercy Fitzgerald Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mercy Fitzgerald Hospital has requested an exception to the requirements of 28 Pa. Code § 201.17 (relating to location).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-579. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Pinnacle Health—Fredricksen Outpatient Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Pinnacle Health—Fredricksen Outpatient Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.33 and 9.2.H1 (relating to the hyperbaric suite; and minimum width of public corridor).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-580. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Robert Packer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Robert Packer Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
Acting Secretary

[Pa.B. Doc. No. 03-581. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of St. Luke's Quakertown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that St. Luke's Quakertown Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.32.G2 (relating to nurse call system).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
Acting Secretary

[Pa.B. Doc. No. 03-582. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Select Specialty Hospital—Camp Hill for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Select Specialty Hospital—Camp Hill has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
Acting Secretary

[Pa.B. Doc. No. 03-583. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Suburban Gastroenterology Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Suburban Gastroenterology Associates has requested an exception to the requirements of 28 Pa. Code § 569.2 (relating to fire safety standards) and 28 Pa. Code § 571.1 (relating to minimum standards) which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: Appendix A Table 4.3 (relating to endoscopy room size).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.



Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-584. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application of Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Uniontown Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

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 previously listed.

Comments received by the Department within 10 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980 for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-585. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Correction of Decision on Request for Exception; Long-Term Care Nursing Facilities

In a notice entitled "Decisions on Requests for Exceptions to Health Care Facility Regulations," published at 33 Pa.B. 688 (February 1, 2003), was a listing of decisions on requests for exceptions for long-term care nursing facilities.

In this notice one of the listings was for a "not required" decision on a request for exception to 28 Pa. Code § 205.6(a) (relating to function of building) for Eastwood Nursing and Rehabilitation Center. The decision on this request should have been published as denied.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department of Health and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-586. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by 35 P. S. § 6204, will hold a public meeting on Tuesday, April 15, 2003.

The meeting will be held in the Department of Health, Conference Room 907, 9th Floor, Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA, from 10 a.m. to 3 p.m.

For additional information or persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact the Chronic Renal Disease Program at (717) 783-5436 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This hearing and meeting are subject to cancellation without notice.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-587. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.17 (relating to location):

Jameson Hospital Transitional Care Unit-South  
1000 South Mercer Street  
New Castle, PA 16101

Mary Evans Extended Care Center  
724 Pershing Street  
Ellwood City, PA 16117

Berwick Retirement Village Nursing Home  
801 East 16th Street  
Berwick, PA 18603

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.27 (relating to lounge and recreation rooms):

Mountain City Nursing and Rehabilitation Center  
1000 West 27th Street  
Hazleton, PA 18201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the

Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

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 require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers previously listed or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. MUSCALUS, D.O.,  
Acting Secretary

[Pa.B. Doc. No. 03-588. Filed for public inspection March 28, 2003, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Midas Touch 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 Midas Touch.

2. *Price:* The price of a Pennsylvania Midas Touch instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Midas Touch instant lottery game ticket will contain one play area featuring one "Winning Numbers" area, one "Your Numbers" area and a "Bonus Box" area. The play symbols and their captions located in the "Winning Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The play symbols their captions located in the "Bonus Box" area are: Money Bag Symbol (MNYBAG), Rainbow Symbol (RBOW), Crown Symbol (CROWN), Coins Symbol (COINS), Star Symbol (STAR) and Gold Bar Symbol (GOLDBAR).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$8.<sup>00</sup> (EGT DOL), \$12\$ (TWELV), \$18\$ (EGHTN), \$25\$ (TWY FIV), \$36\$ (TRY SIX), \$50\$ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$6, \$8, \$12, \$18, \$25, \$36, \$50, \$100, \$300 and \$20,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Midas Touch instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20,000 (TWY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$300 (THR HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets with a Gold Bar (GOLDBAR) in the "Bonus Box" area, four prize play symbols of \$50\$ (FIFTY) and four prize play symbols of \$25\$ (TWY FIV) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a Gold Bar (GOLDBAR) in the "Bonus Box" area, five prize play symbols of \$18\$ (EGHTN), a prize play symbol of \$5.<sup>00</sup> (FIV DOL), a prize play symbol of \$3.<sup>00</sup> (THR DOL) and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with a Gold Bar (GOLDBAR) in the "Bonus Box" area, six prize play symbols of \$5.<sup>00</sup> (FIV DOL), a prize play symbol of \$12\$ (TWELV) and a prize play symbol of \$8.<sup>00</sup> (EGT DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$36\$ (TRY SIX) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$36.

(i) Holders of tickets with a Gold Bar (GOLDBAR) in the "Bonus Box" area, four prize play symbols of \$8.<sup>00</sup> (EGT DOL) and four prize play symbols of \$1.<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$36.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets with a Gold Bar (GOLDBAR) in the "Bonus Box" area, three prize play symbols of \$5.<sup>00</sup> (FIV DOL), two prize play symbols of \$3.<sup>00</sup> (THR DOL), a prize play symbol of \$2.<sup>00</sup> (TWO DOL) and two prize play

symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$18\$ (EGHTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(m) Holders of tickets with a Gold Bar (GOLDBAR) in the "Bonus Box" area, six prize play symbols of \$2<sup>00</sup> (TWO DOL) and two prize play symbols of \$3<sup>00</sup> (THR DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$18.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(o) Holders of tickets with a Gold Bar (GOLDBAR) in the "Bonus Box" area, four prize play symbols of \$2<sup>00</sup> (TWO DOL) and four prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$12.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(q) Holders of tickets with a Gold Bar (GOLDBAR) in the "Bonus Box" area and eight prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$8.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any of Your Numbers Match Either Winning Number Win With Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$1 × 2	\$2	1:8.33	432,000
\$2	\$2	1:16.67	216,000
\$2 + \$1	\$3	1:75	48,000
\$1 × 3	\$3	1:75	48,000
\$3	\$3	1:150	24,000
\$3 + \$2	\$5	1:1,500	2,400
\$2 × 2 + \$1	\$5	1:750	4,800
\$1 × 5	\$5	1:93.75	38,400
\$5	\$5	1:1,500	2,400
\$5 + \$3	\$8	1:1,500	2,400
\$3 × 2 + \$1 × 2	\$8	1:500	7,200
\$1 × 8 (GOLD BAR)	\$8	1:100	36,000
\$8	\$8	1:1,500	2,400
\$8 + \$2 × 2	\$12	1:750	4,800
\$2 × 6	\$12	1:1,500	2,400
\$3 × 4	\$12	1:750	4,800
\$2 × 4 + \$1 × 4 (GOLD BAR)	\$12	1:375	9,600
\$12	\$12	1:1,500	2,400
\$12 + \$3 × 2	\$18	1:1,500	2,400
\$3 × 6	\$18	1:1,500	2,400

When Any of  
Your Numbers  
Match Either  
Winning Number  
Win With

Prize(s) of:

Prize(s) of:	Win	Approximate Odds	Approximate No. of Winners Per 3,600,000 Tickets
\$6 × 2 + \$3 × 2	\$18	1:1,500	2,400
\$2 × 6 + \$3 × 2 (GOLD BAR)	\$18	1:250	14,400
\$18	\$18	1:1,500	2,400
\$12 + \$8 + \$3 + \$2	\$25	1:1,500	2,400
\$5 × 5	\$25	1:1,500	2,400
\$5 × 4 + \$3 + \$2	\$25	1:1,500	2,400
\$5 × 3 + \$3 × 2 + \$2 + \$1 × 2 (GOLD BAR)	\$25	1:250	14,400
\$25	\$25	1:1,500	2,400
\$12 × 2 + \$2 × 6	\$36	1:4,800	750
\$8 × 4 + \$2 × 2	\$36	1:4,800	750
\$8 × 4 + \$1 × 4 (GOLD BAR)	\$36	1:326.09	11,040
\$36	\$36	1:12,000	300
\$12 × 4 + \$2	\$50	1:4,000	900
\$8 × 6 + \$2	\$50	1:6,000	600
\$5 × 6 + \$12 + \$8 (GOLD BAR)	\$50	1:1,200	3,000
\$50	\$50	1:12,000	300
\$18 × 5 + \$5 + \$3 + \$2 (GOLD BAR)	\$100	1:6,000	600
\$100	\$100	1:24,000	150
\$50 × 4 + \$25 × 4 (GOLD BAR)	\$300	1:45,000	80
\$300	\$300	1:360,000	10
\$20,000	\$20,000	1:1,200,000	3

(GOLD BAR) = bonus play, gold bar wins all 8 prizes

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Midas Touch 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 Midas Touch, prize money from winning Pennsylvania Midas Touch 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 Midas Touch 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 Midas Touch or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 03-589. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Pennsylvania Mother's Day Gift 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 Mother's Day Gift.

2. *Price:* The price of a Pennsylvania Mother's Day Gift instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Mother's Day Gift 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 Mother's Day Gift instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5<sup>.00</sup> (FIV DOL), \$6<sup>.00</sup> (SIX DOL), \$7<sup>.00</sup> (SVN DOL), \$10<sup>.00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$100 (ONE HUN) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for "Game 2" are: X Symbol (XXX) and Heart Symbol (HEART).

(d) The play area for "Game 3" will contain a "Lucky Symbol" area and a "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and the "Your Symbols" area are: Money Symbol (MONEY), House Symbol (HOUSE), Star Symbol (STAR), Necklace Symbol (NCKLACE), Ring Symbol (RING), Candy Symbol (CANDY), Sun Symbol (SUN), Emerald Symbol (EMERALD), Diamond Symbol (DIAMOND), Rose Symbol (ROSE) and Gift Symbol (GIFT).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" and in the "Your Symbols" area for "Game 3" are: \$5<sup>.00</sup> (FIV DOL), \$6<sup>.00</sup> (SIX DOL), \$7<sup>.00</sup> (SVN DOL), \$10<sup>.00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$100 (ONE HUN) and \$50,000 (FTY THO).

(b) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$5<sup>.00</sup> (FIV DOL), \$6<sup>.00</sup> (SIX DOL), \$7<sup>.00</sup> (SVN DOL), \$10<sup>.00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$30\$ (THIRTY), \$100 (ONE HUN) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1," "Game 2" and "Game 3" are \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$25, \$30, \$100 and \$50,000. The prizes that can be won in "Fast Cash Bonus" area are \$5, \$6, \$7, \$10, \$12, \$15, \$20, \$25, \$30 and \$100. The player can win up to six times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 1,800,000 tickets will be printed for the Pennsylvania Mother's Day Gift instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with three matching play symbols of \$30\$ (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(4) Holders of tickets with three matching play symbols of \$25\$ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(6) 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.

(7) 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.

(8) Holders of tickets with three matching play symbols of \$10<sup>.00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching play symbols of \$7<sup>.00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets with three matching play symbols of \$6<sup>.00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets with three matching play symbols of \$5<sup>.00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Heart Symbol (HEART) play symbols in the same row, column or diagonal, and a prize play symbol of \$50,000 (FTY THO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Heart Symbol (HEART) play symbols in the same row, column or diagonal, and a prize play symbol of \$100 (ONE HUN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with three matching Heart Symbol (HEART) play symbols in the same row, column or diagonal, and a prize play symbol of \$30\$ (THIRTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$30.

(4) Holders of tickets with three matching Heart Symbol (HEART) play symbols in the same row, column or diagonal, and a prize play symbol of \$25\$ (TWY FIV) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets with three matching Heart Symbol (HEART) 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.

(6) Holders of tickets with three matching Heart Symbol (HEART) 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.

(7) Holders of tickets with three matching Heart Symbol (HEART) 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.

(8) Holders of tickets with three matching Heart Symbol (HEART) play symbols in the same row, column or

diagonal, and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching Heart Symbol (HEART) play symbols in the same row, column or diagonal, and a prize play symbol of \$7.<sup>00</sup> (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets with three matching Heart Symbol (HEART) play symbols in the same row, column or diagonal, and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets with three matching Heart Symbol (HEART) play symbols in the same row, column or diagonal, and a prize play symbol of \$5.<sup>00</sup> (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 where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$50,000 (FTY THO) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$30\$ (THIRTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(4) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(7) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(8) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play

symbol and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$7.<sup>00</sup> (SVN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "Fast Cash Bonus" area are:

(1) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$100.

(2) Holders of tickets with a prize play symbol of \$30\$ (THIRTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$30.

(3) Holders of tickets with a prize play symbol of \$25\$ (TWY FIV) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$25.

(4) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with a prize play symbol of \$15\$ (FIFTN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$15.

(6) Holders of tickets with a prize play symbol of \$12\$ (TWELV) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$12.

(7) Holders of tickets with a prize play symbol of \$10.<sup>00</sup> (TEN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a prize play symbol of \$7.<sup>00</sup> (SVN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with a prize play symbol of \$6.<sup>00</sup> (SIX DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$6.

(10) Holders of tickets with a prize play symbol of \$5.<sup>00</sup> (FIV DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

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>Fast \$ Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,800,000 Tickets</i>
\$5				\$5	1:27.27	66,000
	\$5			\$5	1:30	60,000
		\$5		\$5	1:30	60,000

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<i>Fast \$ Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,800,000 Tickets</i>
			\$5	\$5	1:60	30,000
\$6				\$6	1:120	15,000
	\$6			\$6	1:120	15,000
		\$6		\$6	1:120	15,000
			\$6	\$6	1:120	15,000
\$7				\$7	1:200	9,000
	\$7			\$7	1:300	6,000
		\$7		\$7	1:300	6,000
			\$7	\$7	1:200	9,000
\$10				\$10	1:300	6,000
	\$10			\$10	1:300	6,000
		\$10		\$10	1:300	6,000
			\$10	\$10	1:300	6,000
\$5	\$5			\$10	1:200	9,000
\$5		\$5		\$10	1:200	9,000
\$5			\$5	\$10	1:200	9,000
			\$5 × 2	\$10	1:200	9,000
\$12				\$12	1:300	6,000
	\$12			\$12	1:600	3,000
		\$12		\$12	1:600	3,000
			\$12	\$12	1:300	6,000
\$6			\$6	\$12	1:300	6,000
	\$6	\$6		\$12	1:300	6,000
	\$6			\$12	1:300	6,000
\$7	\$5		\$6	\$12	1:300	6,000
\$7		\$5		\$12	1:300	6,000
\$7			\$5	\$12	1:300	6,000
			\$6 × 2	\$12	1:300	6,000
\$15				\$15	1:200	9,000
	\$15			\$15	1:300	6,000
		\$15		\$15	1:600	3,000
			\$15	\$15	1:300	6,000
\$5	\$5	\$5		\$15	1:200	9,000
\$5		\$5	\$5	\$15	1:200	9,000
\$10	\$5			\$15	1:300	6,000
\$10		\$5		\$15	1:300	6,000
\$10			\$5	\$15	1:300	6,000
\$20				\$20	1:600	3,000
	\$20			\$20	1:600	3,000
		\$20		\$20	1:600	3,000
			\$20	\$20	1:600	3,000
\$10	\$10			\$20	1:600	3,000
\$10		\$10		\$20	1:600	3,000
\$10			\$10	\$20	1:600	3,000
\$15	\$5			\$20	1:600	3,000
\$15		\$5		\$20	1:600	3,000
\$15			\$5	\$20	1:600	3,000
\$25				\$25	1:300	6,000
	\$25			\$25	1:600	3,000
		\$25		\$25	1:600	3,000
			\$25	\$25	1:600	3,000
\$20	\$5			\$25	1:600	3,000
\$20		\$5		\$25	1:600	3,000
\$20			\$5	\$25	1:600	3,000
\$15			\$5 × 2	\$25	1:300	6,000
\$30				\$30	1:960	1,875
	\$30			\$30	1:960	1,875
		\$30		\$30	1:960	1,875
			\$30	\$30	1:960	1,875
\$20			\$5 × 2	\$30	1:960	1,875
\$15			\$5 × 3	\$30	1:960	1,875
\$12			\$6 × 3	\$30	1:960	1,875
			\$5 × 6	\$30	1:960	1,875
\$100				\$100	1:36,000	50
	\$100			\$100	1:36,000	50

<i>Fast \$ Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,800,000 Tickets</i>
		\$100		\$100	1:36,000	50
			\$100	\$100	1:36,000	50
			\$20 × 5	\$100	1:36,000	50
			\$25 × 4	\$100	1:36,000	50
	\$50,000			\$50,000	1:1,800,000	1
		\$50,000		\$50,000	1:1,800,000	1
			\$50,000	\$50,000	1:1,800,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mother's Day Gift 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 Mother's Day Gift, prize money from winning Pennsylvania Mother's Day Gift 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 Mother's Day Gift 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 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 Mother's Day Gift or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 03-590. Filed for public inspection March 29, 2003, 9:00 a.m.]

## DEPARTMENT OF STATE

### State Plan Advisory Board Meeting

On Thursday, April 3, 2003, the State Plan Advisory Board (Board) will meet from 10 a.m. to 3 p.m. in Room 303, North Office Building, Harrisburg. The Board is responsible for developing a plan which details how the Commonwealth will use grants from the Federal government to meet the requirements of the Federal Help America Vote Act of 2002 and "to carry out other activities to improve the administration of elections." Persons wishing to attend the meeting should contact, by April 1,

2003, Barbara Smotherman, (717) 787-3796, bsmotherma@state.pa.us.

BENJAMIN RAMOS,  
*Acting Secretary of the Commonwealth*

[Pa.B. Doc. No. 03-591. Filed for public inspection March 28, 2003, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Montgomery 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 Federal Highway Administration and the Department of Transportation plan to replace Camp Road Bridge over the East Branch of the Perkiomen Creek in Franconia and Salford Townships, Montgomery County.

The subject project will require use of Franconia Township Park. The project will require acquisition of 0.34 hectare (0.85 acre) of land from the Laurel Train Station adjacent to SR 2075.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects. As a measure to minimize impacts to the park, the existing bridge will be demolished along with its approach roadways. The area will be graded and seeded, and the excess right-of-way resulting from this demolition will be turned over to the park therefore reducing the actual net loss of the Section 4(f) resource.

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.

ALLEN D. BIEHLER, P. E.  
*Secretary*

[Pa.B. Doc. No. 03-592. Filed for public inspection March 28, 2003, 9:00 a.m.]



# FISH AND BOAT COMMISSION

## 2003 Changes to the List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A wild trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries.*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries.*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries.*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries.*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

The Commission intends to consider changes to its list of Class A Wild Trout Streams at its meeting on April 27 and 28, 2003. Persons with comments, objections or suggestions concerning the changes are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, by 4 p.m. on April 25, 2003. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at 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, all 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.

*Additions*

The Commission will consider adding the following waters to the current list of Class A Wild Trout Waters:

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length</i>
Berks	Unnamed Tributary Allegheny Creek	From headwaters downstream to mouth	1.9 miles
Bradford	Satterlee Run	From headwaters downstream to mouth	4.4 miles
Columbia	Lick Run	From headwaters downstream to junction SR 0042 and T-645	2.2 miles
Forest	Logan Run	From headwaters downstream to mouth	1.8 miles
Perry	Sherman Creek	From Big Spring Run and Hemlock Run downstream to lower Tuscarora State Forest boundary	3.3 miles
Somerset	Higgins Run	From stone bridge borehole downstream to mouth	1.8 miles

*Removals*

None

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-593. Filed for public inspection March 28, 2003, 9:00 a.m.]

## Consideration of Changes to Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public

participation on possible changes to the designation of stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special

fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on April 27 and 28, 2003, the Commission will consider designating the following lake as a water subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2004:

*58 Pa. Code § 65.10. Select Trout Stocked Lake Program.*

The Commission will consider adding the following lake to the list of waters regulated and managed under the Select Trout Stocked Lake Program under 58 Pa. Code § 65.10:

<i>County</i>	<i>Water</i>
Sullivan	Hunters Lake

At this time, the Commission is soliciting public input concerning the designation. Persons with comments, objections or suggestions concerning the designation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, by 4 p.m. on April 25, 2003. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at [ra-pfbcregs@state.pa.us](mailto: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, all 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.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-594. Filed for public inspection March 28, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Willis Zeddie Kelley; Doc. No. SC03-03-027

Notice is hereby given of the Order to Show Cause issued on March 17, 2003, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: section 604 of the Insurance Department Act of 1921 (40 P. S. § 234) and 31 Pa. Code §§ 37.42—37.44 and 37.46—37.48.

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-596. Filed for public inspection March 28, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

*Final-Omit*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
#18-371	Department of Transportation Liquid Fuels Tax Funds	3/17/03

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-595. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Application and Request for Plan Approval of a Mutual-to-Stock Conversion

Neffsville Mutual Fire Insurance Company, a Pennsylvania domiciled mutual fire insurance company, has submitted a Plan of Mutual-to-Stock Conversion, whereby it proposes to convert from a mutual insurance company to an insurer organized as a stock company. The initial filing was made under requirements set forth under the Insurance Company Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A). Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving of this conversion is invited to submit a written statement to the Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the author, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 03-597. Filed for public inspection March 28, 2003, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Protests should indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 21, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

**A-00119631. Duron Herman Johnson** (P. O. Box 2744, Cinnaminson, NJ 08077)—persons in paratransit service, from points in the City and County of Philadelphia, to all State correctional institutions located in Pennsylvania, and return.

**A-00108126, Folder 2. Vintage Limousine Service, Inc.** (4397 Twin Oaks Drive, Murrysville, Westmoreland County, PA 15668), a Delaware corporation—persons in group and party service, using vehicles with a seating capacity of 15 passengers or less, including the driver, between points in the County of Westmoreland, and from points in the Counties of Allegheny and Westmoreland, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Bldg., 310 Grant Street, Pittsburgh, PA 15219.

#### Application of the following for approval to *begin* operating as *contract carriers* for transportation of *persons* as described under the application.

**A-00119636. Executive Protection Services, Inc.** (501 Davis Avenue, Linwood, NJ 08221), a corporation of the State of New Jersey—persons for Cigna and Ace Ina, between points in Pennsylvania. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center—Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

#### Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under this application.

**A-00118512, Folder 1, Am-A. Restaurant Valet, LLC** (459 Carpenters Cove Lane, Downingtown, Chester

County, PA 19335), a limited liability company of the Commonwealth, persons in paratransit service, between points in the Township of Uwchlan, Chester County, and within an airline distance of 20 statute miles of the limits thereof: *So As To Permit* the transportation of persons in paratransit service, between points in the Township of Uwchlan, Chester County, and within an airline distance of 5 statute miles of the limits thereof. *Attorney:* Christopher P. Gerber, 941 Pottstown Pike, P. O. Box 630, Exton, PA 19341.

#### Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *persons* by *transfer of rights* as described under the application.

**A-00119629. Adnan Alawi and Chafik AL Sirawan, Copartners** (5916 Torresdale Avenue, P. O. Box 17738, City and County of Philadelphia, PA 19135)—persons in airport transfer service, from points in the City and County of Philadelphia, to the Philadelphia International Airport, in the City and County of Philadelphia and the Township of Tinicum, Delaware County; which is to be a transfer of all the rights at A-00119629 to Maxi Taxi, Inc., subject to the same limitations and conditions.

#### Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *contract carriers* for the transportation of *household goods* as described under the application.

**A-00119632 Dale W. Kilgariff** (201 East Roland Road, Parkside, Delaware County, PA 19015)—household goods in use, between points in the Counties of Delaware and Chester, and from points in said counties, to points in Pennsylvania, and vice versa.

#### Complaint

March 17, 2003  
A-00010363C0101

A-00010363

Fs. 1, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16

DELAWARE VALLEY TRANSPORTATION COMPANY  
T/A POCONO MOUNTAIN TRAILS  
PO BOX W  
BLAIRSTOWN NJ 07825

Re: Delaware Valley Transportation Company, t/a Pocono Mountain Trails

Dear Respondent:

On May 24, 2001, the Bureau of Transportation and Safety instituted a Complaint against Delaware Valley Transportation Company, t/a Pocono Mountain Trails, respondent, alleging failure to pay outstanding assessments of \$16, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Notice of the Complaint notified respondent that it must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty (20) days, the Bureau of Transportation and Safety would request the Commission to cancel respondent's Certificate of Public Convenience, direct the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notify the Pennsylvania Department of Revenue and respondent's insurance carriers that respondent's Certificate is revoked.

The Complaint was published on February 15, 2003 in the *Pennsylvania Bulletin*. To date, more than twenty (20) days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the Certificate of Public Convenience, issued to respondent at A-00010363, Fs. 1, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16 is hereby canceled.

Furthermore, this Commission will put an administrative hold on respondent's vehicle registrations. Respondent will NOT be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue  
Bureau of Audit Programs  
Sales and Use Taxes  
Tenth Floor, Strawberry Square  
Harrisburg, PA 17128-1061

and on respondent's insurance carriers:

Clarendon National Insurance Company  
1177 Avenue of Americas  
New York, NY 10036

Additionally, respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1 et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Respondent may, in accordance with the provisions of 52 Pa. Code § 5.41(a) and 1 Pa. Code § 35.17, file a Petition for Reinstatement of its Certificate of Public Convenience for good cause. Said Petition shall be filed with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

James J. McNulty  
Secretary

### Complaint

March 18, 2003

THOMAS NOVAK  
T/A LEE S MOVING  
1950 HAMILTON STREET  
ALLENTOWN PA 18102

In re: Pennsylvania Public Utility Commission  
v.

Thomas Novak, t/a Lee's Moving  
C-20016179

Dear Respondent:

On September 28, 2001, the Bureau of Transportation and Safety instituted a complaint against Thomas Novak, t/a Lee's Moving, respondent, alleging:

"That respondent's employee, on August 21, 2001, held out to provide transportation by giving an estimate to Enforcement Officer Ronald Schreiber to move three rooms of furniture from Allentown to Bethlehem, Pennsylvania. Respondent quoted a price

of two men at a rate of \$65 per hour. When asked if respondent would supply the driver as a third man the rate went up to \$75 per hour and if a fourth man is needed, it would be \$85 per hour. Respondent was warned in June 1998 that he could not provide transportation of household goods.

That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that respondent held himself out to provide transportation of household goods for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission. Penalty is \$500."

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the penalty would be imposed.

The complaint and notice were published in the *Pennsylvania Bulletin* on December 8, 2001; and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

Respondent, within twenty (20) days from the date of service of this letter, shall pay a fine of five hundred dollars (\$500) by certified check or money order payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315, shall cease and desist from further violation of the Public Utility Code, 66 Pa.C.S. § 1101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

James J. McNulty  
Secretary

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. American Trans-Freight, Inc.; Doc. No. A-00099350C02*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That American Trans-Freight, Inc., respondent, maintains its principal place of business at P. O. Box 299, 1801 S. Pennsylvania Avenue, Morrisville, PA 19067.
2. That respondent was issued a certificate of public convenience by this Commission on February 12, 1983, at Docket No. A-00099350.
3. That, on September 10, 2002, respondent was sent an initial assessment of \$2,211. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$2,211.
4. That respondent has an outstanding assessment of \$2,211.
5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

WHEREFORE, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Michael E. Hoffman, Director

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Debarato, Louis J. T/A Flood City Limousine Service; Doc. No. A-00112321C02*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Debarato, Louis J., T/A Flood City Limousine Service, respondent, maintains his principal place of business at 129 Jaycee Drive, Johnstown, PA 15904.

2. That respondent was issued a certificate of public convenience by this Commission on April 11, 1996, at Docket No. A-00112321.

3. That, on September 10, 2002, respondent was sent an initial assessment of \$270. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$270.

4. That respondent has an outstanding assessment of \$270. Furthermore, respondent does not have current evidence of insurance on file with this Commission.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

WHEREFORE, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of

Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Michael E. Hoffman, Director

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Jimmy's Transport, LTD.;*  
*Doc. No. A-00109490C02*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Jimmy's Transport, LTD., respondent, maintains its principal place of business at 205 West Lancaster Avenue, Wayne, PA 19087.

2. That respondent was issued a certificate of public convenience by this Commission on September 30, 1991, at Docket No. A-00109490.

3. That, on September 10, 2002, respondent was sent an initial assessment of \$791. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$791.

4. That respondent has an outstanding assessment of \$791.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

WHEREFORE, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject

to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Michael E. Hoffman, Director

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Steve Reed  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

**Complaint**

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Mark E. Singer t/a Singer Trucking; Doc. No. A-00114572C02; A-00114572*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsi-

bilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Mark E. Singer, t/a Singer Trucking, respondent, maintains his principal place of business at 208 East Howard Avenue, Altoona, PA 16601.

2. That respondent was issued a certificate of public convenience by this Commission on March 11, 1998, at Application Docket No. A-00114572.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00114572.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Michael E. Hoffman, Director

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue

a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

### Complaint

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. McDonald Trucking Company, Inc.; Doc. No. A-00100329C02; A-00100329*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That McDonald Trucking Company, Inc., respondent, maintains its principal place of business at Star Route, Box 53, Curwensville, PA 16833.

2. That respondent was issued a certificate of public convenience by this Commission on September 21, 1977, at Application Docket No. A-00100329.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00100329.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is

the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-598. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Telecommunications

**A-311255F7007. CTSI, LLC and Allentown SMSA Limited Partnership d/b/a Verizon Wireless.** Joint petition of CTSI, LLC and Allentown SMSA Limited Partnership d/b/a Verizon Wireless for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

CTSI, LLC and Allentown SMSA Limited Partnership d/b/a Verizon Wireless, by its counsel, filed on March 11, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the CTSI, LLC and Allentown SMSA Limited Partnership d/b/a Verizon Wireless 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. 03-599. Filed for public inspection March 28, 2003, 9:00 a.m.]



## Telecommunications

**A-310489F7007. CTSI, LLC and CELLCO Partnership d/b/a Verizon Wireless.** Joint petition of CTSI, LLC and CELLCO Partnership d/b/a Verizon Wireless for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

CTSI, LLC and CELLCO Partnership d/b/a Verizon Wireless, by its counsel, filed on March 11, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the CTSI, LLC and CELLCO Partnership d/b/a Verizon Wireless 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. 03-600. Filed for public inspection March 28, 2003, 9:00 a.m.]

## Telecommunications

**A-311255F7003. Commonwealth Telephone Company and Allentown SMSA Limited Partnership d/b/a Verizon Wireless.** Joint petition of Commonwealth Telephone Company and Allentown SMSA Limited Partnership d/b/a Verizon Wireless for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Allentown SMSA Limited Partnership d/b/a Verizon Wireless, by its counsel, filed on March 11, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company and Allentown SMSA Limited Partnership d/b/a Verizon Wireless 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. 03-601. Filed for public inspection March 28, 2003, 9:00 a.m.]

## Telecommunications

**A-310489F7003. Commonwealth Telephone Company and Cellco Partnership d/b/a Verizon Wireless.** Joint petition of Commonwealth Telephone Company and Cellco Partnership d/b/a Verizon Wireless for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company and Cellco Partnership d/b/a Verizon Wireless, by its counsel, filed on March 11, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under Sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company and Cellco Partnership d/b/a Verizon Wireless 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. 03-602. Filed for public inspection March 28, 2003, 9:00 a.m.]

## Telecommunications

**A-310640F7001. Verizon North Inc. and Covista, Inc.** Joint petition of Verizon North Inc. and Covista, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Covista, Inc., by its counsel, filed on March 13, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption 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 the Verizon North Inc. and Covista, Inc. 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. 03-603. Filed for public inspection March 28, 2003, 9:00 a.m.]

## Telecommunications

**A-311228F7001. Verizon North Inc. and New Rochelle Telephone Corp.** Joint petition of Verizon North Inc. and New Rochelle Telephone Corp. for ap-

proval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and New Rochelle Telephone Corp., by its counsel, filed on March 12, 2003, 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 the Verizon North Inc. and New Rochelle Telephone Corp. 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. 03-604. Filed for public inspection March 28, 2003, 9:00 a.m.]

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### Telecommunications

**A-310640F7000. Verizon Pennsylvania Inc. and Covista, Inc.** Joint petition of Verizon Pennsylvania Inc. and Covista, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Covista, Inc., by its counsel, filed on March 13, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption 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 the Verizon Pennsylvania Inc. and Covista, Inc. 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. 03-605. Filed for public inspection March 28, 2003, 9:00 a.m.]

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### Telecommunications

**A-311228F7000. Verizon Pennsylvania Inc. and New Rochelle Telephone Corp.** Joint petition of Verizon Pennsylvania Inc. and New Rochelle Telephone Corp. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and New Rochelle Telephone Corp., by its counsel, filed on March 12, 2003, 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 the Verizon Pennsylvania Inc. and New Rochelle Telephone Corp. 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. 03-606. Filed for public inspection March 28, 2003, 9:00 a.m.]

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### Telecommunications

**A-310872F7000. Verizon Pennsylvania Inc. and QuantumShift Communications Inc.** Joint petition of Verizon Pennsylvania Inc. and QuantumShift Communications Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and QuantumShift Communications Inc., by its counsel, filed on March 14, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption 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 the Verizon Pennsylvania Inc. and QuantumShift Communications Inc. 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. 03-607. Filed for public inspection March 28, 2003, 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #02-108.1, Roof Replacement—Building #2A, Packer Ave. Marine Terminal (PAMT), until 2 p.m. on Thursday, April 17, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 1, 2003. The cost of the bid document is \$35

(includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held April 10, 2003, at 11 a.m. at the PAMT South Gate, 1/2 mile south of Columbus Blvd. and Packer Ave., Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-608. Filed for public inspection March 28, 2003, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-066.5, Asbestos Removal and Boiler Demolition, Pier 38 South, until 2 p.m. on Tuesday, April 8, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available April 1, 2003. The cost of the bid document is \$35 (includes 7% PA sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held April 3, 2003, at 10 a.m. at Pier 38 South, Columbus Blvd. and Christian St., Philadelphia, PA 19147.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-609. Filed for public inspection March 28, 2003, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of Two Surveying Firms

#### Open End Contracts to Provide Surveying Services

##### Reference No. 1-128

The Turnpike Commission (Commission) will retain two engineering/surveying firms for open-end contracts to provide surveying services. One contract will be for surveying services throughout the eastern portion of the Turnpike System (System), generally Districts 3—5, and one contract will be for surveying services throughout the western portion, generally Districts 1 and 2, of the System. These surveying services may include: baseline stakeout, level runs, metes and bounds surveys, right-of-way surveys, topographic surveys, cross-section surveys, wetland location surveys, GPS surveys, aerial photogrammetry control surveys and construction surveys. The work to be performed on each specific project may include any or all of the previously listed phases of work on various projects located throughout the eastern or western portions of the System. Each contract will be for a maximum cost of \$500,000, or for a period of 2 years, whichever occurs first. Specify interest in the western contract, eastern contract, or both.

The surveying work must be performed in accordance with the requirements of applicable sections of the "Surveying And Mapping Manual," Publication 122M, Depart-

ment of Transportation, Bureau of Design and/or the "Specifications For Aerial Photography, Field Control Surveys, and Topographic Mapping" contained in Form 442, Department of Transportation, Bureau of Design Specifications for Consultant Engineering Agreements, as directed by the Commission. The services will encompass a wide range of design related surveying efforts with the possibility of several different types of survey projects under short simultaneous completion schedules.

The firm may be required to provide topographic surveys, GIS data, aerial photogrammetry control surveys, survey worksheets and GPS survey data in AutoCAD, DXF, ARC/INFO and Microstation formats. Translation capability to other CADD systems may be required.

The following factors will be considered by the Commission during the evaluation of the firms submitting letters of interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. Firms should have prior experience in large-scale GPS control surveys for highway design.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar 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. Firms should have sufficient qualified permanent full-time personnel to complete survey assignments with short delivery schedules utilizing current state-of-the-art surveying instruments, equipment and software under the direct supervision of a Commonwealth registered professional land surveyor.

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 letter of interest.

Questions and inquiries concerning this project should be directed to Robert W. Long, P.L.S., Right-of-Way/Utility Manager, Turnpike Commission, (717) 939-9551, Ext. 5760, or [rlong@paturndpike.com](mailto:rlong@paturndpike.com). Direct contractual questions to George M. Hatalowich, (717) 986-8737, or [ghatalow@paturndpike.com](mailto:ghatalow@paturndpike.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. 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 expression of interest on the advertised project. Each firm should demonstrate their ability to

perform the specific requirements indicated for each project and provide explanation of the technical approach.

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.

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 attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, 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 inch pages per person). Only resumes of key personnel should be included.

- 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.

Small firms, disadvantaged business enterprise (DBE) firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing these services are invited to submit 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 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. on Thursday, April 17, 2003. 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 this solicitation, two firms will be selected for this contract. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firms established by the Technical Review Committee and approved by the Commission. Technical proposals will not be requested prior to the establishment of the final ranking.

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.

MITCHELL RUBIN,  
*Chairperson*

[Pa.B. Doc. No. 03-610. Filed for public inspection March 28, 2003, 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.

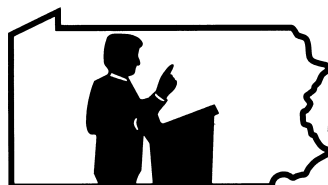
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

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.

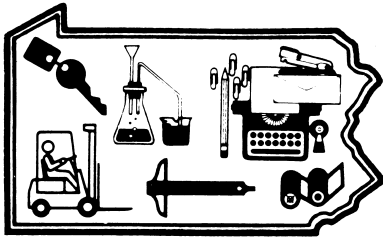
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**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*



**Commodities**

**SU-02-25** Shippensburg University is seeking vendors who are interested in providing mailing services for 4 mailings for the Admissions Office, to include assembly of packets to be mailed, printing of letters to be inserted in the packets, and pickup of materials (approximately 2 tractor trailer loads). Bid Due Date will be April 29, 2003, by 4 p.m. Bid Opening will be held on April 30, 2003, at 2 p.m. Bidders interested in receiving bid packets should fax their request to Karen Arita Coldsmith at (717) 477-1350.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Service will be mid July - early August  
**Contact:** Karen Arita Coldsmith, (717) 477-1386

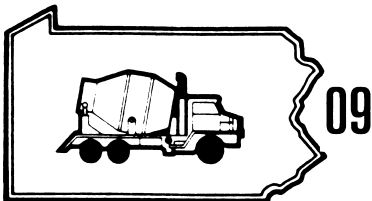
**025028** 4 cubic yard Dumpsters located at various Maintenance sheds in McKean County. To be dumped according to specifications in bid package.

**Department:** Transportation  
**Location:** 300 Bingham Road, Cyclone, PA 16726  
**Duration:** One year contract with 4 one year renewals  
**Contact:** Warren Buchanan, (814) 467-7754

**63-0205** Purchase of 250 ton water chiller, Project 63-0205. Bid is for equipment purchase only, installation will be by West Chester University personnel. Bid Package is available from the Construction Procurement Office at West Chester University. Please fax your request to 610-436-2720 and include your letterhead, identifying the complete company name, address, phone number, fax number, contact person and e-mail. To arrange to pick up the bid package, contact Barb Cooper at 610-436-2706.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA  
**Contact:** Barbara Cooper, Contract Specialist, (610) 436-2706

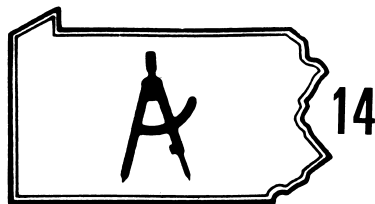
**SERVICES**



**Construction & Construction Maintenance**

**401-BL-677** Renovations to Husky Lounge: Renovations include removal of partitions, base cabinets, counter-tops, and equipment bases, upgrading finishes, adding a raised floor area, installing half height walls topped with etched glass panels along with booths, relocating diffusers and grilles, extending water and sanitary to new plumbing fixtures and equipment, modifying and adding lighting. To obtain a copy of the bid documents, submit a \$50.00 non-refundable deposit to Burkavage Design Associates, 200 Abington Executive Park, Clarks Summit, PA 18411, Phone: (570) 586-0719 - all info related to the prebid and bid requirements will be included in package.

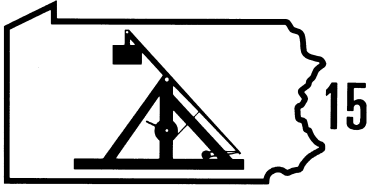
**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 60 days  
**Contact:** Diann Shamburg, (570) 389-4312



**Engineering Services**

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

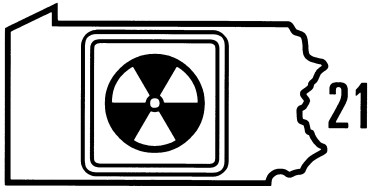
**DMF 013-101.1** The contract published at 33 Pa.B. 1567 (March 22, 2003) has been cancelled in its entirety.

**BF 475-101.1** Abandoned Mine Land Reclamation Project, Boomdown Coal Company, Mining Permit Nos. 1282-2, -2A, -3C. The principal items of work are 29,000 c.y. grading, and 19.5 acres seeding. This project issues on March 28, 2003, and bids will be opened April 22, 2003, at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Shade Township, Somerset County  
**Duration:** 150 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 10(7139)101.1** Abandoned Mine Land Reclamation Project, Harbar Acres Lake North. The principal items of work are pole barn relocation, 83,700 c.y. grading, 8.8 acres seeding, 1,140 each tree planting. This project issues on March 28, 2003, and bids will be opened April 24, 2003, at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Washington Township, Butler County, PA  
**Duration:** 150 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994



### Hazardous Material Services

**420084** Qualified waste management firms to provide services to dispose of hazardous waste located at the Bureau of Construction and Materials, 1118 State St., Harrisburg PA 17120. Service includes sampling, testing, identifying providing overpacks when necessary, load transportation and disposal. This will be for a pick-up 4 times a year; this is for a two year period. Bids must be submitted on the Commonwealths Service Purchase Proposal. Contract form with required attachments which are to be obtained from calling Cookie McWithey at (717) 783-5988 or faxing your name and address to Cookie at (717) 783-5955 to request a bid package.

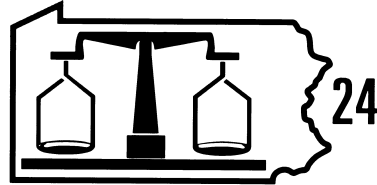
**Department:** Transportation  
**Location:** PA DOT, Bureau of Construction and Materials, 1119 State Street, Harrisburg, PA 17120  
**Duration:** July 1, 2003, through June 30, 2005, with an option to renew for one more 2-year period.  
**Contact:** Cookie McWithey, (717) 783-5988



### Janitorial Services

**025027** Janitorial cleaning services for offices and restrooms in McKean County.

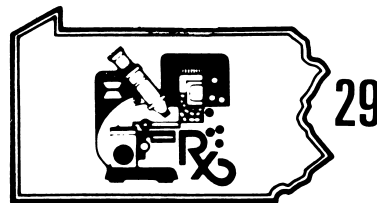
**Department:** Transportation  
**Location:** 300 Bingham Road, Cyclone, PA 16726  
**Duration:** One-year contract with four renewals  
**Contact:** Warren Buchanan, (814) 465-7754



### Laboratory Services

**PR 30010010** Provide Acute Toxicity testing of Hatchery Effluent Water using WETT Acute QA/QC Protocols. The therapeutic agents to be used in these tests are Roccal II, Chloramine-T, Diquat, and hydrogen peroxide (35%). Chemicals will be added to samples of hatchery water from two hatcheries representative of both a high and a low alkalinity and sent to the lab.

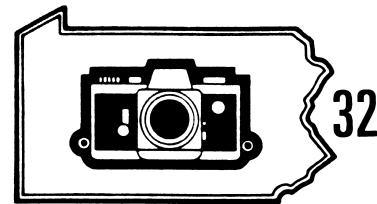
**Department:** Fish and Boat Commission  
**Location:** Testing will be performed at vendor's location  
**Contact:** Kathi Tibbott, Purchasing Agent, (814) 359-5130



### Medical Services

**30776007** To provide for the services of an ENT specialist on an as needed basis. The service will include consultations, follow-ups, outpatient surgical procedures, hearing tests and hearing aids. A copy of the bid can be obtained by contacting the Purchasing Department of the Allentown State Hospital at (610) 740-3425 or FAX at (610) 740-3424.

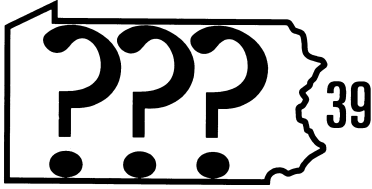
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** July 1, 2003 to June 30, 2007  
**Contact:** Robert Mitchell, (610) 740-3425



### Photography Services

**KURFP-0054** Kutztown University is seeking proposals from qualified vendors capable of providing commencement photography services for graduating seniors. Commencement ceremonies take place December and May of each year. This service is to be provided at no cost to the University. Graduating seniors to be billed for any photos purchased by them. Interested vendors must submit a request (in writing) for a copy of the Request for Proposal (RFP) packet to: Kutztown University, Attn: Craig Kleinsmith, Purchasing Department, P. O. Box 730, Kutztown, PA 19530; fax (610) 683-4674; or email: kleinsmi@kutztown.edu. RFP packets will be available form 8 a.m. on Monday, March 31, 2003, through 12:00 Noon on Wednesday, April 9, 2003. Questions requiring clarification prior to proposal submission must be submitted in writing prior to 12:00 Noon on Friday, April 18, 2003. Proposals are due by 12:00 Noon on Thursday, May 1, 2003. Late submissions will not be accepted.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA  
**Duration:** 12 months after NTP  
**Contact:** Craig Kleinsmith, FAX: (610) 683-4674

**Miscellaneous**

**CN00001600** Contractor to provide soda to the State Correctional Institution at Muncy.

**Department:** Corrections

**Location:** State Correctional Institution at Muncy, Route 405, P. O. Box 180, Muncy, PA 17756

**Duration:** 7/1/03 to 6/30/04

**Contact:** Cindy Lyons, (570) 546-3171

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**RFP-AQ-1-2003** DEP is soliciting proposals for "A Study to Determine the Impact of Harmonizing DEP CEM Requirements With Those of Other Applicable Federal and Regional Programs." Proposals must be received by the DEP, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301 no later than 4:00 PM, May 21, 2003. To obtain a copy of the RFP, contact Gregory D. Parrish, phone: (717) 787-6547, E-mail: gparrish@state.pa.us. A preproposal conference will be held on April 16, 2003, at 1 p.m. in the 2nd Floor Auditorium of the Rachel Carson State Office Building at the address listed above. Since facilities are limited, it is requested you limit your representation to three.

**Department:** Environmental Protection

**Duration:** 180 days

**Contact:** Gregory D. Parrish, (717) 787-6547

[Pa.B. Doc. No. 03-611. Filed for public inspection March 28, 2003, 9:00 a.m.]



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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*

## STATE CONTRACTS INFORMATION

**Special Notice**

Effective February 1, 2003, the contract awards issued by the Department of General Services (Department), Bureau of Purchases, will no longer be published in the *Pennsylvania Bulletin*. This information will continue to be available on the Department's website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us), DGS KEYWORD "Procurement Awards."

DONALD T. CUNNINGHAM, Jr.,  
*Secretary*

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