

# PENNSYLVANIA BULLETIN

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Pages 191—300

**Agencies in this issue:**

The Courts  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
State Employees' Retirement Board  
State Real Estate Commission  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 302, January 2000**

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**PENNSYLVANIA**



**BULLETIN**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

### Printing Format

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

### Fiscal Notes

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

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

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

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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 1999.

<b>4 Pa. Code (Administration)</b>	<b>61 Pa. Code (Revenue)</b>
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# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Fee Schedule/Procedure for Family Support Lien/ Judgment Certifications; Administrative Regula- tion No. 99-10

Effective thirty (30) days from publication in the *Pennsylvania Bulletin*, *Whereas*: (1) the Pennsylvania Legislature has amended 23 Pa.C.S. § 4352(d) and promulgated 23 Pa.C.S. § 4352(d.1), providing that certain support obligations shall constitute a judgment by operation of law against the support obligor, and lien by operation of law against all real and personal property owned by the obligor within the judicial district in which the arrears are recorded; and (2) *Whereas* existing Family Division records relating to support obligations contain confidential information which cannot be provided to third parties, it is necessary for the Family Division to implement procedures to verify to third parties the existence and amount of support obligations; and (3) *Whereas* 23 Pa.C.S.A. § 4352(d.1)(6)(ii) provides for a maximum fee of \$20.00 to be charged by the Family Division to provide written lien certifications,

*It is Hereby Ordered* that the following administrative procedure is adopted in Philadelphia County to provide written certification of the balance of family support obligations:

(1) It is strongly recommended that the request for certification of support arrears be sent no later than fifteen (15) calendar days before the anticipated settlement date. Any person or entity seeking notice of the amount of support arrears owed by a named individual shall complete the information required in Parts A and B "Request for Support Arrears Balance" Form and forward the Form to:

Clerk of Family Court  
Room B-16  
34 S. 11th Street  
Philadelphia, Pa. 19107

(2) The envelope containing the Form shall be clearly marked: "Request for Support Arrears Balance (Lien/Judgment Certification)," and accompanied by a \$20.00 business check, cashier's check, certified check, or money order, made payable to "Prothonotary," and a stamped, self-addressed envelope. The name and social security number of the individual for whom the information is requested shall be clearly indicated on the \$20.00 payment.

(3) The funds generated by this charge shall be forwarded to the Prothonotary of the First Judicial District of Pennsylvania, according to existing procedures for other fees collected by the Clerk of Family Court. The funds generated by this Administrative Regulation shall be set aside by the Prothonotary and remitted monthly to the Domestic Relations Division Accounting Unit, which shall maintain, account for, and distribute the funds in accordance with federal regulations governing funds collected under Title IV-D of the Social Security Act.

(4) A separate Form accompanied by a separate payment shall be used for each individual for whom information is requested.

(5) The Family Division shall complete Part C of the Form and return it to the requesting party in the stamped, self-addressed envelope within five (5) business days of its receipt by the Family Division, or the date of settlement, whichever is later. If the named individual has eligible support arrears on record in Philadelphia County, the Family Division shall enter the date and amount of arrears certification on the docket records of the affected support cases.

(6) A properly completed and certified Form containing the raised Seal of the Family Court Division of the Court of Common Pleas of Philadelphia shall constitute either a certification by the Family Division of the "Total Payoff Amount" for the lien/judgment as of the settlement date provided, or that there are no eligible support arrears of record in Philadelphia County for the named individual.

(7) The certification of support arrears by the Family Division is only valid as to the combination of name and social security number provided by the requestor. The certification to be prepared by the Family Division will be based strictly on the information as provided by the requestor. If the information provided on the Form by the requestor for the named individual is incorrect, notwithstanding that a certification of support owed is processed by the Family Division based upon the incorrect information provided by the requestor, if that individual has eligible support arrears of record in Philadelphia County under a name and/or social security number that is different from that which was provided by the requestor, then the lien and judgment by operation of law shall remain in full force and effect as to the individual, and as to the individual's property.

(8) If there are no eligible support arrears of record with the Family Division, the Family Division will so indicate by checking the appropriate box in Part C of the Form.

(9) If the named individual for whom information is requested must personally appear at Family Court to resolve outstanding issues relating to a support case before the certification will be issued, the Family Division will so indicate by checking the appropriate box in Part C of the Form. Because of the confidential nature of the information contained in Family Court records, the Family Division will not convey to third parties the substance or nature of the outstanding issues that must be resolved before the support arrears will be certified.

(10) The "Total Payoff Amount" provided by the Family Court Division shall consist of the aggregate balance of all support arrears of record with the Family Court Division as of the "date prepared" that are eligible to be collected via enforcement of a lien or judgment. The balance provided may not reflect additional arrears that might be owed by the support obligor, but which are not collectible via enforcement of a lien or judgment at the time the certification is issued.

(11) Any funds withheld from the proceeds of a sale of real or personal property for the purpose of satisfying a judgment or lien arising from support arrears must be sent to the Pennsylvania State Collections and Disbursement Unit ("PA SCDU") within fifteen (15) days of withholding. To satisfy the support arrears and remove the judgment or lien, the "Total Payoff Amount" must be received in the form of a business check, cashier's check, certified check, or money order made payable to "PA SCDU," that clearly identifies the support obligor and the



obligor's social security number, the obligor's PACSES member number, the case ID number(s) to which the payment is to be applied, and the amounts to be applied to each case.

(12) The payment shall be accompanied by a copy of the "Request for Support Arrears Balance (Lien/Judgment Certification)" form that was completed and certified by the Family Division, and upon which the payment is based, and mailed to: PA SCDU, P. O. Box 69110, Harrisburg, Pa. 17106-9110.

(13) The balance certified shall be effective only for the time periods prescribed by applicable law.

(14) Upon receipt and posting of the funds the account will be credited, and the Domestic Relations Division will, upon request, issue an Order of Court stating that the

eligible support arrears of record with the Family Division of the Philadelphia Court of Common Pleas, as of the date of settlement or transfer, have been paid in full, subordinated, or otherwise settled. If, under applicable law, the funds submitted exceed the amount that is collectible by that remedy, the excess payment shall be refunded directly to the support obligor.

(15) The support information provided by the Philadelphia Family Court Division shall under no circumstances constitute a confirmation of the support obligor's social security number.

PAUL P. PANEPINTO,  
*Administrative Judge*  
*Family Court Division*

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY • FAMILY DIVISION

Part A. Request for Support Arrears Balance (Lien/Judgment Certification)

(this request MUST be accompanied by \$20 payment for the processing fee as required by Philadelphia Family Court Administrative Regulation 99-10) Pursuant to the provisions of 23 Pa.C.S.A. §4352(d) and (d.1), and Philadelphia Family Court Administrative Regulation 99-10, the undersigned hereby requests that the Family Court Division of the Philadelphia Court of Common Pleas provide the following information regarding the amount of support owed by the specified individual who is the Buyer or Seller of a property within Philadelphia County.

Requested by Title Request date
Company name Address EIN Telephone number

Part B. Information on Buyer or Seller of property (MUST BE PROVIDED):

Last Name First Initial Social Security Number
Alias, if any: Last Name First Initial Date of Birth Settlement date

Part C. Support Balance Information (to be provided by Family Court)

- Philadelphia Family Court has no record of an outstanding support balance for the above named individual.
Before the lien/judgment certification can be provided the above named Buyer/Seller must appear at Family Court's Customer Service Center in the lobby of the Family Court Building, 34 S. 11th Street, to resolve outstanding issues regarding the support case(s).
The above named individual has an outstanding support balance(s) for the following case(s) and amount(s):

PACSES Member Number:

TOTAL PAYOFF AMOUNT FOR ALL FAMILY SUPPORT LIENS/JUDGMENTS AS OF SETTLEMENT DATE PROVIDED\*: \$

Table with 6 rows and 4 columns: Case ID Number, Arrears Balance(a/o date prepared), Case ID Number, Arrears Balance(a/o date prepared)

Number of additional sheets attached: None

Certification

Pursuant to the provisions of 23 Pa.C.S.A. §4352(d) and (d.1), and Philadelphia Family Court Administrative Regulation 99-10, I certify that the above information and the information in any attachment hereto is an accurate and complete accounting for all eligible support arrears on record with the Philadelphia Family Court as being owed by the above-referenced Buyer or Seller as of the date prepared, and that I am authorized by Philadelphia Family Court to certify this information.

Certified by Title Tel. No. Date prepared [COURT SEAL]

\*IMPORTANT NOTE: The payoff amount does not reflect account adjustments or credit that might have been given for support payments posted after the "date prepared." In order for Family Court to clear the support lien/judgment as of a specific certification date it must receive payment in full for the "Total Payoff Amount." Payment must be submitted to Family Court within fifteen (15) days of withholding. The total payoff amount is only valid for the time period provided by law, and except as otherwise provided by law, any support arrears arising after the date prepared shall constitute a lien and judgment by operation of law against the support obligor and the obligor's property.

**Fee Schedule/Procedure for Family Support Lien/  
Judgment Search for Purpose of Legal Name  
Change; Administrative Regulation No. 99-11**

Effective thirty (30) days after publication in the *Pennsylvania Bulletin*, a \$20.00 fee is established by the Domestic Relations Division of the Philadelphia Family Court, for providing written certification of the existence or non-existence of family support judgments for an individual, for use as supporting documentation of the individual's Petition to Change Name.

In order to facilitate the search, the person or entity requesting the certification must submit sufficient information to identify the individual for whom the search is to be conducted, including that individual's name, social security number, date of birth, and address. A certified check, cashier's check, money order, or attorney's check in the amount of \$20.00, made payable to "Prothonotary," must accompany the written request for the certification, and be sent to:

Clerk of Family Court  
34 S. 11th Street  
Room B-16  
Philadelphia, Pa. 19107

The funds generated by this charge shall be forwarded to the Prothonotary of the First Judicial District of Pennsylvania, according to existing procedures for other fees collected by the Clerk of Family Court. The funds generated by this Administrative Regulation shall be set aside by the Prothonotary and remitted monthly to the Domestic Relations Division Accounting Unit, which shall maintain, account for, and distribute the funds in accordance with federal regulations governing funds collected under Title IV-D of the Social Security Act.

PAUL P. PANEPINTO,  
*Administrative Judge*  
*Family Court Division*

[Pa.B. Doc. No. 00-53. Filed for public inspection January 7, 2000, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

**Adoption of Local Rule of Criminal Procedure  
LCR316 Compensation Rates for Court-  
Appointed Conflict Counsel; No. 086 MI 99 332  
JV 99**

**Administrative Order No. 13-1999**

*And Now*, this 14th day of December, 1999, it is hereby

*Ordered and Decreed*, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Carbon County Court of Common Pleas hereby *Adopts* Local Rule of Criminal Procedure LCR316 governing Compensation Rates for Court-Appointed Conflict Counsel in Homicide and Non-Homicide cases.

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

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

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

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

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

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

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

*By the Court*

JOHN P. LAVELLE,  
*President Judge*

**Rule LCR 316. Compensation Rates for Court-  
Appointed Conflict Counsel.**

A. Non-Homicide Criminal Cases

(1) Counsel, not exceeding one, who has been assigned to represent:

(a) a defendant charged with a non-homicide criminal offense;

(b) an individual in any post-conviction proceedings or,

(c) a juvenile formally charged with delinquency,

shall, at the conclusion of the representation, or any segment thereof, be compensated for his/her services in such representation and reimbursed for all reasonable expenses advanced by counsel which were necessarily incurred.

(2) Upon the conclusion of counsel's representation under this Rule, or any segment thereof, the Judge sitting at the trial of the case, if there is a trial; otherwise, the Judge presiding over the disposition of the matter shall, after the filing of the claim and sworn statement, allow such counsel all reasonable personal and incidental expenses, and compensation for services rendered.

(3) Counsel shall be compensated at a rate not exceeding forty dollars (\$40) per hour for time expended in a Court of record and at a rate of thirty dollars (\$30) per hour for time reasonably expended out of Court. For representation of a defendant in a case in which one or more felonies are charged or for proceedings under the Post Conviction Hearing Act, the compensation paid to an attorney shall not exceed fifteen hundred dollars (\$1,500). In a case in which only misdemeanors or juvenile delinquencies are charged, payment shall not exceed seven hundred and fifty dollars (\$750).

(4) Payment in excess of the limits stated herein may only be made, if the Judge to whom the application is made certifies that because of extraordinary circumstances set forth, such additional payments are necessary to provide fair compensation for representation.

(5)(a) Assigned counsel may also make a written request to obtain investigative, expert, or other services necessary to an adequate defense. Upon finding after proper inquiry that such services are necessary, the Court shall authorize counsel to obtain such services on behalf of a defendant. The compensation paid to a person for such services rendered to a defendant shall not exceed five hundred dollars (\$500).

(b) In order to expedite reimbursement to counsel for services rendered by investigators or other experts authorized by the Court, at the conclusion of such expert

services rendered on behalf of the defendant, counsel may submit a Petition and Order for reimbursement to counsel of such expert fees. Said Petition and Order shall be submitted to either the Trial Judge, if there is a trial, or to the Judge presiding over the disposition of the matter and may be submitted at any stage of the proceedings. The Petition and Order for reimbursement must contain all information and exhibits relevant to the reimbursement of expenses. Upon submission by counsel of the Petition and Order for reimbursement, the appropriate Judge shall immediately review the Petition and Order for reimbursement, the appropriate Judge shall immediately review the Petition and order payment to counsel of such expert fees as are considered reasonable and necessary.

(6) Counsel so assigned shall not, except with prior approval of the Court, receive or contract to receive directly or indirectly, any compensation for such services or reimbursement for expenses from any source other than herein provided.

(7) Counsel shall be appointed under this Rule only when, because of conflict of interest or other sufficient reason, the individual cannot properly be represented by the Public Defender.

#### B. Homicide Cases

(1) Counsel appointed shall not exceed one, except that in cases of extreme complexity or where the Trial Judge may, after consultation with, and the consent of the President Judge, appoint co-counsel.

(2)(a) Assigned counsel may also petition the Court to obtain investigative, expert, or other services necessary to an adequate defense. Upon finding, after proper inquiry, that such services are necessary, the court, by written order, shall authorize counsel to obtain such services on behalf of a defendant.

(b) In order to expedite reimbursement to counsel for services rendered by investigators or other experts authorized by the court at the conclusion of such expert services rendered on behalf of the defendant, counsel may submit a Petition and Order for reimbursement to counsel of such expert fees. Said Petition and Order shall be submitted to the Trial Judge, and may be submitted at any stage of the proceedings. The Petition and Order for reimbursement must contain all information and exhibits relevant to the reimbursement of expenses. Upon submission by counsel of the Petition and Order for reimbursement, the appropriate Judge shall immediately review the Petition and authorize payment to counsel of such expert fees as are considered reasonable and necessary. The reviewing Judge will then forward the Petition and Order for reimbursement to the Court Administrator for payment.

(3) Upon the conclusion of counsel's representation under this Rule, or any segment thereof, the Judge sitting at the trial of the case, if there is a trial; otherwise, the Judge presiding over the disposition of the matter shall, after the filing of the claim and sworn statement, allow such counsel all reasonable personal and incidental expenses, and compensation for services rendered.

(4) Counsel shall be compensated for services rendered at a rate not exceeding fifty dollars (\$50) per hour for time reasonably expended in Court, and forty dollars (\$40) per hour for time reasonable expended out of Court. Such compensation shall not exceed four thousand dollars (\$4,000) where one counsel has been assigned, and shall not exceed a total of six thousand (\$6,000) where two counsel have been assigned. Payment in excess of the

limits stated herein may only be made if the Court, to whom the application is made, finds that because of extraordinary circumstances set forth, such additional payments are necessary to provide fair compensation for representation.

(5) Counsel so assigned must file with the Judge an affidavit that he has not, directly or indirectly, received, nor entered into a contract to receive, any compensation for such services from any source other than herein provided.

#### C. Appointments

Appointments made pursuant to this rule continue through all stages of the proceedings.

#### D. Payment

Such allowance of expenses and compensation under this Rule shall be a charge upon the County of Carbon, to be paid by the County upon Order of the appropriate Judge.

[Pa.B. Doc. No. 00-54. Filed for public inspection January 7, 2000, 9:00 a.m.]

### CARBON COUNTY

#### Adoption of Orphans' Court Local Rules of Procedure; 99-9422

##### Administrative Order No. 14-1999

*And Now*, this 16th day of December, 1999, it is hereby

*Ordered and Decreed*, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Carbon County Court of Common Pleas hereby *Adopts* Local Rules of Court governing procedure in Orphans' Court cases.

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

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

*By the Court*

JOHN P. LAVELLE,  
*President Judge*

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**RULE 1—JUDGES AND LOCAL RULES**

**Rule 1.2.1. Citation of Rules.**

These Rules shall be known as Carbon County Orphans' Court Rules adopted pursuant to Pa.O.C.R. 1.2 and shall be cited as "Carbon Co. O.C.R. No. \_\_\_\_\_."

**Rule 1.2.2. Petitions and Motions.**

(a) Every original petition or motion filed shall set forth in its first paragraph the citation of any statute, Rule of court, or other authority relied upon to justify the relief requested.

(b) A copy of any notice required to be given shall be attached to the petition or motion.

**Rule 1.2.3. Briefs.**

Briefs will be prepared and filed in accordance with the provisions of Carbon Co. Civ. L. No. 210, unless otherwise ordered by the Court.

**Rule 1.2.4. Attorneys.**

The name and Supreme Court identification number of any attorney employed by any party in any proceeding pending in this Court shall be marked on the initial pleading or paper filed in the office of the Clerk. Any attorney who has properly entered an appearance will receive notice of all hearings, conferences, and orders.

**Rule 1.2.5. Depository of the Court.**

(a) *Deposit of Money or Securities in Court.* All monies paid or securities delivered into Court shall be deposited immediately in a segregated, federally insured account in such bank or trust company as the Clerk may designate, to the credit of the court in the particular estate or proceeding to which the money or securities may belong; and such depository shall keep a separate account of each payment and delivery, designating the same by name of the estate or proceeding. Unless otherwise specially ordered by the Court, all interest earned on said accounts shall accrue to the credit of the County of Carbon.

(b) *Withdrawals.* No money shall be paid out of Court by the depository, or securities delivered, except on checks or orders of the Clerk accompanied by a certified copy of the Order of Court authorizing such withdrawal or delivery.

(c) *Docket to be maintained.* The Clerk shall maintain a Money in Court Docket in which shall be entered con-

cisely under the name of the respective estates, the Orders of Court directing money to be paid into Court, as well as an accurate account of the money paid in and paid out, so that the record will fully explain itself.

## **RULE 2—CONSTRUCTION AND APPLICATION OF RULES**

### **Rule 2.3.1. Definitions.**

(a) As used in these Rules "P.E.F. Code" shall mean a reference to the Probate, Estates and Fiduciary Code, June 30, 1972, P. L. 508, 20 Pa.C.S.A. § 101 et seq., as amended.

(b) As used in these Rules, the terms "Citation" and "Rule to Show Cause" shall be interchangeable unless otherwise indicated herein.

## **RULE 3—PLEADINGS AND PRACTICE**

### **Rule 3.2.1. Pleadings, Motions and Petitions.**

(a) Motions and petitions shall be governed by the provisions of Carbon Co. Civ. L. 206.

(b) A copy of every pleading, including exceptions, shall be promptly served upon counsel of record for all parties in interest, and upon any party who is not represented.

### **Rule 3.2.2. Pleadings, Disposition, Issues of Fact or Law.**

(a) Except in those cases where no responsive pleading is required, if the respondent fails to answer a petition to which an answer is required under the Carbon County Rules of Civil Procedure or the Pennsylvania Orphans' Court Rules or the Pennsylvania Rules of Civil Procedure within twenty (20) days of service, all material averments of fact in the petition shall be taken as admitted and the Court may, at any time after the reply day or return day and upon proof of service of the Rule to show cause upon the respondent at least ten (10) days prior to the return date, upon motion, enter a decree granting the prayer of the petition or such other relief deemed appropriate by the court.

### **Rule 3.4.1. Form. Exhibits.**

(a) *Endorsements.* Every pleading shall be endorsed with the name of counsel, if counsel has appeared for a party.

(b) The signature of an attorney to a petition shall constitute a certification by that attorney that all copies of written or printed instruments, records, or documents which are not certified or authenticated, are true and correct copies of the original.

### **Rule 3.4.2. Consents. Joinders. Form.**

(a) All petitions shall aver that all parties in interest are petitioners, or that consents or joinders of all necessary parties are attached or, if the petitioner is unable to attach a necessary consent or joinder, this fact shall be stated in the petition together with the reason.

(b) Whenever a party other than a petitioner desires to consent to or join in the prayer of a petition, there shall be appended to the petition a written "Consent" or "Joinder" signed by the party in the following form:

I, \_\_\_\_\_, having read and considered the contents of the foregoing petition, do herewith waive the benefit of all requirements of notice of the presentation, or service upon me, of said petition, do authorize the Court to note my general appearance in said proceeding as though I had appeared personally or by counsel, do herewith waive all objections to the Court's

jurisdiction over my person, and do herewith consent to or join in [add specifics of prayer for relief].

## **RULE 5—NOTICE**

### **Rule 5.1.1. Notice. Legal Publication.**

The *Carbon County Law Journal* and *The Times News* and such other publications as may be designated by the President Judge shall be the legal periodicals for the publication of notice whenever publication in a legal periodical is required by Act of Assembly, Rule, or Order of Court.

### **Rule 5.2.1. Method. Person under Incapacity. No Guardian or Trustee.**

Whenever notice is given to a person who is not sui juris and for whom there is no guardian or trustee, notice shall be given by serving it upon the person, if over fourteen years of age, and in all cases, upon:

- (a) The person's spouse, if sui juris, or
- (b) The person's next of kin, if sui juris, or
- (c) The person with whom he or she resides or by whom he or she is maintained; or
- (d) The superintendent or other official of the institution having custody of the person; or
- (e) In such manner as the Court, by special order, may direct.

### **Rule 5.4.1. Notice. Additional Requirements.**

(a)(1) *Personal Service.* Return of personal service shall set forth the date, time, place and manner of such service, and that a true and correct copy of the petition and notice were handed to the person served.

(2) *Registered or Certified Mail.* Return of notice by registered or certified mail shall set forth the date and place of mailing the petition and notice and shall include the return receipt or a copy thereof.

(3) *Publication.* Return of notice by publication shall set forth the date(s) and newspaper and/or legal periodicals of publication and shall include proofs of publication or copies thereof.

(b) Except as may otherwise be provided, by statute, Rule or special order, a return of notice shall be filed with the Clerk prior to the date set for the occurrence of the event of which notice has been given.

### **Rule 5.5.1. Charities. Notice to the Attorney General.**

Notice to the Attorney General or his designated deputy shall be given in accordance with the provisions of Pa.O.C.R. No. 5.5 in any matter which involves:

- (a) a specific bequest to a charity in the amount of \$25,000.00 or more;
- (b) a specific bequest to a charity totaling less than \$25,000.00 which will not be paid in full; or
- (c) a charitable bequest of any amount payable out of the residue of the estate.

## **RULE 6—ACCOUNTS AND DISTRIBUTION**

### **Rule 6.1.1. Accounts Required. Time for Filing. Family Settlement Agreement in Lieu of Audit and Confirmation.**

(a) *Accounts Required.* In every decedent's estate in which Letters Testamentary or Letters of Administration have been issued by the Register of Wills, the executor, administrator or other personal representative shall file

an account with the Clerk of the Orphans' Court. Each such account shall conform to the requirements of Pa.O.C. Rule 6.1, and shall include either a Statement of Proposed Distribution or a request that distribution be determined by the Court or an auditor.

(b) *Time for Filing.* Every account required to be filed by this rule shall be filed not later than eighteen (18) months following the date of issuance of Letters Testamentary or Letters of Administration unless the Court, upon petition and for good cause shown, shall have extended the time for filing same.

(c) *Family Settlement Agreement.* As an alternative to formal submission and confirmation of an account, a personal representative may file with the Clerk of Orphans' Court a Family Settlement Agreement. Each Family Settlement Agreement shall have attached thereto a first and final account of the executor, administrator or other personal representative indicating all transactions during the administration of the estate, which account shall be substantially in the form prescribed by Carbon Co. O.C.R. No. 6.1.2. Each Family Settlement Agreement shall also have attached thereto a Statement of Proposed or Actual Distribution, and a release signed by each and every heir, beneficiary or other party in interest approving the account, waiving the requirement that the account be audited and confirmed by the Court and discharging the executor, administrator or other personal representative.

**Rule 6.1.2. Form of Accounts. Additional Requirements.**

(a)(1) All accounts shall be in the form approved by the Pennsylvania Supreme Court and as explained by the Uniform Fiduciary Accounting Principles, pursuant to Pa.O.C. Rule 6.1(g).

(2) Accounts shall be stated on 8 1/2" by 11" paper, fastened together at the top and numbered consecutively at the bottom.

(3) Every account filed with the Clerk shall be signed by each accountant and shall be verified by at least one accountant.

**Rule 6.3.1. Notice to Parties in Interest.**

(a) Notice of the filing and of the date and time for confirmation as required by law and Rule of Court shall be given by certified or registered mail, return receipt requested, at least ten days prior to the confirmation date. In lieu of such notice, a written waiver of notice may be filed for any party. The notice shall state that any party may file objections in writing with the Clerk of the Orphans' Court at any time prior to the date and time fixed for confirmation, and that if no objection is filed, the Account and Statement of Proposed Distribution will be confirmed absolutely.

(b) In addition to notices otherwise required by law or statute, the surety on the bond of any fiduciary seeking discharge shall be given written notice of the filing of the petition and of the date and time for presentation for Final Decree, by certified or registered mail, return receipt requested, at least ten days prior to the date scheduled for discharge. In lieu of such notice, a written waiver of notice may be filed. The notice shall state that the surety may file objections in writing with the Clerk of the Orphans' Court at any time prior to the time fixed for Final Decree, and that if no objections are filed, a Final Decree shall be entered as of course.

(c) Prior to the date set for confirmation of the account, the accountant, or counsel, shall file with the Court a return of notice as prescribed in Rule 5.4.1. hereof, in form approved by the Court.

(d) If it shall appear that timely and proper notice has not been given to all parties entitled to notice or that the requisite affidavit of notice has not been filed, or that all costs have not been paid, no order of confirmation or discharge will then be made and in lieu thereof the procedure shall be as follows:

(1) If the irregularity is remedied within twenty (20) days, the Clerk shall represent the matter to the assigned Judge in Chambers for confirmation or discharge order, provided at least ten (10) days have elapsed after notice was given to any party and provided that no objection, exception or answer has been filed meanwhile. If any such objection, exception or answer has been filed, the provisions of Rule 6.4.1(b) shall apply.

(2) If the irregularity has not been so remedied within twenty (20) days, the time for confirmation or for discharge order shall be as of course extended until the next regular scheduled session for confirmation and discharge, and re-advertisement and re-notification of all parties shall be required, unless the fiduciary makes written application to the Court and obtains special relief for cause shown.

(3) In any case now pending or hereafter arising in which an account, statement of proposed distribution, or discharge petition has been filed but remains unconfirmed for unremedied procedural defect, the Clerk may file a petition with the Court stating the essential facts and requesting issuance of a Rule to show cause why an order denying confirmation or dismissing the discharge petition should not be made. A copy of such petition shall be furnished by mail to the fiduciary and his or her counsel, and to each party entitled to receive notice and the case shall be placed on the argument schedule for hearing and argument.

(e) The Clerk shall give notice of all accounts filed and of the time and place of the call of the Confirmation List. The notice shall be published once a week for two (2) consecutive weeks immediately prior to the date of confirmation in the legal publication designated by these Rules and in one daily newspaper of general circulation published within Carbon County, and the Clerk shall also post copies of the Confirmation List in his/her office.

(f) The form of advertisement of Accounts and Statements of Proposed Distribution that have been filed for confirmation by the Court shall be as follows:

NOTICE OF CONFIRMATION OF FIDUCIARIES'  
ACCOUNTS

To all claimants, beneficiaries, heirs, next-of-kin, and all other parties in interest:

NOTICE is hereby given that the following named fiduciaries of the respective estates designated below have filed their Accounts and Statements of Proposed Distribution in the office of the Register of Wills in and for the County of Carbon, Pennsylvania, and the same will be presented to the Orphans' Court Division, Courtroom No. \_\_\_\_\_, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ .m. for confirmation. All objections must be filed in writing in the office of the Clerk of Orphans' Court Division, Court of Common Pleas, Jim Thorpe, Pennsylvania, prior to the foregoing stated date and time:

ESTATE	FIDUCIARY	ATTORNEY
X	X	X

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Clerk of the Orphans' Court

**Rule 6.4.1. Accounts. Time for Filing.**

The Register of Wills/Clerk of Orphans' Court shall fix a filing deadline for each regular session and shall give notice thereof at least two (2) weeks prior to the deadline. The time interval between the deadline and the session shall be sufficient to enable the Register/Clerk to make publication as provided by law and Rules of Court.

The Register of Wills/Clerk of Orphans' Court shall schedule for the next regular session all matters filed before the deadline for that session and shall make the required publication. The notices shall contain a statement that all objections must be filed in writing before the time fixed for confirmation, or final decree of discharge, as the case may be.

**Rule 6.9.1. Accounts. Papers to be Submitted.**

(a) *All Accounts.* Counsel for all fiduciaries shall submit:

1. Copies of all agreements with respect to settlements and compromises;

2. Accurate descriptions of all real property to be awarded in kind, described by metes and bounds in the manner appearing in the last deed of record, together with recital of title into the decedent; and

3. Statement of Proposed Distribution.

(b) *Accounts of Trustees.* Counsel for Trustees shall also submit:

(1) a waiver of an income accounting executed by all of the income beneficiaries, if the account does not contain a complete income accounting; and

(2) a Statement of Proposed Distribution.

(c) *Accounts of Guardians of the Estates of Minors.* Counsel for a Guardian of the estate of a minor shall also submit:

(1) where the former minor has attained the age of eighteen (18) years, his/her written stipulation setting forth that he/she attained the age of eighteen (18) years on a certain designated date, that he/she has examined the account and has found it correct; and that he/she has received the balance or balances shown in the account and requests that the guardian be discharged;

(2) where the former minor has attained the age of eighteen (18) years but has not executed the stipulation referred to in paragraph (18) of this Rule, then in place thereof a Statement of Proposed Distribution shall be filed;

(3) where the minor is deceased, or has been adjudged an incapacitated person under the P.E.F. Code, or is an absentee or presumed decedent, or the guardian has resigned or has been removed, a statement of Proposed Distribution shall be filed.

(d) *Accounts of Guardians of Estates of Incompetents/Incapacitated Persons.* The annual account of the guardian for an incompetent or incapacitated person shall be in the form prescribed by Carbon Co. O.C.R. No. 14.3.

**Rule 6.10.1. Objections. Form and Content.**

(a) Objections to an account, inventory, and statement of proposed distribution shall be in writing; shall be

numbered consecutively; shall be signed by the objector or his or her attorney; and where they contain allegations of fact, shall be properly verified in the same manner as a petition.

(b) Each objection shall be specific as to description and amount, shall raise but one issue of law or fact, and shall set forth briefly the reason or reasons in support thereof.

**Rule 6.10.2. Objections. Time for Filing.**

(a) Written objections to an account, inventory, or statement of proposed distribution may be filed as of course with the Clerk at any time prior to, or at, the call of the account for confirmation.

(b) No objections shall be made or filed except as provided in subparagraph (a) unless leave of Court is first obtained.

**Rule 6.10.3. Objections. Deposit on Account of Fees and Costs.**

Upon the filing of objections to an account, inventory or statement of proposed distribution, objectors shall deposit with the Orphans Court the sum of \$350.00 on account of the fees and costs of the Auditor or Master.

**Rule 6.10.4. Objections. Service. Return.**

A copy of objections to an account, inventory or statement of proposed distribution shall be served upon the accountant and all other parties in interest or their attorney of record, immediately after the objections have been filed with the Clerk. Proof of such service shall be filed forthwith with the Clerk. Any unreasonable delay in serving objections shall constitute grounds for dismissal of the same by the Court.

**Rule 6.10.5. Objections. Failure to Make, Effect.**

Any question which can be and is not raised by objections conforming to these Rules shall not thereafter be the subject of an exception to an order confirming an account or decreeing distribution.

**Rule 6.11.1. Accounts. Confirmation.**

All accounts on the advertised Confirmation List will be presented for Confirmation on the day set for confirmation; but, in cases requiring the taking of testimony or the hearing of argument on legal questions or in which objections have been filed, a hearing date will be scheduled by the Court.

**Rule 6.11.2. Distribution under Section 3534 of P.E.F. Code.**

(a) Where at the time of distribution of the estate the personal representative or a distributee requests the Court to divide, partition, and allot the real estate or to direct a sale thereof, an interlocutory decree shall be entered fixing a day certain, not less than twenty (20) days from the date of the interlocutory decree, for hearing; the interlocutory decree to be entered shall be in the form of a notice to all parties in interest that on the day so fixed for hearing the Court will hear the contentions of the parties in interest with respect to:

(1) whether the real estate can be divided among less than all of the parties in interest without prejudice to or spoiling the whole and if so, how; and

(2) whether the Court should direct the personal representative to sell at a sale confined to the distributees or at a private or public sale not so confined.

(b) A copy of the interlocutory decree, duly certified, shall be served by certified or registered mail, by the



personal representative, upon all parties in interest, not less than ten (10) days before the return day fixed in the decree; proof of service of notice, in the form of return receipts, to be filed upon the return day.

**Rule 6.11.3. Settlement of Small Estates. Contents of Petition.**

(a) *Contents of Petition.* A petition for the settlement of small estates under Section 3102 of the P.E.F. Code shall set forth:

(1) the name, date of death, and residence of the decedent;

(2) the petitioner's name and address and his/her relationship to the decedent;

(3) if the petitioner is the surviving spouse, the date and place of marriage to the decedent;

(4) whether the decedent died testate or intestate;

(5) the names, relationship, and interest of all persons entitled to share in the decedent's estate under the Will, if any and the names, relationship and interest, if any, intestate heirs, stating who are minors, incapacitated persons, or decedents, with the names of their fiduciaries, if any, and whether any of them received or retained any property of the decedent by payment of wages, salary or any accrued pension under Section 3101 of the P.E.F. Code or otherwise;

(6) where a claim for family exemption is included, a statement that claimant formed a part of the decedent's household at the date of death and, if the claimant is the surviving spouse, that he or she has not forfeited the right to claim the family exemption;

(7) an itemized statement of the gross personal estate to be distributed and the fair value of each item other than cash, such value to be that given in the inventory filed, and if one was filed, then the fair value, if not readily ascertainable, shall be fixed by two appraisers whose affidavits of value shall be attached to the petition;

(8) the disbursements made prior to the filing of the petition; the date and name of the person to whom paid; and the nature and amount of each payment;

(9) the names of all unpaid claimants of whom the petitioner has notice, the nature and amount of each claim, and whether such claims are admitted;

(10) that a schedule of assets and deductions for inheritance tax purposes has been filed with the Register of Wills, the amount of any inheritance tax assessed, and the date of payment thereof, or the reasons why no such schedule was filed; and

(11) a statement that ten (10) days written notice of intention to present the petition has been given to every beneficiary, heir, or unpaid claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown.

(b) *Exhibits.* The following exhibits shall be attached to the petition:

(1) a copy of the decedent's Will;

(2) the consents of unpaid beneficiaries, heirs, and claimants; and

(3) the inheritance tax voucher, or in lieu thereof a statement from the inheritance tax department that no tax is due.

**RULE 7—EXCEPTIONS**

**Rule 7.1.1. Exceptions. Form and Contents.**

(a) No exceptions shall be filed to orders or decrees entered in proceedings unless the right to except thereto is expressly conferred by Act of Assembly, Pa. Orphans Court Rule, Local Rule, or special order, and all decrees other than those to which exceptions are so allowed to be taken are FINAL.

(b) Exceptions to findings of fact and conclusions of law contained in adjudications, orders and decrees shall be in writing, shall be numbered consecutively, and shall be signed by the exceptant or his attorney.

(c) Each exception shall be specific, shall raise but one question and shall set forth briefly the reason or reasons in support thereof.

(d) Questions which were the proper subject of objections to accounts, inventory, or statements of proposed distribution and were not raised when the account was called for confirmation, or questions which might properly have been raised by an answer to or during a hearing on a petition, shall not be subject of exceptions, and if so made shall be subject to dismissal.

**Rule 7.1.2. Exceptions. Time for Filing.**

Except as otherwise provided, exceptions shall be filed as of course with the Clerk within twenty (20) days from service of a copy of the adjudication, order, proposed order, or decree complained of, or a report of a Master or Auditor, and a true and correct copy of the exceptions served upon all parties in interest, or their counsel of record. Proof of service as aforesaid shall be filed with the Clerk prior to any disposition of the exceptions.

**Rule 7.1.3. Exceptions. Partial Distribution.**

When the matters which are the subject of an adjudication, schedule of distribution, or the report of an auditor or master, are so separate and distinct that an exception to any one or more, whether sustained or dismissed, cannot affect the remainder, and the accountant will not be prejudiced by the distribution of such remainder, confirmation of the adjudication, schedule of distribution, or report, shall not be suspended, except as to those matters to which exceptions have been filed; distribution may proceed as to the remainder, and any party from whom such distribution has been withheld may petition the Court to order distribution.

**RULE 8—AUDITORS AND MASTERS**

**Rule 8.1.1. Appointment.**

The Court, on its own motion, or upon petition of the accountant, or of any other party in interest, may appoint an Auditor or Master to assist the Court in the audit of an account or the disposition of an issue of fact in a matter.

**Rule 8.1.2. Notice of Hearing. Hearings.**

(a) The Clerk shall give written notice of an Auditor's or Master's appointment to all counsel of record and all interested parties not represented by counsel known to the Clerk.

(b) Notice of the hearings shall be given by the Auditor or Master.

(c) The hearing shall be held in an appropriate room at the Carbon County Courthouse at a time and place indicated and not later than forty-five (45) days after the Auditor's or Master's appointment and shall be extended only upon application to the Court for good cause shown.

**Rule 8.5.1. Transcript of Testimony.**

(a) Testimony given at an Auditor's or Master's hearing shall be stenographically recorded, unless otherwise ordered by the Court upon application by a party, or the Auditor or Master.

(b) The transcript of testimony taken before an Auditor or Master shall be filed with the report.

(c) Fees may be taxed as costs and the Auditor or Master shall recommend to the Court that the stenographer's fees follow the award as costs in appropriate cases.

**Rule 8.6.1. Filing of Report. Notice of Filing. Proof of Notice.**

(a) An Auditor or Master shall file with the Clerk of Orphans Court his or her original report, together with the transcript of testimony and the proposed Decree Nisi, not later than 120 days after conclusion of the final hearing, and shall give notice in writing to all parties in interest or their counsel of record of the filing of such report, and shall further file proof of the giving of notice with the Clerk.

(b) The Clerk shall serve a copy of said report and proposed Decree Nisi upon each counsel of record and to each party in interest not represented by counsel.

**Rule 8.7.1. Report of Auditor or Master. Disposition Procedure.**

(a) Subject to the provisions of Carbon Co. O.C.R. No. 8.8.1(b), the report of an Auditor or Master shall be transmitted to the Court for Confirmation Nisi upon filing with the Clerk and shall become FINAL unless written exceptions thereto are filed within twenty (20) days after the date of filing the report.

(b) *Exceptions.* Any party in interest shall have the right to file exceptions to the report of an Auditor or Master within twenty (20) days after the filing and Confirmation Nisi thereof.

**Rule 8.8.1. Compensation and Security.**

(a) Any Auditor or Master appointed by the Court under these Rules shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the Auditor or Master shall recommend and the Court shall direct.

(b) A motion to the Court to require additional security for payment of fees and expenses may be filed with the Clerk at any time by the Auditor or Master, Accountant or any party in interest. The report shall not be filed with the Clerk until all fees and expenses have been paid.

**RULE 9—OFFICIAL EXAMINERS****Rule 9.1.1. Official Examiners.**

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

**Rule 9.1.2. Official Examiners. Compensation.**

Each estate shall be liable for the compensation of the examiner and the amount of such compensation shall be fixed by special Order of the Court.

**RULE 10—REGISTER OF WILLS****Rule 10.1.1. Appeals From Grant of Letters.**

Appeals from the grant of letters of administration or letters testamentary, whether founded upon discovery of a later will or otherwise, shall initially be filed with and heard by the Register of Wills, who shall conduct a hearing on such appeal within thirty (30) days of the filing of same. The Register of Wills shall issue a written decision granting or denying the appeal not later than ten (10) days following the date of the hearing. Appeals to the Court from the decision of the Register shall be as provided in Carbon Co. O.C.R. No. 10.1.2.

**Rule 10.1.2. Form of Appeal From Register of Wills Decision.**

When an appeal is taken from a judicial act or proceeding before the Register of Wills, the appellant shall do so by petition which sets forth:

(1) the nature of the proceedings before the Register of Wills;

(2) the reasons for the appeal;

(3) the names and addresses of all parties in interest, including those who have not been made parties to the record and their counsel; and

(4) A request that a Rule to Show Cause issued directed to all parties in interest including those not represented on the record to show cause why the appeal should not be sustained and the judicial act or proceeding complained of be set aside and reversed.

Upon the issuance of the Rule to Show Cause, the Register of Wills shall certify the record to the Court.

**Rule 10.2.1. Inheritance Tax Appeals.**

Practice and procedure in inheritance tax appeals shall be in accordance with the Inheritance and Estate Tax Act, 72 P. S. § 9101 et seq.

**RULE 12—SPECIAL PETITIONS****Rule 12.1.1. Family Exemption. Appraisal.**

(a) Where the exemption is claimed from personal property included in the inventory filed, the value of each item so claimed shall be that given in the inventory filed.

(b) Where the exemption is claimed from personal property forming part of a Small Estate and no inventory has been filed, the value of each item claimed shall be the fair value thereof.

(c) Unless otherwise directed by the Court, no appraisal shall be required if the exemption is claimed;

(1) in money;

(2) from personal property and the gross value of the estate does not exceed the amount of the exemption;

(3) in real or personal property at valuations agreed upon by all parties in interest.

**Rule 12.1.2. Family Exemption. Allowance.**

(a) *Personal Property.* If the petitioner requests the exemption prior to confirmation, the petitioner shall file a petition with the Clerk and thereupon shall give ten (10) days written notice of intention to request the exemption to the personal representative, if any, and to all persons adversely affected thereby who do not join the prayer of the petition. Objections to the exemption may be filed by any party in interest within twenty (20) days of service of notice thereof.

(b) *Real Property.* If the Petitioner requests the exemption prior to the Confirmation, the appraisers shall, within thirty (30) days after their appointment, file with the Clerk an appraisal of the property claimed, and written notice of such filing shall be given to the personal representative and to the next of kin, or, if there be neither personal representative nor next of kin, to the Attorney General. The notice shall contain a copy of the petition and the appraisal, and a statement that confirmation of the appraisal and the setting apart of the real estate to the petitioner will be requested and may be allowed by the Court unless objections are filed thereto within twenty (20) days. If the address or whereabouts of any of the next of kin is unknown, notice shall be given in such manner as the Court may direct.

**Rule 12.1.3. Family Exemption. Risk Distribution Prior to Confirmation.**

When the personal representative at his or her own risk delivers assets of the estate in satisfaction of the exemption he shall set forth the same as a disbursement in the account under the subheading "Family Exemption." Such delivery may be the subject of objection by any claimant or party in interest.

**Rule 12.2.1. Allowance to Surviving Spouse of Intestate. Appraisal.**

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

**Rule 12.3.1. Election of Surviving Spouse. Filing of Petition for Extension of Time.**

(a) A petition for the extension of time in which the surviving spouse may file an Election to Take Against the Will shall include the requirements for a petition under Pa.O.C. Rule 12.3(a) and the facts relied upon to justify an extension of time in which to file the election.

(b) The petitioner shall file the petition with the Clerk and thereafter give ten (10) days written notice of intention to request the extension to all persons adversely affected thereby who do not join the prayer of the petition.

(c) In the absence of objection, on the presentation of an appropriate motion and verified return of notice at the rule to show cause returnable day designated in the petition, an appropriate decree may be entered.

**Rule 12.5.1. Appointment of Guardian for Minor. Consents Required.**

(a) *Consent of Parents or Person in Loco Parentis.* Written consent of the parents or surviving parent of the minor to the appointment of a guardian of the estate or person is required. If both parents are deceased, such consent is required of the adult person with whom the minor resides or of the superintendent or other official in charge of the institution having custody of the minor. If such consent is not obtained, the petitioner shall set forth the reason and give such notice of the petition as the Court may direct.

(b) *Consent of Guardian. Individual.* When the proposed guardian is an individual, written consent to act as such shall contain the following:

- (1) the individual's business, and domicile;
- (2) a statement that the individual is a citizen of the United States, able to speak, read, and write the English language; and

(3) a statement that the individual is not the fiduciary or an officer or employee of the corporate fiduciary of an estate in which the minor has an interest nor the surety or an officer or an employee of the corporate surety of such a fiduciary; and

(4) a statement that the individual has no interest adverse to the minor.

(c) *Consent of Guardian. Corporate.* When the proposed guardian is a corporation authorized to act as fiduciary, its written consent to act as such shall contain a statement that it is not the fiduciary of an estate in which the minor has an interest nor the surety of such a fiduciary and that it has no interest adverse to the minor.

*Note:* The foregoing Rules relating to the appointment of a guardian of a minor's estate are subject to the powers given to persons to appoint a guardian by Will, by inter vivos trust agreement, etc. (See Section 2519 of the P.E.F. Code.)

**Rule 12.5.2. Guardians. Minors. Bond. Restricted Account.**

(a) If funds are placed in a restricted account in accordance with the Probate, Estates and Fiduciaries Code, the decree of the Court may contain a further provision that if no withdrawals are made from the account prior to the minor reaching his majority, the institution may pay over the funds when the minor attains age eighteen (18) years, upon the joint requests of the guardian and the former minor without further Order of the Court.

(b) A guardian who has received assets in addition to the deposit or investment made in accordance with this Rule, shall account as if the restricted account did not form part of the estate.

**Rule 12.5.4. Minor's Estate. Allowances. Approval of Court.**

(a) *Mandatory Approval by the Court.* No payments shall be made by the guardian of the estate unless approval by the Court is first obtained when payment is to be made from principal, or when special services have been performed by counsel and the guardian is in doubt as to the reasonableness of the fee.

(b) *Contents of Petition. Allowances for Maintenance, Support, or Education.* A petition for an allowance from a minor's estate, for the maintenance, support, or education of the minor, the minor's spouse or children, shall be presented by the guardian of the estate and shall set forth:

(1) the manner of the guardian's appointment and the date thereof; and, where appropriate, the terms of the instrument creating the estate;

(2) the age and residence of the minor; whether his or her parents are living; the name of the person with whom he or she resides; and, if married, the name and age of his or her spouse and children;

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

(4) the circumstances of the minor, whether employed or attending school; if the minor's parents are living, the reason why the parents cannot support and educate the minor without resorting to the minor's estate;

(5) the date and amount of any previous allowances by the Court;

(6) a recommendation to the Court of the amount of the allowance the petitioner believes should be decreed; and

(7) if the petition is presented by someone other than the guardian of the estate, that demand was made upon the guardian to act, and the reason, if any, given for failure to do so.

(c) *Contents of Petition. Joinder.* Attached to the petition shall be the joinder of the minor, if over fourteen years of age, and of the parents or surviving parent; or, if both parents are deceased, the joinder of the adult person with whom the minor resides, or the superintendent or other official in charge of the institution having custody of the minor.

(d) *Allowance for More than One Minor.* A single petition may be used for an order of allowance for care, maintenance and education of more than one minor or for funeral expenses of a deceased child, spouse, or indigent parent where the minors are members of the same family, have the same guardian, and substantially the same reasons in support of the petition apply to all of the minors.

(e) *Allowance from Sequestered Account.* Whenever a sequestered deposit has been created for the benefit of a minor, whether or not a guardian has been named, allowances therefrom may be upon petition of anyone interested in the welfare of the minor. Such a petition shall conform as nearly as may be to the requirements of these Rules and shall, in addition, set forth the interest of the petitioner in the matter.

**Rule 12.9.1. Public Sale of Real Property. Contents of Petition.**

(a) *Personal Representative.* A petition by a personal representative to sell real property at public sale, under the P.E.F. Code, shall set forth in separate paragraphs

(1) name, residence, and date of death of the decedent; whether he or she died testate or intestate, and the date of grant of letters;

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

(3) the total value of the personal estate and all of the real property, respectively, as shown in the inventory filed, including the value at which the real property to be sold was included therein;

(4) a full description of the real property to be sold, improvements thereon, by whom it is occupied;

(5) if the personal representative entered bond with the Clerk, the amount of such bond and the name of the surety;

(6) the names of all parties in interest, as heirs, devisees, legatees, or lienholders, who will be affected by the granting of the petition and the interest of each; whether any of them are minors, incompetents/ incapacitated persons, or deceased, and if so, the names and the record of the appointment of their fiduciaries;

(7) the liens and charges, if any, of record against the property to be sold;

(8) the terms of the proposed sale; and

(9) any additional facts which may aid the Court to determine that the sale is desirable for proper administration and distribution of the estate.

(b) *Trustee*—A Petition by a trustee to sell real property at public sale under the P.E.F. Code shall set forth in separate paragraphs:

(1) a statement, in substance, of the provisions of the instrument creating the trust, Particularly the powers, if any, therein given to the trustee in respect of real property;

(2) a copy of the instrument creating the trust, in the form of an exhibit, or if too lengthy, the relevant portions;

(3) the total value of the personal property and the real property, respectively, forming the corpus of the trust;

(4) the amount of the bond, if any, filed;

(5) the names of all parties interested as beneficiaries, including life tenants and remaindermen, who will be affected by the granting of the petition, whether any of them are minors, incompetents/incapacitated Persons, or deceased, and if so, the names and the record of appointment Of their fiduciaries;

(6) a full description of the real property proposed to be sold, the improvements thereon, by whom it is occupied;

(7) the reason the sale of the real property involved is necessary or desirable for the proper administration of the trust estate;

(8) the liens and charges, if any of record against the real Property to be sold;

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

(10) the terms of the proposed sale.

(c) *Guardian. Incapacitated Person's Estate.* A petition by a guardian of an incapacitated person's estate to sell real Property at public sale under the P.E.F. Code shall set forth in separate paragraphs:

(1) the name, age, marital status and domicile of the incapacitated person; the date of appointment of the guardian and by what court; and the amount of bond filed;

(2) the total value of the Personal estate and all of the real property, respectively, as shown in the inventory filed;

(3) a full description of the real property proposed to be sold, the improvements thereon, by whom occupied;

(4) the names of the parties in interest as heirs and/or next of kin;

(5) why the sale of the real Property involved is necessary or desirable for the administration of the incapacitated person's estate;

(6) the liens and charges, if any, of record against the property to be sold; and

(7) the terms of the proposed sale.

(d) *Guardian. Minor's Estate*—A petition by a guardian of a minor's estate to sell real property at public sale under the P.E.F. Code shall set forth in separate paragraphs:

(1) the name, age, and domicile of the minor; the date of appointment of the guardian and the amount of the bond filed;

(2) the total value of the personal estate and all of the real property, respectively, as shown in the inventory, if

filed, otherwise the value of each as received by the guardian and how and from whom received;

(3) a full description of the real property proposed to be sold, the improvements thereon, by whom occupied, and how title was acquired by the minor;

(4) the name and relationship of the person with whom the minor lives;

(5) where the proposed sale is of an undivided interest, whether the owners of the other undivided interests join in the proposed sale;

(6) why the sale of the real property involved is necessary or desirable for the administration or distribution of the minor's estate and whether the proposed sale is for the best interest of the minors estate;

(7) the lien and charges, if any, of record against the real property to be sold; and

(8) the terms of the proposed sale.

**Rule 12.9.2. Notice of Public Sale of Real Property.**

(a) Public notice of any proposed sale under Order of Court shall be given by advertisement one (1) time in at least one newspaper of general circulation published in the County of Somerset and in the legal publication designated by these Rules, and shall be placed under a general heading as follows:

COURT OF COMMON PLEAS OF CARBON COUNTY  
ORPHANS' COURT DIVISION  
PUBLIC SALE OF REAL ESTATE

IN PURSUANCE OF AN ORDER OF THE ORPHANS' COURT DIVISION, THE REAL ESTATE INDICATED BELOW WILL BE OFFERED FOR SALE AT THE TIME AND PLACE STATED. THE TERMS AND CONDITIONS OF SALE ARE OF RECORD IN THE OFFICE OF THE CLERK OF THE ORPHANS' COURT AT THE CARBON COUNTY COURTHOUSE, JIM THORPE, PENNSYLVANIA, WHERE THEY MAY BE EXAMINED BY THE PARTIES INTERESTED.

(b) the advertisement shall give the name of the decedent, trust beneficiary, minor, or incapacitated person, the municipality in which he or she resided, the place in which lies the real estate to be offered for sale, an abridged description of the real estate (including, where possible, the street and house number, and block and lot number), the improvements thereon erected, the place, date, and time of sale, the name and title of the personal representative directed to make the sale, and the name of the attorney representing the fiduciary.

(c) At least ten (10) days written notice shall be given to all non-joining parties interested (1) as heirs, devisees, legatees, or lien holders, where the property to be sold is that of a decedents estate; or (2) as heirs and/or the next of kin, where the property to be sold is that of an incapacitated person; or (3) as beneficiaries, including life tenant and remaindermen, of the trust estate where the sale is to be by a trustee; or (4) as the parents or other person maintaining the minor where the property to be sold is that of a minor; or (5) as claimants.

The written notice herein provided for shall be by personal service or by any form of mail requiring a receipt signed by the person to be notified, mailed to the last known address of the person to be notified.

**Rule 12.9.3. Public Sale of Real Property. Return of Sale.**

All returns of sale of real estate sold at public sale shall be in writing and sworn to and shall include:

(a) proofs of publication of the notice required by Carbon Co. O.C.R. 12.9.2.(a);

(b) when and to whom written notice was given under Carbon Co. O.C.R. 12.9.2.(c); and

(c) the name of the purchaser and the purchase price.

**Rule 12.9.4. Public Sale of Real Property. Decree.**

Upon return of sale under Carbon Co. O.C.R. 12.9.3, the Court may enter a Decree of Confirmation Nisi which fix the amount of security or additional security which the personal representative, trustee, or guardian shall be required to enter or the Court may excuse the fiduciary from entering additional security; and the Decree of Confirmation Nisi so entered is FINAL unless exceptions are filed within ten (10) days of the date signed.

**Rule 12.10.1. Private Sale of Real Property.**

A petition of a fiduciary to sell real property at private sale shall also conform as closely as practicable to the requirements of Carbon Co. O.C.R. 12.9 with regard to a petition to sell real property at public sale by the same fiduciary and shall also be supported by the affidavits required under Pa.O.C. Rule 12.10(b).

**Rule 12.10.2. Private Sale of Real Property. Public Notice of Sale. Form of Notice.**

Public notice of any proposed private sale under Order of Court shall be given by advertisement one (1) time in at least one newspaper of general circulation published in the County of Carbon and in the legal publication designated by these Rules; unless excused by Order of Court, notice shall also be given by personal service or registered mail to the last known address of all nonjoining interested parties as specified in Carbon Co. O.C.R. 12.9.2(c); and shall be in the following form:

COURT OF COMMON PLEAS OF CARBON COUNTY  
ORPHANS' COURT DIVISION  
PRIVATE SALE OF REAL ESTATE

In the matter of the Estate of (deceased—a minor—incapacitated person). To the heirs, legatees, devisees, next of kin, and all other persons interested in said estate:

Notice is hereby given that \_\_\_\_\_ (personal representative—trustee—guardian) has filed in the office of the Clerk of the said Court a petition praying for an order of sale of the real estate of said (decedent—minor—incapacitated person) situate \_\_\_\_\_ at private sale to \_\_\_\_\_ for the sum of \$ \_\_\_\_\_ for the purposes in the petition set forth. If no exceptions are riled thereto or objections are made to granting the same, the Court will be asked to take action upon the petition on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ .m., in Courtroom No. \_\_\_\_\_, the Carbon County Courthouse, Jim Thorpe, Pennsylvania.

\_\_\_\_\_  
Attorney for Petitioner

**Rule 12.10.4. Confirmation of Sale.**

If no exceptions are filed or objections made, the Court may enter a decree:

(1) fixing the amount of security or additional security which the personal representative, trustee, or guardian shall be required to enter or excusing the fiduciary from entering additional security; and

(2) confirming the sale absolutely effective immediately or as of the time the required security or additional security, if any, is approved and filed.

**Rule 12.11.1. Mortgage of Real Property.**

A petition to mortgage real property by a personal representative, trustee, or guardian shall conform as closely as practicable to the requirements of Carbon Co. O.C.R. 12.10.1 with regard to a petition to sell real property at private sale by the same fiduciary.

**Rule 12.11.2. Pledge, Lease, or Exchange of Real Property.**

The practice and procedure governing petitions by a personal representative, trustee, or guardian to pledge, lease, or exchange, or to grant an option for the pledge, lease, or exchange of property under the P.E.F. Code, shall be governed by Carbon Co. O.C.R. 12.10.1, governing the private sale of real property by such fiduciary.

**Rule 12.12.1. Inalienable Property. Public Sale.**

(a) A petition to sell real property at public sale under Chapter 83 of the P.E.F. Code shall, in addition to other requirements of the statute and Supreme Court Orphans' Court Rules, set forth in separate paragraphs:

(1) How title was acquired, stating the date and place of probate of the Will or recording of the deed, as applicable;

(2) If presented by a guardian, the method, date and record of appointment, if any, or if none, identity of the petitioner stating the relationship of the petitioner to the person owning the property;

(3) A full description of the real property, its improvements, by whom it is occupied, its rental income, if any, and the liens and charges to which it is subject;

(4) The interest of the petitioner, if any;

(5) A recital and history of the trust, if any; the relevant provisions of the Will or deed pertaining to the real property to be sold; the interest of a minor, if any; and the names of other parties interested in the real estate and the nature of their interest;

(6) If for the benefit of a minor, the age of the minor, the names of the minor's next of kin and that notice has been given to them of the presentation of the petition;

(7) The names of all parties in interest, their addresses, the nature and extent of their interests, stating which, if any, are minors or incapacitated persons, and giving the names and record of appointment of their guardians, if any,

(8) That the purpose of the proceeding is to obtain a decree stating that the title transferred to the purchaser will be indefeasible by any person ascertained or unascertained, or by any class of persons mentioned in the petition or decree having a present or expectant interest in the premises, and unprejudiced by any error in the proceedings of the court;

(9) Sufficient facts to enable the court to determine whether the proposed sale will be to the interest and

advantage of the parties, and whether the proposed sale may be made without prejudice to any trust, charity, or purpose for which the real property is held, and without violation of any laws which may confer an immunity or exemption from sale or alienation; and

(10) The names of any parties who do not voluntarily appear.

(b) The petitioner shall attach as exhibits the consents to the sale signed by those parties in interest who consent, and the notice which was given to those parties who do not consent or voluntarily appear.

(c) If all parties having an interest do not voluntarily appear as petitioners or respondents, petitioner shall request issuance of a rule to show cause directed to all parties who have not appeared.

(d) The practice and procedure with respect to notice, confirmation and entry of security shall conform to the appropriate provisions of the P.E.F. Code and Carbon Co. O.C.R. 12.9.2, 12.9.3 and 12.9.4.

**Rule 12.12.3. Inalienable Property. Private Sale.**

(a) A petition to sell real property at private sale under Chapter 83 of the P.E.F. Code, shall set forth in separate paragraphs:

(1) The information required under Carbon Co. O.C.R. 12.12.1(a) and (b), to the extent applicable;

(2) The name and address of the proposed purchaser, the price to be paid; the terms of the proposed sale; and that the price offered is better than can be obtained at a public sale; and

(3) When the proposed sale is of an undivided interest, that the other parties in interest desire the sale to be made and are willing to join in the deed.

(b) In addition to the exhibits referred to in Carbon Co. O.C.R. 12.12.1(b), the petition shall have attached affidavits of two (2) real estate appraisers setting forth the information required by Pa.O.C.R. 12.10(b).

(c) If all parties having an interest do not voluntarily appear as petitioners or respondents, petitioners shall request issuance of a rule to show cause directed to all parties who have not appeared.

(d) The court, in the decree approving or confirming the sale, will fix the amount of security which the fiduciary shall be required to enter.

**Rule 12.12.4. Inalienable Property. Mortgage.**

(a) *Contents of Petition.* A petition by a fiduciary to mortgage real property, under Chapter 83 of the P.E.F. Code, shall conform as closely as practicable to the requirements of Carbon Co. O.C.R. 12.9 with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed loan; and shall provide sufficient facts to enable the Court to determine whether the proposed loan should be approved.

(b) *Exhibits. Security.* The exhibits required by Carbon Co. O.C.R. 12.12.3(b) shall be attached to the petition, with the proviso regarding consents, that if all parties having an interest do not voluntarily appear as petitioners or respondents, a rule to show cause will be granted directed to all parties who have not appeared, as provided by the P.E.F. Code. Security shall be fixed as provided by Rule 12.12.3(d).

RULE 14—GUARDIANSHIP OF INCAPACITATED PERSONS

Rule 14.1. Form of Preliminary Decree.

(a) Form of Preliminary Decree. Each Petition for Adjudication of Incapacity shall have attached thereto a Preliminary Decree for Guardianship substantially in the following form:

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_, No. \_\_\_\_\_
An Alleged Incapacitated Person

PRELIMINARY DECREE FOR GUARDIANSHIP

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to judicially resolve Petitioner's request for the appointment of guardianship, the Court hereby:

ORDERS and DECREES the following:

- 1. That a Hearing be held on the attached Petition on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ M. in Courtroom No. \_\_\_\_\_, Carbon County Courthouse, Jim Thorpe, Pennsylvania.
2. The Court directs the issuance of an appropriate citation with Rule to Show Cause why the above-captioned individual should not be adjudged an Incapacitated Person and why the Court should not appoint appropriate guardians.
3. Petitioner shall request a guardianship of the following nature: a limited guardianship of the person, a plenary guardianship of the estate.
4. Petitioner shall cause to be served (by personal service) the Rule to show cause and Petition with attached Notice upon the alleged incapacitated person at least twenty (20) days prior to the Court hearing.
5. At least 20 days notice of the Petition and Hearing shall be given by personal service or certified mail to all persons who are sui juris and would be entitled to share in the estate of the alleged incapacitated person's estate if he/she died intestate at the time of finding incompetency.
6. Petitioner shall notify the Court, in writing, at least seven (7) days prior to the Court hearing if counsel has NOT been retained by or on behalf of the alleged incapacitated person.
7. The alleged incapacitated person shall be present at the Court hearing unless it is established that her physical or mental condition would be harmed by her presence, or it is impossible for her to be present because of her absence from the Commonwealth.

BY THE COURT:

\_\_\_\_\_

(b) Form of Rule to show cause. Every Petition for Adjudication of Incompetency shall have attached to the Preliminary Decree provided in subsection (a) of this rule a Rule to Show Cause or Citation in the form prescribed by Pa.O.C.R. No. 14.5.

Rule 14.2. Testimony Regarding Incapacity or Incompetency, Deposition.

Expert testimony regarding incapacity or incompetency may be presented by deposition in the following form:

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ :
An Alleged : NO. \_\_\_\_\_
Incapacitated Person :

DEPOSITION BY INDIVIDUAL QUALIFIED IN EVALUATION OF INCAPACITATED PERSON

The deposition of \_\_\_\_\_, a witness in this matter, on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, Pennsylvania.

- 1. What is your name and your professional address?
A. My name is \_\_\_\_\_; my professional address is \_\_\_\_\_.
2. Please describe your education, training, and background with particular emphasis on your expertise in evaluating individuals with incapacities. If you prefer to do so, please attach a curriculum vitae to those interrogatories that details this information.

A. (Cross out that answer that does not apply.)

(a) My curriculum vitae detailing this information is attached or

(b) I received my college degree at \_\_\_\_\_ and my post graduate training at \_\_\_\_\_, and I have practiced \_\_\_\_\_ (e.g. medicine, psychiatry, psychology, gerontological social work etc.) since 19 \_\_\_\_ . My special qualifications and training with respect to evaluating persons with incapacities consist of \_\_\_\_\_

3. In what states are you licensed to practice medicine?

A. I am licensed to practice medicine in the following states: \_\_\_\_\_

4. In your capacity as (e.g. physician, psychologist, social worker, etc.) have you had the opportunity to meet with, examine, speak with and otherwise become acquainted with \_\_\_\_\_ (name) and if so, upon what occasions and in what fashion have you been able to do so?

A. I first became acquainted with \_\_\_\_\_ (name) the month of \_\_\_\_\_, \_\_\_\_\_, when she/he was brought to my attention by means of \_\_\_\_\_. I have since that time (visited/spoken with/examined/treated) her/him on \_\_\_\_\_ other occasions with an average frequency of \_\_\_\_\_ times per \_\_\_\_\_ day/week/month/year.

5. To a reasonable degree of medical certainty, do you have an opinion as to whether the ability of \_\_\_\_\_ (name) to receive and evaluate information effectively and to communicate decisions is in any way impaired to such significant extent that she/he is:

- (a) partially unable to manage her/his financial resources,
- or
- (b) totally unable to manage her/his financial resources.

A. \_\_\_\_\_

6. To a reasonable degree of medical certainty, do you have an opinion as to whether the ability of \_\_\_\_\_ (name) to receive and evaluate information effectively and to communicate decisions is in any way impaired to such significant extent that she/he is:

- (a) partially unable to meet essential requirements for her/his physical health and safety, or
- (b) totally unable to meet essential requirements for her/his physical health and safety?

A. \_\_\_\_\_

7. Please describe the type and severity of any impairments of \_\_\_\_\_ (name) are as follows:

Impairment	—Check one—			
	None	Mild	Moderate	Severe
a)	[ ]	[ ]	[ ]	[ ]
b)	[ ]	[ ]	[ ]	[ ]
c)	[ ]	[ ]	[ ]	[ ]
d)	[ ]	[ ]	[ ]	[ ]
e)	[ ]	[ ]	[ ]	[ ]
f)	[ ]	[ ]	[ ]	[ ]
g)	[ ]	[ ]	[ ]	[ ]
h)	[ ]	[ ]	[ ]	[ ]

8. To a reasonable degree of medical certainty, can you express an opinion as to whether \_\_\_\_\_ (name) is partially or totally unable to manage her/his financial resources?

A. The ability of \_\_\_\_\_ (name) to manage her/his financial resources is impaired (not at all, partially, totally) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. To a reasonable degree of medical certainty, can you express an opinion as to whether \_\_\_\_\_ (name) is able to meet essential requirements for her/his physical health and safety?

A. The ability of \_\_\_\_\_ (name) to meet essential requirements for her/his physical health and safety is impaired (not all, partially, totally) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Can you please evaluate the present condition of \_\_\_\_\_ (name) with respect to incapacities of the type alleged in the Petition. In particular, could you please comment on the nature and extent of the alleged incapacities and disabilities and also, insofar as you are able, the mental, emotional and physical condition of \_\_\_\_\_ (name), her/his adaptive behavior, and her/his social skills?



A. Based upon my education, training and experience, as well as my acquaintance with \_\_\_\_\_ (name) as stated above, it is my opinion that her/his incapacities and disabilities are

\_\_\_\_\_  
 \_\_\_\_\_ Her/His mental condition is:

Her/His emotional and physical condition are:

11. Is the condition of \_\_\_\_\_ (name) such as would make her/him susceptible to being taken advantage of by unscrupulous or designing persons?

A. Her/His adaptive behavior is \_\_\_\_\_

B. Her/His social skills are \_\_\_\_\_

12. What recommendations would you make concerning services necessary to meet the essential requirements for the physical health and safety of \_\_\_\_\_ (name).

A. I would recommend that her/his physical health and safety be protected by \_\_\_\_\_

13. What recommendations would you make concerning management of the financial resources of \_\_\_\_\_ (name)?

A. I would recommend \_\_\_\_\_

14. What recommendations would you make concerning the development or regaining of physical or mental abilities of \_\_\_\_\_ (name)?

A. I would recommend the following \_\_\_\_\_

15. What types of assistance do you think are required by \_\_\_\_\_ (name)?

A. I believe she/he needs assistance with \_\_\_\_\_

16. Why is it that no less restrictive alternatives would be appropriate?

A. Less restrictive alternatives would not be appropriate because \_\_\_\_\_

17. What is the probability that the extent of incapacities of \_\_\_\_\_ (name) may significantly lessen or change?

A. In my judgment, and based upon my training, experience and acquaintance with \_\_\_\_\_ (name) I believe the probability that her/his incapacities may significantly lessen or change is: \_\_\_\_\_

18. Would the physical or mental condition of \_\_\_\_\_ (name) be harmed by her/his presence in open Court?

A. I believe that the presence of \_\_\_\_\_ (name) in open Court would (not) be harmful to her/him because \_\_\_\_\_

NOTE: Pennsylvania law (20 Pa.C.S. § 5511(a)(1) requires that the alleged incapacitated person must be present at the hearing unless a physician or licensed psychologist provides by testimony or statement, an opinion that her/his physical or mental condition would be harmed by her/his presence.

VERIFICATION

I, \_\_\_\_\_ verify that the statements made in the foregoing Deposition are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_  
 Signature of Deponent

**Rule 14.3. Accounts of Guardians.**

On or before the first day of March of each year, every guardian of the estate of an incapacitated or incompetent person shall file with the Clerk of the Orphans' Court an account of such guardian's administration of the estate during the preceding calendar year, said account to be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: \_\_\_\_\_ : NO. \_\_\_\_\_

PERIODIC REPORT  
FROM \_\_\_\_\_, \_\_\_\_\_ TO \_\_\_\_\_,  
OF THE GUARDIAN OF THE ESTATE

1) I am the *limited/plenary* (circle one) guardian of the estate of my ward, named above, and my address, including zip code, is:

My telephone number at work is ( ) \_\_\_\_\_ and my telephone number at home is ( ) \_\_\_\_\_.

2) I was appointed guardian by Order of Court dated \_\_\_\_\_ which was/was not (circle one) modified by Court Order(s) dated \_\_\_\_\_.

3) My initial Inventory was filed on \_\_\_\_\_ and listed a total estate value of \$ \_\_\_\_\_  
The Inventory listed a total monthly income of \$ \_\_\_\_\_ comprised of the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) At the beginning date of this reporting period, my initial balance on hand was \$ \_\_\_\_\_.

5) During this reporting period, the following reflects all sources of income (other than social security) received by me for my ward: (Add additional pages if needed)

	<i>Date Received</i>	<i>Source of Income</i>	<i>Amount</i>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
TOTAL—			_____

6) During this reporting period, the following reflects all payments I have made for my ward: (Add additional pages if needed):

	<i>Date</i>	<i>To Whom Paid</i>	<i>Reason for Payment</i>	<i>Amount</i>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
TOTAL—				_____

7) The present principal assets of my ward are:

	<i>Description of Asset</i>	<i>Present Value</i>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

8) The present amount and sources of income for my ward are:

	<i>Source of Income</i> <i>(Indicate whether monthly, quarterly, annually)</i>	<i>Amount of Income</i>
1.	_____	_____
2.	_____	_____
3.	_____	_____

Source of Income  
(Indicate whether monthly, quarterly, annually)

Amount of Income

- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

9) The regular monthly expenses of my ward which I pay are:

To Whom Paid  
(annually)

Amount

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

10) I have/have not (circle one) petitioned the Court for permission to invade principal to meet the needs of my ward. (If applicable) The following expenses of my ward have been paid from principal:

To Whom Paid

Purpose

Amount

- |    |       |       |       |
|----|-------|-------|-------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ |

11) I have/have not (circle one) paid myself compensation for services I rendered as guardian.

The amount I paid myself totaled \$ \_\_\_\_\_ and was calculated at the following rate: \$ \_\_\_\_\_ per week/month (circle one).

12) Circle the correct response and complete, if appropriate.

There will be no need for extraordinary expenditures on behalf of my ward in the next twelve (12) months.

or

There will be a need for extraordinary expenditures on behalf of my ward in the next twelve (12) months because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13) Circle the correct response and complete, if appropriate.

A. My ward receives monthly social security benefits directly.

B. I am the designated payee to receive my ward's social security benefits.

C. The designated payee of my ward's social security benefits is \_\_\_\_\_

whose address is \_\_\_\_\_

and is/is not (circle one) related to my ward as \_\_\_\_\_ (insert relationship).

I certify under the penalties of perjury that the information contained in this report is true and correct to the best of my knowledge, information and belief. I further certify that I have sent a copy of this report to all those parties in interest listed in the original Petition to declare my ward incapacitated and that I have added a notice to those parties in the form below.

Date: \_\_\_\_\_

Signature of Guardian

NOTICE

Enclosed is a copy of my periodic Report as Guardian of the Estate. If you have any questions regarding this report, please contact me. If you have any Objections to it, you are advised to prepare your Objections, in writing, make

reference to the name of the incapacitated person and the court file number, and, within thirty (30) days of receiving this Notice, mail or deliver the Objections to me at the address listed in my Report *and* to the

Orphans' Court Auditor  
Office of the Register of Wills  
County Courthouse  
Jim Thorpe, PA 18229

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Guardian of the Estate

**Rule 14.4. Annual Report of Guardian of Person of Incapacitated Person.**

The annual report of the guardian of the person of an incompetent or incapacitated person required by 20 PA.C.S.A. § 5521(c) shall be in the following form:

[Caption]

GUARDIAN OF THE PERSON—ANNUAL REPORT  
(20 PA.C.S.A. § 5521(c))

1. Current address of the incapacitated person.
2. Describe the type of facility where the incapacitated person presently lives and the type of living arrangements:
3. Do you contemplate a change of placement in the near future? If yes, state where and the reason.
4. Describe any major medical or mental problems of the incapacitated person:
5. Describe what social and recreational activities that are enjoyed by the incapacitate person:
6. What medical and psychological services are provided to the incapacitated person?
7. Describe any hospitalizations or medical treatment since the date of your appointment as guardian or since the date of your last report:
8. How often do you visit the incapacitated person?
9. On the average, how long are your visits?
10. Who else visits the incapacitated person and how frequently?
11. Are there any needs that are not being provided for? If yes, state what and why,
12. Should the guardianship continue, be terminated, or modified? If yes, please specify the reasons for your opinion.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Guardian

**RULE 15—ADOPTIONS**

**Rule 15.1. Local Rules.**

The practice and procedure with respect to adoptions shall be as provided by Act of Assembly and to the extent not inconsistent therewith shall conform with the pertinent provisions of these Rules or special order of the Orphans' Court, or, in the absence thereof, with the provisions of Pa.O.C.R. 15.

**Rule 15.1.1. Local Practice and Procedure.**

Practice and procedure with respect to all proceedings under the Adoption Act, 23 Pa.C.S.A § 2101-2910, shall be as provided by this local Rule 15, and, also, in accordance with the provisions of Pa.O.C.R. 15, to the extent the latter is not inconsistent with the provisions of the current Adoption Act, 23 Pa.C.S.A. § 2101-2910 (the "Adoption Act").

**Rule 15.1.2. Exhibits.**

Appended to all petitions for voluntary relinquishment, involuntary termination and adoption shall be the following:

(a) A birth certificate or certificate of registration of birth of the subject child which contains the child's name, sex, date of birth and parents' names.

(1) Whenever a birth certificate has been filed with the Clerk in a companion proceeding, reference to the companion case term and number shall be sufficient.

(2) A notice of birth registration is not an acceptable substitute for a certified copy of a birth certificate or a certification of registration of birth.

(b) When required by the Court, certified copies of marriage licenses regarding the biological parent or parents of the subject child and the proposed adoptive parents, as proof of the following:

(1) The marital status of the biological mother at the birth of the subject child and for one year prior thereto.

(2) The marriage of the proposed adoptive parents to each other.

**Rule 15.2.1. Voluntary Relinquishment to Agency.**

(a) *Petition.*

A Petition under Section 2501 of the Adoption Act to relinquish parental rights and duties with respect to a child who has been in the care of an Agency shall be in a form approved by the court, and shall include the following allegations:

(1) The name, address, age, racial background and religious affiliation of each petitioner.

(2) The information required in subparagraph (1) as to any parent who is not a petitioner, or the reason why such information is unavailable.

(3) The martial status of the mother as of the time of the birth of the child and during one year prior thereto,

and, if the mother was married, the name of her husband or husbands, and her maiden name.

(4) The name, age, date of birth, racial background, sex and religious affiliation of the child.

(5) The name and address of the Agency having care of the child.

(6) The date when the child was placed with the Agency and the circumstances surrounding the placement.

(7) When the child's parents are not married to each other, whether they intend to marry each other.

(8) The reason for seeking relinquishment.

(9) That each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in the petitioner's and the child's best interests.

(10) Whether either natural parent of the child is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A. '501, et. seq.).

(b) *Exhibits.*

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1.2:

(1) The joinder of a parent who is not a petitioner, if obtainable.

(2) If the other parent is deceased, a certified copy of the death certificate.

(3) The joinder of the Agency having care of the child and its consent to accept custody of the child until such time as the child is adopted. The joinder of the Agency shall be executed and acknowledged by an official authorized to do so, and proof of such authority shall be kept on file with the court (see Rule 15.8.1, *infra.*)

(4) A proposed decree in a form approved by the court.

(c) *Disposition of Petition.*

(1) The petition shall be filed with the Clerk, who shall place the matter on the next available hearing list, unless otherwise directed by the court.

(2) Absent exceptional circumstances, or unless the other parent is deceased, the court will not entertain a petition by one parent where the rights of the other parent have not been previously terminated or cannot be terminated at the hearing.

(3) Information concerning any proposed adoption of the child who is the subject of the petition shall be made available to the court at the hearing.

(d) *Notice and Hearing.*

(1) If a parent has not relinquished his or her rights and duties in and to the child, or joined in the other parent's petition hereunder, then notice of the hearing, together with a copy of the petition, shall be served upon the non-petitioning/non-joining parent.

(2) Unless excused by the court, at or prior to the hearing, each petitioner and each person whose consent or joinder is attached to the petition shall be examined under oath at the hearing.

#### **Rule 15.3.1. Voluntary Relinquishment to Adult Intending to Adopt Child.**

(a) *Petition.*

A Petition under Section 2502 of the Adoption Act to relinquish parental rights with respect to a child who has

been in the exclusive care of an adult or adults who have filed a report of Intention to Adopt shall be in a form approved by the Court, and shall include the allegations required under subparagraphs (1), (2), (3), (4), (7), (8), (9), and (10) of Rule 15.2.1.(a), and

(1) The date when the Report of Intention to Adopt was filed.

(2) The date when the child was placed with the adult or adults and the circumstances surrounding the placement.

(b) *Exhibits.*

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1.2:

(1) The joinder of a parent who is not a petitioner, if obtainable.

(2) If the other parent is deceased, a certified copy of the death certificate.

(3) The separate consent of the adult or adults to accept custody of the child.

(4) A proposed decree in a form approved by the Court.

(c) *Disposition of the Petition.*

(1) The petition shall be filed with the Clerk, who shall place the matter on the next available hearing list, unless otherwise directed by the Court.

(2) Absent exceptional circumstances, or unless the other parent is deceased, the Court will not entertain a petition by one parent where the rights of the other parent have not been previously terminated or cannot be terminated at the hearing.

(3) Absent exceptional circumstances, a petition for voluntary relinquishment to an adult intending to adopt will not be entertained by the Court unless a petition for adoption under Section 2701 of the Adoption Act with respect to the subject child has also been filed.

(d) *Notice and Hearing.*

(1) If a parent has not relinquished his or her right in the child or joined in the petition hereunder, then notice of the hearing on a parent's petition to voluntarily relinquish rights, together with a copy of the petition, shall be served upon such non-petitioning/non-joining parent.

(2) Each petitioner and each person whose joinder or consent is attached to the petition shall be examined under oath at the hearing unless excused by the court.

#### **Rule 15.3.2. Alternative Procedure for Relinquishment.**

(a) *Petition to Confirm Consent.*

A petition under Section 2504(a) of the Adoption Act shall be in a form approved by the court, and shall include the following allegations:

(1) The name, address and standing of the petitioner or petitioners, and the date on which the report of intention to adopt and/or the petition for adoption was filed.

(2) The name, age, address and current marital status of the natural parent or parents.

(3) The name, sex, date of birth and the child proposed to be adopted, and the date on which the child was placed with the proposed adoptive parents.

(4) The date on which the petition or petitions for voluntary relinquishment were filed.

(5) The date of the execution of the consent or consents to the adoption by the natural parent or parents.

(6) That a period of forty (40) days has elapsed since the execution of the consent to the adoption and that the consenting parent has not filed or proceeded with a petition for voluntary relinquishment of parental rights as provided for in Sections 2501 and 2502 of the Adoption Act.

(7) Whether either natural parent of the child is entitled to the benefits of the Soldiers and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A. § 501, et seq.).

(b) *Exhibits to Petition to Confirm Consent.*

The petition shall have attached to it the following exhibits, in addition to those specified in Carbon Co. O.C.R. 15.1.2:

(1) The original consent of the natural parent in the form prescribed by Section 2711(d)(l) and (2) of the Adoption Act.

(2) A proposed decree in a form approved by the court.

(c) *Petition for Termination of Parental Rights of Non-Consenting Putative Father*

A petition under Section 2504(c) of the Adoption Act shall be in a form approved by the court, and shall include the following allegations:

(1) The name, address and standing of the petitioner or petitioners, and the dates on which the report of intention to adopt and/or the petition for adoption was filed.

(2) The name, age, address and marital status of the biological parents as of the birth of the child and during one year prior thereto.

(3) The name, sex, date of birth of the proposed adoptee and the date on which the child was placed with the proposed adoptive parents.

(4) That the biological mother of the adoptee was unmarried at the child's birth.

(5) That the putative father has refused to execute a written consent to the adoption of the proposed adoptee and has not filed an acknowledgment of paternity.

(6) Whether the putative father is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A. § 501, et seq.).

(d) *Exhibits to Petition for Termination of Parental Rights of Non-Consenting Putative Father*

The petition shall have attached to it the following exhibits, in addition to those specified in Carbon Co. O.C.R. 15.1.2:

(1) A birth certificate of the proposed adoptee which indicates that no acknowledgment or claim of paternity has been filed.

(2) A proposed decree in a form approved by the Court.

(e) *Disposition of Petitions Under Section 2504.*

(1) The petition shall be filed with the Clerk, who shall place the matter on the next available hearing list, unless otherwise directed by the court.

(2) Absent exceptional circumstances, the Court will not entertain a petition to confirm the consent of only one biological parent, unless the other parent is the petitioner or the spouse of a petitioner in an adoption pending in this court; or the other parent is a putative father who (i)

has refused to execute a consent, and has not filed an acknowledgment of paternity, or (ii) is deceased.

(3) Absent exceptional circumstances, a petition to confirm consent will not be entertained by the court unless petition for adoption under Section 2701 of the Adoption Act has been filed with this court.

(f) *Notice and Hearing.*

(1) Notice of the hearing on the petition to confirm consent, in the form prescribed by Section 2513(b) of the Adoption Act, together with a copy of the petition omitting all references to the proposed adoptive parents, shall be served upon the natural parent or parents whose consent is sought to be confirmed, the other parent, a putative father whose rights are sought to be terminated, and to the parents or guardian of a consenting parent who has not reached 18 years of age.

(2) Each petitioner shall be examined under oath at the hearing.

**Rule 15.4.1. Involuntary Termination of Parental Rights.**

(a) *Petition.*

A petition for involuntary termination of parental rights under Sections 2511 and 2512 of the Adoption Act shall be in the form set forth in Carbon Co. O.C.R. 15.4.2.

(b) *Exhibits.*

The petition shall have attached to it the following exhibits, in addition to those specified in Carbon Co. O.C.R. 15.1.2:

(1) The joinder of the agency having care of the child and its consent to accept custody of the child until such time as the child is adopted. The joinder shall satisfy the requirements of Carbon Co. O.C.R. 15.2.1(b)(3).

(2) A proposed decree nisi in the form set forth in Carbon Co. O.C.R. 15.4.3.

(c) *Disposition of Petition.*

(1) The petition shall be filed with the Clerk and a copy thereof shall be served upon the respondent. This shall be in addition to the notice of hearing required by Rule 15.4.1(e).

(2) At the time when the petition is filed with the Clerk, the matter shall be placed on the next available hearing list by the Clerk. However, the matter shall not be heard before the time for filing responsive pleadings has elapsed (O.C. Rule 3.2.2). Notice thereof shall be given as required by Carbon Co. O.C.R. 15.4.1(e).

(3) Absent exceptional circumstances, or unless the other parent is deceased, the court will not entertain a petition for involuntary termination of parental rights riled by an agency or an adult intending to adopt where the parental rights of the other parent have not been previously terminated, or cannot be terminated at the hearing.

(4) If the court is satisfied that, after reasonable investigation, the identity of a natural parent is unknown, no notice under this Rule will be necessary with respect to such parent.

(5) To establish a "reasonable investigation" a "Petition for Leave to Forego Involuntary Termination Proceedings Regarding the Unknown Parent of (name of child)" shall be presented to the Motions Judge and shall contain the following allegations:

(i) the circumstances surrounding the conception of the child including the approximate date and location;

(ii) all of the information regarding the unknown parent that is known by the other natural parent or petitioner; and

(iii) the efforts made by the identical natural parent or petitioner, by anyone acting on behalf of the identified parent, by petitioning adoptive parents and/or anyone acting on their behalf, to attempt to identify, locate, or contact the unknown natural parent based on the information provided in subsections (i) and (ii) above; or

(iv) the reasons why any of the above information cannot be provided.

(6) if a natural parent is not the petitioner there shall be attached to the petition as an exhibit:

(i) the consent and joinder of the identified natural parent;

(ii) a certified copy of the death certificate of the identified natural parent; or

(iii) the affidavit of the identified natural parent that the allegations in the petition are true and correct and that the identity and whereabouts of the other natural parent are unknown to the arrant.

(7) If the requirements of subparagraph (6) above cannot be satisfied, the petition shall contain an allegation explaining the reasons therefor.

(d) *Representation for Minors.*

(1) Counsel.

When a petition for involuntary termination is being contested by one or both parents, counsel for the petitioners shall file with the petition or present, to the Motions

Judge, prior to the scheduled hearing, a motion for the appointment of counsel to represent the minor child or children, together with a proposed order in a form approved by the court.

(2) *Guardian Ad Litem.*

When the termination of the parental rights of a minor parent is sought, the court, if it finds that the minor parent is not adequately represented, may appoint a guardian ad litem to represent the interests of the minor parent.

(e) *Notice and Hearing.*

(1) Notice of the hearing on the petition for involuntary termination of parental rights, in the form and manner prescribed by Section 2513 of the Adoption Act, shall be served upon the following persons:

(i) the parent or parents whose rights are sought to be terminated; and

(ii) the parent or parents and the guardian ad litem, if any, of a natural parent who is under the age of 18 years.

(2) Each petitioner shall be examined under oath at the hearing unless excused by the court.

(3) The notice of hearing required in this Rule shall be in addition to the requirement of service of the petition in accordance with Carbon Co. O.C.R. 15.4.1(c)(1).

(f) *Decrees of Termination of Parental Rights; Form.*

When a petition for involuntary termination of parental rights is uncontested by the respondent, the court, after hearing, shall issue an order setting forth its findings regarding the grounds for involuntary termination of parental rights and either granting or denying the termination. All such decrees of termination of parental rights in uncontested matters shall be final orders.

**Rule 15.4.2. Form of Petition for Involuntary Termination.**

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION  
IMPORTANT NOTICE

PETITION FOR INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS

IN RE: \_\_\_\_\_

No. \_\_\_\_\_

To: \_\_\_\_\_,  
the parents of \_\_\_\_\_,

A petition has been filed asking the Court to put an end to all rights you have to your child [insert name of child]. A copy of the petition is attached.

The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. \_\_\_\_\_ in the Carbon County Courthouse, at Jim Thorpe, Pennsylvania, on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

**RIGHTS TO YOUR CHILD(REN)**—You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child(ren) may be ended by the Court without your being present, which means that you will lose all rights to custody, visitation, communication with your child(ren). If termination is granted you will receive no notice of future legal proceedings concerning your child(ren).

**LEGAL REPRESENTATION**—You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below to find out where you can get legal help.

LEGAL SERVICES OF NORTHEASTERN PENNSYLVANIA, INC.  
122 Iron Street  
Lehighton, PA 18235  
(610) 377-5400

If you have contacted Legal Services and still have not been able to obtain a lawyer, you can still appear at the hearing to request the appointment of a lawyer. If you are indigent, the Court will appoint a lawyer to represent you.

RIGHTS IF YOU ARE INCARCERATED—If you cannot attend the hearing because you are or will be in jail, and want a lawyer, or want to appear at the hearing, you must write within ten (10) days of the receipt of this notice to:

PRESIDENT JUDGE  
CARBON COUNTY COURTHOUSE  
JIM THORPE, PA 18229

Name of Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: ADOPTION OF \_\_\_\_\_ : No. \_\_\_\_\_  
\_\_\_\_\_ :

PETITION FOR INVOLUNTARY TERMINATION  
OF PARENTAL RIGHTS  
(Section 2512 of the Adoption Act)

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, comes the Petitioner(s), and sets forth the following facts:

Names of Petitioner(s) \_\_\_\_\_

Describe the relationship of the Petitioner(s) to the child:

3. Regarding the child(ren), provide the following information:

<i>Name</i>	<i>Age</i>	<i>DOB</i>	<i>Race</i>	<i>Sex</i>	<i>Religious Affiliation</i>

4. Regarding the parent(s) who are the subject of the Petition, provide the following:

<i>Name</i>	<i>Age</i>	<i>DOB</i>	<i>Race</i>	<i>Sex</i>	<i>Religious Affiliation</i>

5. Was the mother married at any time during one year prior to the birth of the child(ren)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide the name of each husband and mother's maiden name:

6. The Petitioner(s) is authorized to seek termination pursuant to Section 2512 of the Adoption Act on the basis that the petitioner(s) is/are (check the applicable status):

- \_\_\_\_\_ a parent who seeks termination with respect to the other parent;
- \_\_\_\_\_ an agency;
- \_\_\_\_\_ an individual having custody or standing in loco parentis to the child, who has filed a report of intention to adopt under Section 2531 of the Adoption Act;
- \_\_\_\_\_ an attorney representing a child or a guardian ad litem representing a child who has been adjudicated dependent under 42 Pa.C.S. § 6431(c) (relating to adjudication).

7. The grounds for termination of parental rights upon which the petitioner(s) rely are: (check applicable grounds)

- \_\_\_\_\_ the parent by conduct continuing for a period of at least (6) months immediately preceding the filing of the petition either has evidenced settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties;
- \_\_\_\_\_ the repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent;
- \_\_\_\_\_ the parent is the presumptive but not the natural father of the child;
- \_\_\_\_\_ the child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found;
- \_\_\_\_\_ the child has been removed from the care of the parent by the Court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance



reasonably available to the parent are not likely to remedy the conditions. Which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child;

\_\_\_\_\_ in the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four month period to provide substantial financial support for the child;

\_\_\_\_\_ the parent is the father of a child who was conceived as a result of a rape;

\_\_\_\_\_ the child has been removed from the care of the parent by the Court or under a voluntary agreement with an agency, twelve (12) months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

8. The facts which support each of the grounds checked above, and which establish that termination of parental rights would be in the best interests of the child, are set forth as follows (provide a statement of the facts underlying your petition, or a report from Children and Youth Services.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. If the petitioner(s) is not an agency, has a Petition for Adoption been filed or is adoption presently contemplated?

Yes \_\_\_\_\_ No \_\_\_\_\_

Is/are the child(ren) placed in the care of the petitioner(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, give the date of placement: \_\_\_\_\_

10. The petitioner(s) will assume custody of the child(ren) if this petition is granted.

11. If the father of the child(ren) has not been identified, has a claim of paternity been filed?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Is either parent entitled to benefits under the Soldiers' and Sailors' Civil Relief Act (50 U.S.C.A. § 501, et seq)?

Yes \_\_\_\_\_ No \_\_\_\_\_

13. The following exhibits are attached:

- \_\_\_\_\_ birth certificate(s) of child(ren)
- \_\_\_\_\_ consent of parent for petitioner under age eighteen (18)
- \_\_\_\_\_ statement of facts or report from Children and Youth Services

VERIFICATION:

I, \_\_\_\_\_ (We) verify that the statements made in this Petition are true and correct. I understand that statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

WHEREFORE, the Petitioner(s) request(s) that a hearing be scheduled and a rule to show cause issued to the respondent(s) directing them to appear before the Court at a day and time scheduled.

\_\_\_\_\_  
Attorney for Petitioner

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

AFFIDAVIT OF SEARCH  
(To be filed if parents' whereabouts are unknown)

IN RE: Adoption of \_\_\_\_\_ : No. \_\_\_\_\_  
\_\_\_\_\_ :

I hereby certify that I have made the following efforts to locate the parent(s):

1. Searched file for addresses (Children and Youth Services).
2. Contacted or searched (check those that are applicable):

- \_\_\_\_\_ Known relatives and friends
- \_\_\_\_\_ Phone Book
- \_\_\_\_\_ Post Office
- \_\_\_\_\_ Prisons, State and Local
- \_\_\_\_\_ Clerk of Courts
- \_\_\_\_\_ CHRI

3. Publication

I verify that the statements herein are true and correct and subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

**Rule 15.4.3. Form of Decree Nisi and Final Decree.**

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: Adoption of \_\_\_\_\_ : No. \_\_\_\_\_  
: Docket \_\_\_\_\_ Page \_\_\_\_\_  
: Filing Fee \_\_\_\_\_  
(Adoptee's name as on birth certificate) Attorney \_\_\_\_\_

DECREE NISI  
(Involuntary Termination of Parental Rights)

AND, NOW, this \_\_\_\_\_ day of \_\_\_\_\_, after review of the record and after an evidentiary hearing following due notice, the Court makes the following findings and judicial determinations:

- 1. Petitioner(s) has/have established a legal basis for terminating the parental rights of \_\_\_\_\_, hereinafter referred to as Respondent(s).
- 2. The following subsection(s) of 23 Pa.C.S.A Section 2511 establish the basis for terminating the parental rights of Respondent(s).

Check the applicable subsections:

- \_\_\_\_\_ a. The parent(s) by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties.
- \_\_\_\_\_ b. The repeated and continued incapacity, abuse, neglect or refusal of the parent(s) has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being, and the conditions and causes of the incapability, abuse, neglect or refusal cannot or will not be remedied by the parent(s).
- \_\_\_\_\_ c. The parent is the presumptive but not the natural father of the child.
- \_\_\_\_\_ d. The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent(s) is/are unknown and cannot be ascertained by diligent search, and the parent(s) does/do not claim the child within three months after the child is found.
- \_\_\_\_\_ e. The child has been removed from the care of the parent(s) by the Court or under a voluntary agreement with an agency for a period of at least six (6) months, the conditions which led to the removal or placement of the child continue to exist, the parent(s) cannot or will not remedy those conditions within a reasonable period of time, the service or assistance reasonably available to the parent(s) are not likely to remedy the condition which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.
- \_\_\_\_\_ f. In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the Petition to make reasonable efforts to maintain substantial -and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.
- \_\_\_\_\_ g. The parent is the father of a child who was conceived as a result of a rape.

3. The decision of the Court is based on the following findings of fact:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. It is hereby Ordered, Adjudged and Decreed that the parental rights of the above-mentioned Respondent(s) to adoptee are forever terminated.

5. The adoption of ADOPTEE may continue without further notice to or consent of the above-mentioned Respondent(s).

6. The custody of ADOPTEE is hereby transferred to

- a. the adopting parent(s) \_\_\_\_\_
- b. an approved Agency and such Agency is hereby authorized to give consent to the adoption of ADOPTEE.

Unless exceptions are filed with the Clerk of the Orphans' Court within ten (10) days after the entry of this decree, the decree will be made final.

BY THE COURT:

\_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: ADOPTION OF \_\_\_\_\_ : No. \_\_\_\_\_  
\_\_\_\_\_ : \_\_\_\_\_

FINAL DECREE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, whereas a Decree Nisi was entered in the within matter, and [no exceptions having been filed] or [exceptions having been filed thereto, and after hearing, the said exceptions are hereby dismissed], it is hereby ORDERED and DECREED that a final decree be entered and that all parental rights and duties of \_\_\_\_\_ are terminated forever. The adoption of the said child may be decreed without further consent of or notice to the aforesaid parent.

In accordance with 23 Pa.C.S.A. § 2905(d), said parent is advised of the continuing right to place and update personal and medical history information, whether or not the medical condition is in existence or discoverable at this time, on file with the Court and with the Department of Welfare.

BY THE COURT:

THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION

IN RE: ADOPTION OF \_\_\_\_\_ : No. \_\_\_\_\_  
\_\_\_\_\_ : \_\_\_\_\_

NOTICE OF RIGHT OF APPEAL

A Final Decree has been entered in the above-captioned matter, permanently terminating your parental rights and obligations with regard to the following child or children: The adoption of said child or children may proceed without your further consent or notice.

You are hereby advised of your right to take an appeal from the Final Decree. Pursuant to Pa.R.A.P. 903, notice of appeal must be filed within thirty (30) days after the entry of the Final Decree.

**Rule 15.8.1. Registration with the Court of Authorized Persons.**

Any agency licensed by the Department of Public Welfare which proposes to accept custody of any child for purposes of relinquishment or adoption under these Rules, shall file with the Clerk a copy of the resolution, certified by the secretary of the agency, setting forth the names and titles of all persons authorized to act or testify on behalf of the Agency in any proceeding before the court.

[Pa.B. Doc. No. 00-55. Filed for public inspection January 7, 2000, 9:00 a.m.]

CARBON COUNTY

**Rescission and Adoption of Local Rule L1301  
Compulsory Arbitration—Cases to be Submitted;  
No. 99-2528**

**Administrative Order No. 12-1999**

And Now, this 16th day of December, 1999, it is hereby

Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Rescinds* Local Rule of Civil Procedure L1301 promulgated July 1, 1993.

It Is Further Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Adopts* Local Rule of Civil Procedure L1301 governing cases to be submitted to Compulsory Arbitration.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the Carbon County Law Journal.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary's Office.

By the Court

JOHN P. LAVELLE,  
*President Judge*

**Rule L1301. Compulsory Arbitration—Cases to be Submitted.**

(a) Except as provided hereunder, all cases having an amount in controversy, exclusive of interest and costs, of twenty-five thousand (\$25,000) dollars or less shall be assigned to the Compulsory Arbitration Program of the Court of Common Pleas of Carbon County.

(b) The amount in controversy shall be determined from the initial Complaint. The Court may, on its motion or upon the motion of any party, strike from the trial list and certify for compulsory arbitration any cases which the Court determines should have been on the arbitration list in the first instance.

(c) The following cases or claims shall not be assigned for compulsory arbitration:

- (i) cases involving title to real estate;
- (ii) any other case type or claim which may be excluded from time to time by Order of the Court on its own motion or upon the motion of any party.

[Pa.B. Doc. No. 00-56. Filed for public inspection January 7, 2000, 9:00 a.m.]

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**SCHUYLKILL COUNTY**  
**Rules of Civil Procedure; S-2471-1999**

*And Now*, this 20th day of December, 1999, at 10:45 a.m., the Court hereby amends Schuylkill County Civil Rule of Procedure No. 212.1 for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

**Rule 212.1 Pre-Trial List.**

(a) When a case is at issue, counsel shall proceed to complete discovery where desired and shall hold settlement meetings at which serious attempt shall be made by counsel to resolve the issues raised by the pleadings.

Thereafter, any party may list the case for pre-trial by filing a certificate of readiness on Prothonotary form 212. The Prothonotary shall then promptly forward the certificate to the Court Administrator. Failure to complete each item of Prothonotary Form 212 shall be cause for striking the case from the pre-trial list. Misrepresentations in the completion of this form which would delay the court process may be subject to the contempt powers of the Court.

(b) A copy of Prothonotary Form 212 shall be served on all counsel contemporaneously with the filing thereof. Within 20 days after filing of the form, opposing counsel may file with the Prothonotary written objections thereto stating the reasons, and shall serve a copy thereof upon the Court Administrator and other counsel. The Court Administrator shall promptly deliver the certificate and objections to the President Judge who shall promptly dispose of said objections. Failure to file such objections constitutes a waiver of any objections to the certificate of readiness including, but not limited to, any claim that discovery has not been completed. If a summary judgment

motion is contemplated by the non-moving party, that party must file objections to the certificate of readiness or the right to do so will be deemed waived.

(c) Each case on the pre-trial list shall be assigned by the President Judge to one of the Judges for pre-trial and trial proceedings. Thereupon, the Judge to whom a case is assigned shall summon the parties to a pre-trial conference.

(d) This rule shall be applicable to paternity cases where trial is demanded on the issue of paternity.

(e) The filing of a certificate of readiness and the failure to object thereto constitute an assertion that counsel will be available to try the case within the next two civil trial terms established by the official court calendar.

[Pa.B. Doc. No. 00-57. Filed for public inspection January 7, 2000, 9:00 a.m.]

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**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Transfer of Attorney to Inactive Status**

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 22, 1999, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 22, 1999 for Compliance Group 1 due April 30, 1999.

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

David E. Aronow  
New York, NY

Madeleine G. Barber  
Blackwood, NJ

Lawrence Barnett  
Coconut Creek, FL

Michael Thomas Barrett  
Skillman, NJ

John L. Belle  
Framingham, MA

Brian David Boyd  
Stamford, CT

Alyce J. Boyd-Stewart  
Clinton, MD

Peter A. Cook  
Hoboken, NJ

Shirley E. Dilsworth  
Boulder, CO

Gail Jeanetta Edwards  
Winchester, VA

Paul Femia  
Elizabeth, NJ

Leonard I. Fischer  
San Diego, CA

Jared S. Garelick  
Silver Spring, MD

Joel Harry Green  
Boston, MA

George D. Hepner III  
Folmouth, ME

Richard Alan Hochman  
Butler, NJ

Robert F. Housman  
Washington, DC

Timoty F. Xavier Jones  
New York, NY

Jerrold Neil Kaminsky  
Kendall Park, NJ

Gerald H. Kauffeld  
Brigantine, NJ

Donald A. King  
Upper Marlboro, MD

Leigh Riley Krohmer  
Wilwaukee, WI

Thomas P. L'Helias New York, NY	George A. Schell Jr. Rochester, NY
Deborah Martin-Norcross New York, NY	Mary A. Scheuhing Key West, FL
Guy R. Milone Jr. Garden City, NY	Kathryn M. Shabel Cherry Hill, NJ
Margaret K. Minister Portland, ME	Michael Andre Shipp Newark, NJ
Richard T. Muller New York, NY	Edward B. Simpson Jr. San Francisco, CA
Mark Raymnd Multerer Buffalo, NY	Elliott Scott Stomel Westmont, NJ
Edward H. Mulvihill Gibbsboro, NJ	Stacy Ann Tankel Ridgefield Park, NJ
Todd Lewis Normane Short Hills, NJ	Evora Arleen Thomas Hampton, VA
Kathleen Theresa O'Boyle Port Fairfield, ME	Bruce Lester Throckmorton Trenton, NJ
Terrance O'Connell New City, NY	David Edward Thurston Fort Lee, NJ
Frank S. Pappalardo Rochester, NY	Patrick W.D. Turley Washington, DC
Hal B. Parkerson Oyster Bay, NY	Mary Jean Tutelian Dayton, OH
Lisa Sue Paye Caldwell, NJ	Jeffrey E. Ugoretz Westmont, NJ
Christopher L. Pennington New York, NY	Andrew Guy Verne San Diego, CA
David H. Perez Sterling Heights, MI	Walter Keith Wilkerson Cincinnati, OH
George O. Phillips Houston, TX	Andrew Joseph Witherell Wilmington, DE
Hayley Erica Ramer Santa Monica, CA	Brian Richard Yoshida Buffalo, NY
June Acie Rhinehart Chicago, IL	Peter J. Zis Richton Park, IL

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

[Pa.B. Doc. No. 00-58. Filed for public inspection January 7, 2000, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE REAL ESTATE COMMISSION [49 PA. CODE CH. 35] Disclosure Summary

The State Real Estate Commission (Commission) is amending § 35.201 (relating to definitions) and adding § 35.336 (relating to disclosure summary) to read as set forth in Annex A.

This rulemaking implements section 608 of the act of November 25, 1998 (P. L. 908, No. 112) (Act 112), which added section 608 of the Real Estate Licensing and Registration Act (63 P. S. § 455.608) (act). Act 112 permits licensees to enter into various agency relationships with consumers. Section 608 of Act 112 requires the Commission to adopt a disclosure summary, containing 11 enumerated provisions, to be provided to the consumers at the initial interview.

Notice of proposed rulemaking was published at 29 Pa.B. 4451 (August 21, 1999). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Association of Realtors (PAR) and Dino Bello, a broker. Following the close of the public comment period, the Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The amendments reflected in Annex A are responsive to the comments and suggestions received by all commentators.

For ease of reference, the Board will address the comments in the order in which the amendments appear. § 35.336(a).

Subsection (a) requires the Consumer Notice be in the form set forth in Annex A. IRRC recommended that the section include specific minimum standards for typeset size and format. The Commission acknowledges IRRC's concern and modified the subsection to indicate that licensees must use the form the Consumer Notice developed by the Commission. Licensees will be able to obtain the form by fax or mail from the Commission office, or from the Commission's web page at realesta@pados.dos.state.pa.us. Licensees may reproduce the form provided it remains in the same format as the original.

The Commission believes that requiring all licensees to use the same form will ensure that every consumer receives the same information. It also places licensees on equal footing with regard to use of the form.

#### *Paragraph 1 of Consumer Notice form.*

IRRC raised the concern that the term "licensee" in the Consumer Notice refers only to brokers and salespersons while section 301 of the act (63 P. S. § 455.301), defines licensee as including all individuals licensed by the Commission. IRRC recommended that the term "licensee" be defined in the Notice. The Commission agrees with this suggestion and has inserted a definition as requested.

#### *Paragraph 2 of Consumer Notice form.*

The HPLC, IRRC and PAR recommended that paragraph 2 be amended to clarify that to enter into an agency relationship there must be a written agreement between the consumer and the broker. Additionally, they recommended that the Commission clarify that in the absence of a written agreement, no business relationship will be presumed. The Commission agrees with this suggestion and amended the provision to reflect the suggested language.

#### *Paragraph 3 of Consumer Notice form.*

IRRC suggested that the duties of licensees generally contained in paragraph 3 of the Notice should mirror section 606.1 of the act (63 P. S. § 455.606a), rather than summarize the provision. The Commission has amended this paragraph accordingly.

PAR recommended that the Commission delete the list of duties. PAR suggested that this information is redundant since it is contained in agreements of sale and other real estate-related standard forms. The Commission disagrees. Section 608 of the act requires that consumers be advised about the various agency relationships. As part of that advice, consumers are informed of the additional duties imposed under seller's agency, buyer's agency, dual agency, designated agency and transaction licensee. For consumers to understand the additional duties, the Commission believes it is necessary to explain the general duties. Accordingly, the Commission did not amend paragraph 3.

#### *Various Agency Relationships*

IRRC recommended that the exceptions to the additional duties on licensees arising from an agency relationship found in sections 606.2(2), 606.3(2), 606.4(b)(3) and 606.5(b)(2) of the act (63 P. S. §§ 455.606b(2), 455.606c(2), 455.606d(b)(3) and 455.606e(b)(2)) be added to the Consumer Notice. The Commission has made this change to the seller agency, buyer agency and dual agency sections.

#### *Paragraph 6 of the Consumer Notice form (Dual Agency).*

IRRC recommended that the second sentence in paragraph 6 be deleted in that it repeats the notice requirement in the first sentence. The Commission agrees with this recommendation and has deleted the second sentence.

#### *Paragraph 7 of the Consumer Notice form (Designated Agency).*

PAR suggested that paragraph 7, relating to designated agency, be amended by deleting the phrase "to act exclusively as the agent for the seller/landlord and one or more licensees to act exclusively as the agent for the buyer/tenant" be deleted and replaced with "to represent you." The Commission finds this suggestion acceptable since it clarifies the provision without changing the original provision.

PAR also suggested that the second sentence be amended by deleting "may represent another party and should not be provided with any confidential information" and replacing it with "do not represent you and may in fact be designated by the broker to represent the party with whom you eventually enter into a real estate

transaction.” Given the amendment to the first sentence, the Commission does not believe that PAR’s second amendment is warranted. However to improve clarity, the Commission has removed the words “who are not designated” from the second sentence and “to the seller/landlord or buyer/tenant” from the third sentence.

IRRC suggested that the first word of the clause regarding confidential information be changed from “should” to “shall.” The Commission agrees and has replaced the word should in this paragraph as well as in paragraph 8 regarding transaction licensees.

#### *Other Information About Real Estate Transactions*

IRRC recommended that the first paragraph regarding negotiability be amended to remove the words “are negotiable” from each of the bulleted paragraphs. IRRC also recommended that the fourth bulleted paragraph include a reference to sharing of fees. The Commission has made both recommended changes.

#### *Acknowledgment*

Both the HPLC and PAR recommended that the consumer print as well as sign the acknowledgment section of the form and include the address and phone number. IRRC questioned the rationale for requiring the address and phone number. The Commission believes that the addition of the printed name will ensure more accurate documentation for licensees and consumers. However, the Commission believes that the addition of the address and telephone number should be optional instead of mandatory. In the Commission’s collective experience, consumers engaged in initial discussions with licensees are reluctant and wary of providing personal information. The Commission believes that making this information optional will help ensure consumer compliance.

#### *§ 35.336(b).*

IRRC raised the concern that subsection (b) requires licensees to provide the Consumer Notice at the initial interview, but the regulations do not define initial interview. The Commission believes this suggestion has merit and has added a definition for “initial interview” in § 35.201. The definition clarifies that when conversations extend beyond objective data about the property, the Consumer Notice, in § 35.336, shall be provided to and be acknowledged by consumers. These discussions may take place at open houses, in E-mail requests and during phone calls to licensees.

IRRC also suggested that subsection (b) should be amended to guide licensees when consumers refuse to sign the acknowledgment. In response to this suggestion, the Commission has added subsection (d). The new provision advises that the licensee shall note the refusal on the Consumer Notice and retain a copy of the acknowledgment for its records as specified in subsection (c).

#### *§ 35.336(c).*

IRRC questioned the need for licensees to retain the signed acknowledgments. Section 608 of the act requires licensees to give the Consumer Notice to all consumers. The Notice is the first document in a real estate transaction. As such, the acknowledgment would be one of the records of a real estate office subject to inspection under § 35.246 (relating to inspection of office). The Commission believes that retention of the signed acknowledgments evidences compliance with section 608 of the act and therefore will assist both licensees and inspectors on behalf of the Commission during these inspections.

IRRC also noted that if retention is required the regulation should set a retention period. Section 35.286(a) (relating to retention and production of records) requires brokers to retain copies of records pertaining to real estate transactions for at least 3 years following consummation of the transaction. Owing to concerns regarding the expense of retention and storage, the Commission has determined that when the broker and the consumer have not entered into a business relationship, a licensee need only keep the signed acknowledgments for 6 months. When the consumer and the broker have entered into a business relationship, the 3-year requirement in § 35.286(a), would apply inasmuch as the Consumer Notice is a record of the transaction.

#### *Generally*

Mr. Bello suggested that the Consumer Notice is insufficient as drafted because it does not define the term “fiduciary” and does not provide an explanation of the fiduciary duties owed to consumers who enter into agency relationships. The Commission believes that further amendment is not necessary because the amendments to the act do not contain a definition of the term “fiduciary.” Fiduciary duties encompass the general duties plus the additional agency duties as appropriate.

#### *Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

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

#### *Fiscal Impact and Paperwork Requirements*

The amendments will have minimal fiscal impact on the Commonwealth. The proposed amendment will require the Commission to print the disclosure summary and make it available to all licensees. In addition to obtaining a copy from the Commission staff, the disclosure summary will be available on the Internet for downloading. This rulemaking will also have a minimal fiscal impact on the regulated community in that licensees will incur the cost of reproducing the disclosure summary.

Additional paperwork requirements for the Commission will be limited to having copies of the disclosure summary available. Licensees will also have the additional paperwork requirement of keeping the signed acknowledgment and providing a copy of the entire disclosure to the consumer. The amendments will not necessitate any legal, accounting or reporting requirements on the regulated community.

#### *Statutory Authority*

The amendments are authorized by section 608 of the act.

#### *Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the agency submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 4451, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment. In compliance with section 5(b.1), the agency also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

In preparing these final-form regulations the agency has considered all comments received from IRRC and the public.

These final-form regulations were approved by the HPLC on November 16, 1999, and deemed approved by the SCP/PLC on November 23, 1999. IRRC met on December 2, 1999, and approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

*Contact Person*

Further information may be obtained by contacting Deborah A. Sopko, Administrative Assistant, State Real Estate Commission, at P. O. Box 2649, Harrisburg, PA 17105-2649 (717) 783-7155.

*Findings*

(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 at 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) The amendments do not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 4451.

(4) The amendments are necessary and appropriate for administration and enforcement of the Board's authorizing statute.

*Order*

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

(1) The regulations of the Board, 49 Pa. Code Chapter 35, are amended by amending § 35.201 and by adding § 35.336 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

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

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

RITA HALVERSON,  
*Chairperson*

*(Editor's Note: The amendment of § 35.201 was not included in the proposal at 29 Pa.B. 4451. For the text of the Independent Regulatory Review Commission relating to this document, see 29 Pa.B. 6384 (December 18, 1999).)*

**Fiscal Note:** Fiscal Note 16A-567 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 35. STATE REAL ESTATE COMMISSION****Subchapter B. GENERAL PROVISIONS****§ 35.201. Definitions.**

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

\* \* \* \* \*

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

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

\* \* \* \* \*

**Subchapter E. STANDARDS OF CONDUCT AND PROCEDURE****REAL ESTATE DOCUMENTS****§ 35.336. Disclosure summary.**

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

**CONSUMER NOTICE  
THIS IS NOT A CONTRACT**

Pennsylvania Law requires real estate brokers and salespersons (licensees) to advise consumers of the business relationships permitted by the Real Estate Licensing and Registration Act. This notice must be provided to the consumer at the first contact where a substantive discussion about real estate occurs.

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

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

- Exercise reasonable professional skill and care which meets the practice standards required by the act.
- Deal honestly and in good faith.
- Present, in a timely manner, all offers, counteroffers, notices, and communications to and from the parties in writing. The duty to present written offers and counteroffers may be waived if the waiver is in writing.
- Comply with Real Estate Seller Disclosure Act.
- Account for escrow and deposit funds.
- Disclose all conflicts of interest in a timely manner.



- Provide assistance with document preparation and advise the consumer regarding compliance with laws pertaining to real estate transactions.

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

- Keep the consumer informed about the transaction and the tasks to be completed.

- Disclose financial interest in a service, such as financial, title transfer and preparation services, insurance, construction, repair or inspection, at the time service is recommended or the first time the licensee learns that the service will be used.

A licensee may have the following business relationships with the consumer:

**Seller Agency:**

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

- Loyalty to the seller/landlord by acting in the seller's/landlord's best interest.

- Confidentiality, except that a licensee has a duty to reveal known material defects about the property.

- Making a continuous and good faith effort to find a buyer for the property, except while the property is subject to an existing agreement.

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

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

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

**Buyer Agency:**

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

- Loyalty to the buyer/tenant by acting in the buyer's/tenant's best interest.

- Confidentiality, except that a licensee is required to disclose known material defects about the property.

- Making a continuous and good faith effort to find a property for the buyer/tenant, except while the buyer/tenant is subject to an existing contract.

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

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

If you enter into a written agreement, the licensees in the real estate company owe you the additional duties identified above under buyer agency. The exception is

designated agency. See the designated agency section in this notice for more information.

**Dual Agency:**

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

- Taking no action that is adverse or detrimental to either party's interest in the transaction.

- Making a continuous and good faith effort to find a buyer for the property and a property for the buyer, unless either are subject to an existing contract.

- Confidentiality, except that a licensee is required to disclose known material defects about the property.

**Designated Agency:**

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

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

- Taking reasonable care to protect any confidential information disclosed to the licensee.

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

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

**Transaction Licensee:**

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

- The seller/landlord will accept a price less than the asking/listing price.

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

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

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

**Other Information about Real Estate Transactions**

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

- The duration of the employment, listing agreement or contract.

- The fees or commissions.

- The scope of the activities or practices.

- The broker's cooperation with other brokers, including the sharing of fees.

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

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

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ACKNOWLEDGMENT

I acknowledge that I have received this disclosure.

Date:

\_\_\_\_\_  
Print (Consumer)

\_\_\_\_\_  
Print (Consumer)

\_\_\_\_\_  
Signed (Consumer)

\_\_\_\_\_  
Signed (Consumer)

Address (Optional):

Address (Optional):

Phone Number (Optional):

Phone Number (Optional):

---

I certify that I have provided this document to the above consumer during the initial interview.

Date:

\_\_\_\_\_  
Print (Licensee)

\_\_\_\_\_  
Signed (Licensee)

**Adopted by the State Real Estate Commission at 49 Pa. Code § 35.336**

(b) Licensees shall provide the disclosure summary to all consumers at the initial interview.

(c) Licensees shall provide a copy of the entire disclosure to the consumer and shall retain the signed acknowledgment for their records for 6 months, unless the consumer and the broker have entered into a business relationship whereby the records shall be retained under § 35.286 (relating to retention and production of records).

(d) if a consumer refuses to sign the acknowledgment, licensees shall note the refusal on the acknowledgment and retain it for their records as specified in subsection (c).

[Pa.B. Doc. No. 00-59. Filed for public inspection January 7, 2000, 9:00 a.m.]

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## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CH. 102]

[Correction]

#### Erosion and Sediment Control

An error occurred in the Preamble to 25 Pa. Code Chapter 102 as it appeared at 30 Pa.B. 111, 119 (January 1, 2000). Fiscal note information was inadvertently omitted and should read as follows:

**Fiscal Note:** Fiscal Note 7-332 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 00-51. Filed for public inspection December 30, 1999, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

[61 PA. CODE CH. 60]

#### Computer Software, Hardware and Related Transactions

The Department of Revenue (Department) has adopted a statement of policy under the authority contained in § 3.2 (relating to statements of policy). This statement of policy adds § 60.19 (relating to computer software, hardware and related transactions) and takes effect immediately upon publication in the *Pennsylvania Bulletin*.

Under the act of May 7, 1997 (P. L. 85, No. 7), various types of computer services are no longer subject to Sales and Use Tax on or after July 1, 1997. However, certain computer software and hardware transactions remain subject to tax. The purpose of this statement of policy is to provide guidance concerning these transactions.

Subsection (a) explains the scope of § 60.19. Subsection (b) sets forth definitions of various terms utilized in the section. The application of tax as it relates to computer hardware is addressed in subsection (c)(1). The application of tax as it relates to computer software, including canned and custom software, is addressed in subsection (c)(2). Exemptions from taxation are addressed in subsection (d).

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

*(Editor's Note:* The regulations of the Department, 61 Pa. Code Chapter 60, are amended by adding a statement of policy in § 60.19, to read as set forth in Annex A.)

ROBERT A. JUDGE, Sr.,  
*Secretary*

**Fiscal Note:** 15-393. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 61. REVENUE

#### PART I. DEPARTMENT OF REVENUE

#### Subpart B. GENERAL FUND REVENUES

#### ARTICLE II. SALES AND USE TAX

#### CHAPTER 60. SALES AND USE TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

#### § 60.19. Computer software, hardware and related transactions.

(a) *Scope.* Effective July 1, 1997, the rendition of computer programming, computer integrated systems design, computer processing, data preparation or processing, information retrieval, computer facilities management and other computer-related services, as defined under repealed section 201(dd)—(ii) of the TRC (72 P. S. § 7201(dd)—(ii)), are no longer subject to Sales or Use Tax. The sale at retail or use of computer hardware and canned software, as well as services thereto, remains subject to Sales and Use Tax as the sale at retail or use of tangible personal property and is not affected by the repeal of section 201(dd)—(ii) of the TRC.

(b) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Canned software*—Computer software that does not qualify as custom software.

*Computer hardware*—Assembly of physical equipment that is united and regulated by interaction or interdependence to accomplish a set of specific computer system functions.

(i) The term includes any connected equipment which enables the computer to store, retrieve or communicate to or from a person, another computer or another device, the results of computer operations, computer programs or computer data.

(ii) The term also includes associated parts, which encompass any component of computer system hardware that is used in connection with and that is necessary to the performance of the hardware's operation.

(iii) Examples of computer hardware are: microcomputers; minicomputers; main-frame computers; personal computers; external hard drives; portable disk drives; memory chip; compact disc read only memory (CD-ROM) drives; external modems; printers; scanners; servers; monitors; keyboards; mice; microphone; network interfaces; network hubs; network routers; motherboards; daughterboards; central processing units; controller cards; internal hard drives; digitizer; internal modems; network interface cards; sound cards; video cards; and network wiring and cables.

*Custom software*—Computer software designed, created and developed for and to the specifications of an original purchaser.

*Original purchaser*—The first person for whom the custom software was designed, created and developed, and to whom it was transferred in a sale at retail.

*Storage media*—The term includes hard disks, compact disks, floppy disks, magnetic tape, cards and other tangible medium used for the storage of computer readable information.

(c) *Application.*

(1) *Computer hardware.*

(i) The sale at retail or use of computer hardware is subject to tax.

(ii) The sale at retail or use of the services of repairing, altering or cleaning computer hardware is subject to tax.

(iii) The sale at retail or use of maintenance, service and warranty contracts for computer hardware constitutes prepayment for services to tangible personal property and is subject to tax.

(2) *Computer software.*

(i) *Canned software.* The sale at retail or use of canned software, including updates, enhancements and upgrades is subject to tax.

(A) Canned software includes custom software that is transferred pursuant to a sale at retail to a person other than the original purchaser.

(B) Computer software designed, created and developed to adapt or modify canned software to the specific needs of a particular customer does not convert the canned software to custom software. Any charge for the custom

software or modifications shall be reasonable and be separately stated on the sales invoice or statement to the customer to be exempt from tax.

(C) A vendor's transfer for consideration to a purchaser of the temporary ownership, possession or custody of a storage medium containing canned software for the purpose of being used or recorded by either the purchaser or vendor on the purchaser's computer hardware is subject to tax.

(D) The sale at retail or use of a canned software maintenance contract constitutes a prepayment for services to tangible personal property and is subject to tax. If a canned software maintenance agreement provides that the purchaser is entitled to receive both taxable components, such as canned software updates, enhancements, upgrades or error corrections, and nontaxable components, such as consultation, support or training services, the charge for the nontaxable component is not subject to tax if that charge is separately stated on the sales invoice.

(ii) *Custom software.* The sale at retail or use of custom software is not subject to tax. The sale at retail or use of custom software constitutes a purchase of a nontaxable computer programming service.

(A) The sale at retail or use of multiple copies or licenses of custom software to the original purchaser is not subject to tax.

(B) The sale at retail or use of custom software installation, custom software repair and maintenance, custom software updates, enhancements and upgrades that constitute custom software is not subject to tax.

(C) A custom software vendor's purchase of storage media used to transfer custom software to its customers, and the vendor's purchase of any related materials, including documentation and training manuals that are transferred to the customer as part of the sale at retail of custom software, are subject to tax when purchased by the custom software vendor.

(d) *Exemptions from tax.*

(1) The sale at retail or use of canned software and computer hardware is exempt if purchased by qualified charitable organizations, volunteer fire companies, religious organizations and nonprofit educational institutions, unless the software is used in an unrelated trade or business; by the Federal government; or by the Commonwealth, its instrumentalities or political subdivisions, including public school districts.

(2) The manufacturing, research, mining, processing, public utility, farming, dairying, agriculture, horticulture or floriculture exemptions from tax apply to the purchase of canned computer software and computer hardware predominantly and directly used in these operations.

(3) Under section 201(c)(5) of the TRC, the manufacturing and research exemption from tax applies to the sale at retail or use of tangible personal property or taxable services by a person engaged in the business of manufacturing or researching canned software, if the property is predominately and directly used by the purchaser in the manufacture or research of canned software.

(i) The creation of custom software does not qualify as manufacturing or research.

(ii) When a purchaser of tangible personal property uses the property to both manufacture canned software and create custom software, the purchaser has the burden of establishing that the tangible personal property is predominately used in the manufacturing or research of canned software.

(4) The sale at retail of canned software and computer hardware to a vendor who will transfer ownership, custody or possession of the canned software or computer hardware for a consideration in the ordinary course of its business is exempt from tax as a sale for resale. Canned software or computer hardware used by a vendor in producing a separate computer product for resale or in providing a service does not qualify as a sale for resale.

[Pa.B. Doc. No. 00-60. Filed for public inspection January 7, 2000, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, 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 December 28, 1999.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-99	Premier Bank Doylestown Bucks County	1401 Easton Avenue Bethlehem Lehigh County	Opened
12-18-99	Main Street Bank Reading Berks County	555 Penn Avenue West Reading Berks County	Opened
12-20-99	Pennsylvania Business Bank Philadelphia Philadelphia County	1401 Walnut Street Philadelphia Philadelphia County	Opened
12-22-99	Harris Savings Bank Harrisburg Dauphin County	200 South Spring Garden Street Carlisle Cumberland County	Approved
12-22-99	Harris Savings Bank Harrisburg Dauphin County	3328 Plaza Drive Reading Berks County	Approved

#### SAVINGS ASSOCIATIONS

No activity.

#### CREDIT UNIONS

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 00-61. Filed for public inspection January 7, 2000, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Allentown College of St. Francis De Sales for Approval of Change to University Status

#### *Notice of 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 Allentown College of St. Francis de Sales for a Certificate of Authority approving the institution's change from college to university status.

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 Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, (717) 787-7572, or Carol Derrickson, Higher Education Associate, (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Dr. Evans at (717) 787-7572 or Carol Derrickson, (717) 787-4448 to discuss how the Department of Education may best accommodate their needs.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-62. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Application of Beaver College for Approval to Amend and Restate Its Articles of Incorporation in Their Entirety

#### *Notice of 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 Beaver College for a Certificate of Authority approving the institution's request to amend and restate its Articles of Incorporation in their entirety.

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).

Interested parties desiring to initiate hearing procedures must file a notice of intervention, petition to intervene or protest, and a request for hearing, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

Petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Dr. Evans at (717) 787-7572 to discuss how the Department of Education may best accommodate their needs.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-63. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Evaluation of the Education of Migratory Children; Request for Proposal

The Department of Education, Bureau of Community and Student Services, Division of Migrant Education, will accept proposals until 4 p.m., February 29, 2000 for the Evaluation of the Education of Migratory Children. This evaluation includes agency-based initiatives performed in consultation and approval with the issuing office. Proposals not received by the time specified will not be considered for funding. The Pennsylvania Migrant Education Program is designed to award funds for the purpose of providing educational and support services for assisting migratory children in achieving success in school. A competitive process has been established to receive and select proposals to fund such programs across the Commonwealth. Local educational agencies and institutions of higher education are eligible to apply for Pennsylvania Migrant Education funds.

The Division funds nine regional project areas in Pennsylvania through five contractors. The intent of this request for proposal is to evaluate the services of these nine contractors and one service unit to determine program effectiveness.

Funds under the Pennsylvania Migrant Education Program may only be used to support programs for migratory children. Projects must identify and serve all eligible migrant children to help reduce the educational disruptions and other problems that result from repeated moves and ensure migratory children are provided with appropriate educational services (including support services) that address their needs in a coordinated and efficient manner.

Interested parties are invited to submit proposals to Dr. Manuel Recio, Chief, Division of Migrant Education, Pennsylvania Department of Education, Fifth Floor, 333 Market Street, Harrisburg, PA 17126-0333. The request for proposals can be obtained by calling (717) 783-6467, text telephone TTY: (717) 783-8445.

EUGENE W. HICKOK, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-64. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Availability of Federal Grant Funds for Even Start Family Literacy Program for Program Year 2000-01

The Federal Even Start Family Literacy Program is authorized by Title I, Part B of the Improving America's Schools Act of 1994 (Public Law 103-382). This program is administered by the Pennsylvania Department of Education for family literacy programs that will:

1. Target families living in areas of high concentration of poverty who are receiving welfare benefits and who have educational needs;
2. Enable communities to foster cooperative partnerships that build on existing community resources to create a new range of services; and
3. Provide services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following:
  - a. Interactive literacy activities between parents and their children.
  - b. Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.
  - c. Parent literacy training that leads to economic self-sufficiency.
  - d. An age-appropriate education to prepare children for success in school and life experiences.

Organizations eligible to apply for an Even Start grant are a Local Educational Agency (LEA) or Community-based Organization (CBO). Eligible entities are required to establish a formal partnership between one or more

LEA's and one or more CBO's. Priority consideration will be given to applications that reflect the family focus of Even Start; locate sites in areas designated by the federal government as empowerment zones or enterprise communities; submit a total budget which contains a local match beyond the required Even Start statutory percentages; and target services to families most in need (that is, educationally disadvantaged adults who are receiving public assistance; do not have high school diplomas; are members of minority groups; are single parents; have children with developmental delays; reside in a Title I school attendance area; and (if in primary grades) are receiving Title I services. Priority also will be given to programs that are coordinated with adult education and literacy programs; county assistance offices; social service agencies; public libraries; Team PA Career Link One-Stop Centers; Workforce Investment Act (WIA) programs; elementary schools; family centers; preschool programs, such as Head Start; licensed child care centers; and other community groups or agencies that provide services and assistance to persons in need of basic literacy skills and/or support services.

Additional consideration will be given to Even Start Family Literacy Programs in the following order of priorities:

1. Applications for Renewal of grants to currently-funded family literacy programs, providing sufficient progress is made toward meeting program goals and objectives.

2. Applications for New programs in counties not served by a family literacy program that propose comprehensive services that include the four required components: Adult Education, Early Childhood Education, Parent Time and Parent-and-Child Together Time (including Home Visits).

3. Applications designed to Expand current family literacy programs, such as existing Even Start or State Act 143 in unserved areas of counties.

The "Grant Period" (or duration of an Even Start grant) will be for a term of 4 years provided that sufficient progress is made towards meeting program objectives. At the end of the grant period, grantees will be authorized to reapply and compete with other applicants for another 4-year term. The maximum period a project may receive Even Start funds is 8 years.

Restrictions placed upon the State Department of Education for the administration of the Even Start grant are:

1. The Federal program requires a local contribution/matching funds in addition to the requested grant amount. The total cost of the program is to be supported by grant funds and a "local share." The Even Start statute requires a graduated increase in the local share which ranges from 10% (in the first year) to 50% (in years 5 through 8).

2. Section 1204 of the Even Start statute prohibits a local program from using grant funds for indirect costs. This restriction includes the project's matching funds (local share).

Even Start applications must be completed online and submitted by the e-grant website at <http://www.egrants.ed.state.pa.us> to the Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, on or before the following submission dates:

Even Start Family Literacy Renewal Applications . . . . . March 10, 2000

Even Start Family Literacy New and Expanded Applications . . . . . April 6, 2000

Instructions and the Application Guidelines are available by ABE site at [www.paadulted.org](http://www.paadulted.org) and by the e-grant website.

Potential applicants are urged to attend the proposal development workshop to learn the latest changes to program guidelines and new requirements for submitting e-grant applications for adult education and family literacy programs funded through (1) the Federal Workforce Investment Act, Section 231, (2) State Adult Literacy Program, Act 143 of 1986, and (3) the Federal Even Start Family Literacy Program. This workshop will be conducted by teleconference on January 31, 2000 from 1 to 3:30 p.m. For the nearest downlink site and to ensure that space, materials and handouts are available, all attendees must register to attend by contacting the Distance Learning Center at (800) 236-5293. For individuals who are deaf or hard of hearing, the Pennsylvania Relay Service (800) 654-5984 (TTY) can be used to call the Distance Learning Center. In order to ensure timely administration and processing of e-grant applications, both the grant writer and the fiscal officer should attend the workshop.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-65. Filed for public inspection January 7, 2000, 9:00 a.m.]

## Application of Mount Aloysius College for Approval to Amend its Articles of Incorporation

### *Notice of 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 Mount Aloysius College for a Certificate of Authority approving the amendment of its Articles of Incorporation so that the college may award degrees other than the Associate of Arts and Associate of Science after receiving the approval of the Department of Education.

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 Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333 (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. 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 Dr. Evans at the above listed telephone number to discuss how the Department of Education may best accommodate their needs.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-66. Filed for public inspection January 7, 2000, 9:00 a.m.]

**Availability of Program Year 2000-01 State Act 143 of 1986 Grants for Adult Literacy and Family Literacy Programs**

Act 143 of 1986, as approved by the General Assembly of the Commonwealth of Pennsylvania and signed into law on October 22, 1986, established the Pennsylvania Adult Literacy Education Grant Program. This program is administered by the Pennsylvania Department of Education for adult literacy and family literacy programs that will:

- 1. Enable out-of-school youth and adults 17 years of age and older who are nonreaders or who read below the 5th grade level or who lack basic English language proficiency to improve their basic skills in order to increase their prospects for a more productive life;
- 2. Expand the availability of adult literacy, family literacy and other adult education programs, including volunteer programs, in the Commonwealth; and
- 3. (family literacy only) Provide services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following:
  - a. Interactive literacy activities between parents and their children.
  - b. Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.
  - c. Parent literacy training that leads to economic self-sufficiency.
  - d. An age-appropriate education to prepare children for success in school and life experiences.

Eligible applicants include literacy councils, libraries, local education agencies, community colleges, and public and private nonprofit agencies, organizations and institutions. Priority consideration will be given to applications to conduct programs that expect to enroll high numbers of eligible adults who: (1) are receiving public assistance, (2) do not have high school diplomas, (3) are members of minority groups, and/or (4) have less than a 5th grade reading level. Priority will also be given to programs that provide client outreach and referral activities that are coordinated with other adult education and literacy programs; county assistance offices; social service agencies; public libraries; Team PA Career Link One-Stop Centers; Workforce Investment Act (WIA) programs; elementary schools, family centers, and preschool programs such as Head Start and licensed child care centers (if Family Literacy); or other community groups or agencies that provide services and assistance to persons in need of basic literacy skills.

For Act 143 Family Literacy Programs, consideration will be given in the following order of priorities:

- 1. Applications for Renewal of grants to currently-funded family literacy programs, providing sufficient progress is made toward meeting program goals and objectives;
- 2. Applications for New programs in counties not served by a family literacy program that propose comprehensive services that include the four required components (Adult Education, Early Childhood Education, Parent Time and Parent-and-Child Together Time); and
- 3. Applications designed to Expand current family literacy programs, such as existing Even Start or Act 143, into unserved areas of counties.

Restrictions placed upon the State Department of Education for the administration of the grant by Act 143 are:

- 1. No more than 20% of the annual appropriation shall be used to provide education to institutionalized adults.
- 2. No more than 20% of the annual appropriation shall be used for programs of equivalency for a certificate of graduation from a secondary school.
- 3. At least 20% of the annual appropriation shall be used for training volunteer adult literacy tutors.
- 4. No more than 10% of any grant to an eligible agency may be used for support services.
- 5. No more than 10% of any grant to an eligible agency may be used for administration.

All Act 143 applications must be completed on-line and submitted via the e-grant website at <http://www.egrants.ed.state.pa.us> to the Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, on or before the following dates:

- Act 143 Family Literacy Renewal Applications ..... March 10, 2000
- Act 143 Adult Literacy Applications ... March 24, 2000
- Act 143 Family Literacy New and Expanded Applications ..... April 6, 2000

Instructions and the Application Guidelines are available by ABLEsite at [www.paadulted.org](http://www.paadulted.org) and by the e-grant website.

Potential applicants are urged to attend the proposal development workshop to learn the latest changes to program guidelines and new requirements for submitting e-grant applications for adult education and family literacy programs funded through (1) the Federal Workforce Investment Act, Section 231, (2) State Adult Literacy Program, Act 143 of 1986, and (3) the Federal Even Start Family Literacy Program. This workshop will be conducted by teleconference on January 31, 2000 from 1 to 3:30 p.m. For the nearest downlink site and to ensure that space, materials and handouts are available, all attendees must register to attend by contacting the Distance Learning Center at (800) 236-5293. For individuals who are deaf or hard of hearing, the Pennsylvania Relay Service (800) 654-5984 (TTY) can be used to call the Distance Learning Center. In order to ensure timely administration and processing of e-grant applications, both the grant writer and the fiscal officer should attend the workshop.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-67. Filed for public inspection January 7, 2000, 9:00 a.m.]



### Availability of State Grant Funds for Pennsylvania Literacy Corps Programs

The Pennsylvania Adult Literacy Act (Act 143), as approved by the General Assembly of Pennsylvania, provides funds for grants to support adult literacy in the Commonwealth for Program Year 2000-2001. Funds also are available to provide grants for the conduct of the Pennsylvania Literacy Corps Program. This program is administered for the Secretary of Education by the Bureau of Adult Basic and Literacy Education.

The mission of the Pennsylvania Literacy Corps Program is to promote lifelong involvement in community service while enhancing the curricula of higher education institutions with service learning opportunities that assist in resolving community literacy problems. Specifically, the Pennsylvania Literacy Corps strives to:

- mobilize college students to help overcome the illiteracy problem in the Commonwealth;
- encourage higher education institutions to promote and support community service as an integral part of the college curriculum; and
- establish collaborative working partnerships between higher education institutions and providers of adult basic education and literacy services.

Grant funds are available in amounts up to \$35,000 per program to support collaborative efforts between institutions of higher education and adult basic and literacy education provider agencies to establish and conduct a Pennsylvania Literacy Corps Program during the period July 1, 2000 to June 30, 2001. The applicant for a grant may be either the higher education institution or the adult basic and literacy education provider agency; however, the application must reflect a collaborative partnership which meets the goals of the Pennsylvania Literacy Corps Program and provides that college students will devote a minimum of 40 hours of volunteer service with an adult basic and literacy education program as part of their course work.

Priority consideration for the award of grants will be given to applicants with a partnership between higher education institutions and a volunteer based adult basic and literacy education provider agency.

Literacy Corps applications must be completed online and submitted via the e-grant website at <http://www.egrants.ed.state.pa.us> to the Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, on or before April 30, 2000. Instructions and the Application Guidelines are available by ABLEsite at [www.paadulted.org](http://www.paadulted.org) and by the e-grant website.

Potential applicants are urged to attend the proposal development workshop to learn the latest changes to program guidelines and new requirements for submitting e-grant applications for adult education and family literacy programs funded through (1) the Federal Workforce Investment Act, Section 231, (2) State Adult Literacy Program, Act 143 of 1986, and (3) the Federal Even Start Family Literacy Program. This workshop will be conducted by teleconference on January 31, 2000 from 1 to 3:30 p.m.. For the nearest downlink site and to ensure that space, materials and handouts are available, all attendees must register to attend by contacting the Distance Learning Center at (800) 236-5293. For individuals who are deaf or hard of hearing, the Pennsylvania

Relay Service (800) 654-5984 (TTY) can be used to call the Distance Learning Center. In order to ensure timely administration and processing of e-grant applications, both the grant writer and the fiscal officer should attend the workshop.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-68. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Availability of Workforce Investment Act of 1998 Section 231 Funds for Adult Basic Education, Including English as a Second Language and Adult Secondary Education Programs, for Program Year 2000-01

Title II of The Workforce Investment Act of 1998, The Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the Department of Education for the establishment of adult education and family literacy programs that will:

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;
2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and
3. Assist adults in the completion of a secondary school education.

Eligible applicants include local education agencies and public or private nonprofit agencies, organizations, and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with a local education agency or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of such a consortium.

Consistent with the purpose of the Adult Education and Family Literacy Act, for Program Year 2000-01, the Department of Education will give primary consideration to programs for the educationally disadvantaged.

The "Grant Period" (or duration of a Section 231 grant) will be for a term of 3 years—July 1, 2000 through June 30, 2003—provided that sufficient progress is made toward meeting program objectives. At the end of the grant period, grantees will be authorized to reapply and compete with other applicants for another multi-year term. These grants will be funded by Rider K to a Master Agreement executed between the Department of Education and the funded agency. Current grant recipients were mailed Master Agreements in December 1999, that must be signed and returned to PDE by January 31, 2000. Agencies not currently funded will be given instructions on execution of the Master Agreement once grant applications are accepted for approval.

For Section 231 grant applications, consideration will be given to funding in the following order of priorities:

*Primary Consideration:*

1. Applications for the continuation of existing programs that have demonstrated an ability to produce results consistent with the objectives of the Adult Education and Family Literacy Act.

2. Applications for expansion of services to serve new, additional students in the following categories: (1) job seekers or incumbent workers in conjunction with CareerLink Center association; (2) out-of-school youth in conjunction with Youth Councils; (3) adults seeking to learn English as a Second Language—ESL, and/or; (4) others—must be identified. (These applications require a separate application.)

*Secondary Consideration:* (Requires a pre-application procedure for which special instructions are contained in the Applications Procedures and Program Guidelines that can be accessed at [www.paadulted.org](http://www.paadulted.org))

1. Consolidation incentive grant applications for existing programs.

2. Applications for infrastructure enhancement for existing programs.

Section 231 grants will comprise the 75% Federal share of total program costs. Grant recipients must fund the 25% local match share that may be in-kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

Restrictions placed upon the Pennsylvania Department of Education by the United States Department of Education on the administration of the grant include:

1. Not less than 82.5% of the State's allotment must be used for adult education and/or family literacy programs;

2. Not more than 8.25% of the State's allotment may be used for corrections education programs; and

3. Not more than 5% of a local applicant's grant may be used for administrative costs, unless a higher percent is approved in advance by the Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education.

Section 231 applications must be completed online and submitted by the e-grant website at <http://www.egrants.ed.state.pa.us> to the Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education. Instructions and the Application Guidelines are available by ABLEsite at [www.paadulted.org](http://www.paadulted.org) and by the e-grant website.

Application due dates are as follows:

- 1. Section 231 renewal applications March 24, 2000
- 2. Section 231 renewal applications for agencies that received 1999-2000 new/expansion grants\*\*\* ... April 14, 2000
- 3. Expansion, consolidation, and infrastructure enhancement grants..... April 21, 2000

\*\*\* These agencies need time to prepare applications after the grant continuation decisions are made. The decision letters will be issued after the evaluation of the New/Expansion Grant Recipients' Interim Reports which are due in the Bureau on March 12, 2001.

*Note:* The Bureau of ABLE reserves the right to consider proposals received after these deadlines and, if appropriate, to approve them if and when funds become available.

Potential applicants are urged to attend the proposal development workshop to learn the latest changes to program guidelines and new requirements for submitting e-grant applications for adult education and family literacy programs funded through (1) the Federal Workforce Investment Act, Section 231, (2) State Adult Literacy Program, Act 143 of 1986, and (3) the Federal Even Start Family Literacy Program. This workshop will be conducted by teleconference on January 31, 2000 from 1 to 3:30 p.m. For the nearest downlink site and to ensure that space, materials and handouts are available, all attendees must register to attend by contacting the Distance Learning Center at (800) 236-5293. For individuals who are deaf or hard of hearing, the Pennsylvania Relay Service (800) 654-5984 (TTY) can be used to call the Distance Learning Center. In order to ensure timely administration and processing of e-grant applications, both the grant writer and the fiscal officer should attend the workshop.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 00-69. Filed for public inspection January 7, 2000, 9:00 a.m.]

**Professional Standards and Practices Commission; Application of Kimberly A. Blimmel for Reinstatement of Teaching Certificate; Doc. No. RE 99-04**

*Notice of Hearing*

Under the Teacher Certification Law (24 P. S. §§ 2070.1—2070.18) (Law), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Kimberly A. Blimmel for reinstatement of her teaching certificate.

On or about September 23, 1999, Kimberly Blimmel filed an application for reinstatement of her teaching certificate under section 16 of the Teacher Certification Law (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the Law, the Department of Education on December 8, 1999, recommended to the Commission that the application be approved. In accordance with the Law, and the General Rules of Administrative Practice and Procedure, the Commission will appoint a hearing examiner to serve as presiding officer to conduct such proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

An interested party desiring to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to General Rules of Administrative Practice and Procedure) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, at 333

Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at

(717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,  
*Executive Director*

[Pa.B. Doc. No. 00-70. Filed for public inspection January 7, 2000, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### [National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

#### (Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface 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 effluent limitations and special conditions. These proposed determinations are tentative.

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 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above 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. 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 if the responsible office considers the public response significant.

Following the 30-day comment period, the 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, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA 0097921, Amendment No. 1.** SIC Code 4952, Sewage, **Berwick Township**, 85 Municipal Road, Hanover, PA 17331.

This application is for amendment of an existing NPDES permit for a discharge of treated sewage to an unnamed tributary of Pine Run, in Berwick Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was the Wrightsville Water Supply Company located on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.300 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
5-day CBOD	10	15	20
Total Suspended Solids	10	15	20

## NOTICES

<i>Parameter</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)	2.0	—	4.0
(11-1 to 4-30)	6.0	—	12.0
Total Phosphorus	2.0	—	4.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliforms			
(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	

To make an appointment to review the DEP files on this case call Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0082881.** Industrial waste, SIC Code 9999, **Alcoa Inc. (Lancaster Works)**, 201 Isabella Street, Pittsburgh, PA 15212.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to the Little Conestoga Creek, in Lancaster City, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Holtwood Power Plant located in Martic Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.482 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Tetrachloroethylene	0.004	0.008	0.010
Trichloroethylene	0.018	0.036	0.045
pH		6—9	

To make an appointment to review the DEP files on this case call Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0088277.** Sewage, SIC Code 15, **Test Enterprises, Inc.**, 1235 Abbottstown Pike, Hanover, PA 17331.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary to Beaver Creek, in Berwick Township, **Adams County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Co. located in Wrightsville, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.02555 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
5-day CBOD	25	XXX	XXX	50
Total Suspended Solids	30	XXX	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2.5	XXX	XXX	5.0
(11-1 to 4-30)	7.5	XXX	XXX	15.0
Total Phosphorus		monitor and report		
Total Residual Chlorine*	0.2	XXX	XXX	0.7
Dissolved Oxygen		Minimum of 5.0 at all times		
pH		From 6.0 to 9.0 inclusive		
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		3,500/100 ml as a geometric average		

\*if chlorine is used for disinfection

To make an appointment to review the DEP files on this case call Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

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

**PA 0093262.** Sewage, **Industrial Leasing Systems**, One Players Club Drive, Charleston, WV 25311.

This application is for renewal of an NPDES permit to discharge treated sewage from BethEnergy Mines Division Office STP in North Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale to Little Chartiers Creek, which are classified as a high quality-warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: West View Borough Municipal Water Authority on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD-5 Day	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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*Northwest Regional Office: Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**PA 0221317.** Sewage, **Allegheny-Clarion Valley Development Corporation**, P. O. Box 48, R. D. 3, Parker, PA 16049.

This application is for renewal of an NPDES Permit to discharge treated sewage to an unnamed tributary of Little Scrubgrass Creek in Allegheny Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 15.1 miles below point of discharge.

The proposed effluent limits, based on a design flow of 0.055 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Ammonia-Nitrogen			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Dissolved Oxygen	minimum of 6 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2700/100 ml as a geometric average		
pH	6.0—9.0 at all times		

XX—Monitor and report on monthly DMRs.

Requirement to Develop a Local Industrial Waste Pretreatment Program.

The EPA Waiver is in effect.

**PA 0221384.** Industrial waste, SIC 99. **GTE Operations Support, Inc.**, 1225 Corporate Drive, Irvine, TX 75038.

This application is for renewal of an NPDES Permit, to discharge treated groundwater to an unnamed tributary to Pine Creek in Oil Creek Township, **Venango County**. This is a existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Emlenton Water Company on the Allegheny River located at Emlenton, approximately 57 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.029 mgd, are:

*Outfall No. 004*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Trichloroethylene	0.0056		0.0068
Tetrachloroethylene	0.033		0.083
Oil and Grease	15		30
pH		6.0 to 9.0 at all times	

The EPA Waiver is in effect.

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### Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit action. 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 permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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*Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0081337	MGM Enterprises Inc. Northwood Manor MHP 1 Waterford Professional Center York, PA 17402	York County Newberry Township	UNT to Conewago Creek	TRC
PA 0020214 Amendment 1	Borough of Mount Union 9 West Market Street Mount Union, PA 17066	Huntingdon County Mount Union Borough	Juniata River	TRC
PA 0083585	Todd Township Supervisor HCR # 75 McConnellsburg, PA 17233	Fulton County Todd Township	Licking Creek	TRC
PA 0086215	Shalako Mobile Home Park P. O. Box 550 Elizabethtown, PA 17022	York County Hellam Township	UNT to Cabin Creek	TRC

**DISCHARGE OF CONTROLLED INDUSTRIAL  
WASTE AND SEWERAGE WASTEWATER**

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan or action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

**Industrial waste and sewerage applications under  
The Clean Streams Law (35 P. S. §§ 691.1—  
691.1001).**

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**A. 4099201.** Industrial waste, **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18711. Application for a water purification plant to treat water withdrawn from Huntsville Reservoir, located in Dallas Township, **Luzerne County**. Application received in the Regional Office—December 16, 1999.

**A. 4099405.** Sewerage, **Mountaintop Area Joint Sanitary Authority**, 290 Morio Drive, Mountaintop, PA 18707. Application for sewage treatment plant expansion, located in Dorrance Township, **Luzerne County**. Application received in the Regional Office—December 17, 1999.

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. To review any of these applications, please contact Mary DiSanto at (717) 705-4732.*

**A. 6799412.** Sewage, submitted by **Fairview Township Sewer Authority**, 599 Lewisberry Road, New Cumberland, PA 17070, Fairview Township, **York County** to construct a new pumping station and to remove the Fairview Village Wastewater Treatment Facility and two associated pumping stations was received in the Southcentral Region on December 14, 1999.

**A. 2899406.** Sewage, submitted by **Amos B. Blank**, 12540 Mongul Hill Road, Shippensburg, PA 17257, Southampton Township, **Franklin County** to construct a Small Flow Treatment Facility to serve three proposed

single-family dwellings was received in the Southcentral Region on December 15, 1999.

**A. 2899402, Amendment 99-1.** Sewage, submitted by **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268 in Washington Township, **Franklin County** to modify their existing permit to allow for a hydraulic capacity of 1.94 mgd was received in the Southcentral Region on August 31, 1999.

**SAFE DRINKING WATER**

**Applications received under the Pennsylvania Safe  
Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southeast Regional Office, Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**A. 4699513.** Public water supply, **Frederick Mennonite Community**, 2849 Big Road, Frederick, PA 19435. This proposal involves the construction of Well No. 5 to upgrade the Frederick Mennonite existing water supply system in Upper Frederick Township, **Montgomery County**.

*Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**4099507.** Public water supply, **Pardeesville Water Association**. LeRoy Houser, President, Pardeesville Water Association, R. R. 2, P4-4, Hazleton, PA 18201. This proposal involves incorporation of two additional supply wells into the system which will utilize existing facilities for disinfection and sequestration of iron and manganese. It is located in Hazle Township, **Luzerne County**. Engineer: Reilly Associates, Michael Matechak

*Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**Permit No. 0699507.** Public water supply, **Big Spring Venting**. Lower Heidelberg Twp., **Berks County**. Responsible Official: David Weaver, 49 Big Spring Rd., Robesonia, PA 19551. Type of Facility: Vended water system utilizing Big Spring well as a source of supply. Consulting Engineer: Dennis M. Martin, Martin Water Conditioning, 740 East Lincoln Ave., Myerstown, PA 17067. Application received: December 8, 1999.

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

**0299509. Wilkesburg Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221-1193. Cleaning and painting the sludge system clear span aluminum dome interior serving Penn Hills, **Allegheny County**.

*Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.*

**A. 1099505.** Public water supply, **Young's Mobile Home Park**, 1723 Oneida Valley Road, Karns City, PA 16041. This proposal involves the permitting of existing well Nos. 2, 3 and 4 in Concord Township, **Butler County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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#### **Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intends 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 suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Former Automatic Timing and Controls Facility**, Upper Merion Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. 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 Times Herald* on December 9, 1999.

*Southcentral Regional Office: Environmental Cleanup Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Former Mifflin County Subaru**, Armagh Township, **Mifflin County**. Juniata Valley Bank, P. O. Box 66, Mifflintown, PA 17059 has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate site soils to meet the site-specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lewistown Sentinel* during the week of December 13, 1999.

## SOLID & HAZARDOUS WASTE

### RESIDUAL WASTE PROCESSING FACILITIES

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**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.**

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

**A. 300615. Orion Power MidWest, LLC**, P. O. Box 87, Pittsburgh, PA 15219-0087. Fern Valley Disposal Site, Route 837, Pittsburgh, PA 15025. Application for the re-issuance of a residual waste landfill Class II permit in Jefferson Borough, **Allegheny County**. Received in the Regional Office on December 20, 1999.

**A. 300720. Orion Power MidWest, LLC**, P. O. Box 87, Pittsburgh, PA 15219-0087. Cheswick Ash Disposal Site, Lefever Road (S. R. 1016), Rural Ridge, PA 15075. Application for the re-issuance of a residual waste landfill Class II permit in Indiana Township, **Allegheny County**. Received in the Regional Office on December 20, 1999.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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**Applications submitted 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.**

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*Northwest Regional Office: Regional Solid Waste Manager; 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

A permit application to renew the facility's operating permit for a period not to exceed 10 years was received from **Waste Management of Pennsylvania, Inc.**, Lake View Landfill, 851 Robison Road East, Erie, PA 16509, Permit No. 100329. Application was received in the Regional Office on December 20, 1999.



## AIR QUALITY

### Plan Approval and Operating Permit Applications Nonmajor 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.

Notice is hereby given that the Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with Department's 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 to the date of the hearing.

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 through 143, the Federal Clean Air Act and regulations adopted under the act.

### OPERATING PERMITS

#### Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**36-05086A: DONSCO, Inc.** (P. O. Box 2001, Wrightsville, PA 17368) for operation of two foundry core making machines and a sand mixer in Mount Joy, **Lancaster County**.

**36-304-091: DONSCO, Inc.** (P. O. Box 2001, Wrightsville, PA 17368) for operation of a shotblast machine and six grinding wheels in Mount Joy, **Lancaster County**.

#### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department)

intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.*

**TVOP-15-00019: PECO Energy Co.** (100 Cromby Road, Phoenixville, PA 19460) in East Pikeland Township, **Chester County**. The facility's major emission points include: boilers and associated fuel burning equipment which emit major levels of NO<sub>x</sub>, VOC, CO and PM-10.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Attn: Eric Gustafson, (814) 332-6940.*

**24-00062: Powder Metal Products, Inc.** (Washington Road, P. O. Box 580, St. Marys, PA 15857) in St. Marys, **Elk County**. PMP's facility is primarily used for the production of fabricated metal parts. The facility's air emission sources include a small natural gas/No. 2 fuel oil fired boiler, sintering ovens, a parts washer and a non-halogenated solvent vapor degreaser. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of volatile organic compounds.

#### General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**GP-37-306: Atlantic States Materials of PA, Inc.,** Taylor Run Mine (State Route 108, Harlansburg, PA 16101) on December 22, 1999, for operation of a portable nonmetallic mineral processing plant in Scott Township, **Lancaster County**.

**GP-16-139: Texas Keystone, Inc.,** Holden Compressor Station (State Route 16009, Clarion, PA 16214) on Decem-

ber 20, 1999, for operation of a natural gas production facility in Limestone Township, **Clarion County**.

#### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015)

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**07-05004A: Eldorado Properties Corp.** (P. O. Box 2621, Harrisburg, PA 17105) for construction of a storage tank for gasoline/distillate oil and operating permit modifications at Altoona Terminal in Allegheny Township, **Blair County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**17-318-018B: Invensys Energy Metering** (P. O. Box 528, Dubois, PA 15801) for construction of three gas meter and regulator surface coating spray booths in the City of Dubois, **Clearfield County**.

**TVOP-41-00024A: Divine Providence Hospital** (1100 Grampian Boulevard, Williamsport, PA 17701) for construction of a 12.55 million Btu per hour natural gas/2 fuel oil-fired boiler (Boiler 3) in the City of Williamsport, **Lycoming County**. This boiler is capable of emitting up to 7.8 tons of nitrogen oxides, 2.0 tons of carbon monoxide, 28.2 tons of sulfur dioxide and .15 ton of volatile organic compounds per year but may be restricted to lesser emission rates. Any plan approval issued, as well as any subsequent operating permit issuance or amendment, will contain conditions limiting the boiler's emissions to levels which are no greater than these values (and possibly to more restrictive values) as well as appropriate boiler operating and maintenance requirements and recordkeeping and reporting requirements to ensure compliance.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-37-013A: Southdown, Inc.** (2001 Portland Park, Wampum, PA 16157-9109) for construction of slag feed equipment (maximum 60 tons/hour) to cement kilns in Wampum, **Lawrence County**. This construction is subject to Federal regulations NSPS 40 CFR 60, Subpart F, and 40 CFR 63, Subpart LLL. Southdown, Inc., Wampum, is a Title V facility.

#### Public Notification to Solicit Comments on Plan Approval Application No. PA-23-0082

Notice is hereby given under 25 Pa. Code § 127.44 and 40 CFR 72.65, that the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval for Liberty Electric Power, LLC (the Company), Route 291, Borough of Ed-dystone, **Delaware County**, PA, for construction of two combustion turbines with duct burners and a cooling tower as described in the Company's May 14, 1999, Plan Approval Application and subsequent supplemental submissions.

Copies of the application, the Department's technical review and other supporting documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (610) 832-6268.

Based on the information provided by the applicant and the Department's own analysis, the proposed combustion turbines, duct burners and cooling tower would emit:

<i>Pollutant</i>	<i>Emission Rate, tpy</i>
Nitrogen Oxides	227 tons per year
Carbon Monoxide	507 tons per year
Volatile Organic Compounds	50.1 tons per year
Sulfur Dioxide	238 tons per year
Particulate Matter < 10µm	224 tons per year
Particulate Matter	224 tons per year
Sulfuric Acid Mist	29.1 tons per year

Based on the information provided by the applicant and the Department's own analysis, the proposed combustion turbines with duct burners would consume the following increments:

<i>Pollutant</i>	<i>Ambient Air Quality Impact</i>
Nitrogen Dioxide	0.4 µg/m <sup>3</sup> (annual avg.)
Carbon Monoxide	31.5 µg/m <sup>3</sup> (1 hour avg.) and 12.8 µg/m <sup>3</sup> (8 hour avg.)
Sulfur Dioxide	8.9 µg/m <sup>3</sup> (3 hour avg.), 4.1 µg/m <sup>3</sup> (24 hour avg.) and 0.4 µg/m <sup>3</sup> (annual avg.)
Particulate Matter < 10 µm	4.8 µg/m <sup>3</sup> (24 hour avg.) and 0.5 µg/m <sup>3</sup> (annual avg.)

To assure compliance with the applicable standards, the Department has placed the following conditions in the proposed Plan Approval:

#### 1. Operational Limitations

a. The hours of operation of the combustion turbines shall not be limited.

b. The company shall limit the amount of natural gas combusted in the duct burners to 2,592 million cubic feet, or less, in a 12-month rolling period.

c. The company shall install a fuel meter on the natural gas supply line(s) to the duct burners.

d. The company shall combust only natural gas in the combustion turbines and duct burners.

e. The company shall construct, operate and maintain both combustion turbines, duct burners, cooling tower and air pollution control equipment in accordance with manufacturer's specifications as well as good air pollution control practices.

f. The duct burners are subject to Subpart Da of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

g. The combustion turbines are subject to Subpart GG of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this Subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals, and other communications to both the EPA and the Department. The EPA copies shall be forwarded to: Director, Air, Toxics and Radiation Division, U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

h. The following condition applies to the start-up or shutdown of the combustion turbines.

i. A cold start-up shall be defined as an event that occurs after the combustion turbine has not been operating for at least 72 hours. A cold start-up shall not last longer than 5 hours after ignition.

ii. A warm start-up shall be defined as an event that occurs after the combustion turbine has not been operating for 8 hours to 48 hours. A warm start-up shall not last longer than 3 hours after ignition.

iii. A hot start-up shall be defined as an event that occurs after the combustion turbine has not been operating for less than 8 hours. A hot start-up shall not last longer than 1.5 hours after ignition.

iv. The emissions from a start-up or shutdown shall be included in the 12-month rolling sum.

v. The emission limitations contained in Condition 3 do not apply during start-up and shutdown of the combustion turbines.

i. The following conditions apply to operation of the selective catalytic reduction units (SCR).

i. Equipment, a rotameter or equivalent as approved by the Department, shall be provided so that the flow rate of reagent to the SCR system can be measured.

ii. The company shall install, operate and maintain the SCR system in accordance with the manufacturer's specifications and good air pollution control practices.

iii. The company shall limit the total dissolved/suspended solids in the cooling water to 4425 ppm by weight, or less, in the cooling tower blowdown water.

2. Acid Rain Requirements

Upon start-up, the combustion turbines are subject to the applicable requirements contained in 40 CFR Parts 72 through 78. In addition, the combustion turbines are subject to the applicable requirements contained in 25 Pa. Code § 127.531, regarding special conditions related to acid rain.

3. Emission Limitations

a. The following air contaminant emission limits are approved for each combustion turbine with duct burners.

<i>Pollutant</i>	<i>Short Term Emission Limitation For Combustion Turbine<sup>3</sup></i>	<i>Short Term Emission Limitation For Combustion Turbine and Duck Burner<sup>3</sup></i>	<i>Annual Emission Rate<sup>1</sup></i>
Nitrogen Oxides (NOx)	3.5 ppmvd <sup>4</sup>	5.0 ppmvd <sup>4</sup>	113.4 tpy
Volatile Organic Compounds (VOCs) <sup>2</sup>	1.4 ppmvd <sup>4</sup>	5.0 ppmvd <sup>4</sup>	25.1 tpy
Carbon Monoxide (CO)	15 ppmvd <sup>4</sup>	120 ppmvd <sup>4</sup>	253.7 tpy
Particulate Matter (PM)	22.6 lbs/hr	28.1 lbs/hr	109 tpy
Sulfur Dioxide (SO <sub>2</sub> )			119 tpy
Sulfuric Acid Mist			14.6 tpy

<sup>1</sup>Based on a 12-month rolling period and calculated as a 12 month rolling sum. The annual emission rate includes the emissions from start-ups and shutdowns.

<sup>2</sup>The Volatile Organic Compounds shall be calculated as methane.

<sup>3</sup>The short term limitations shall be calculated as an hourly average.

<sup>4</sup>Corrected to 15% O<sub>2</sub>.

b. The emission rates above apply at all times except during start-up and shutdown periods.

c. The company shall limit the emissions of particulate matter from the 12 cell cooling tower to 5.9 tons in a 12-month rolling period.

d. The company shall comply with the provisions contained in 25 Pa. Code § 123.31(b), regarding malodors.

e. The combustion turbines shall comply with the provisions contained in 25 Pa. Code § 123.41, regarding visible emissions.

f. The company shall limit the ammonia slip from each SCR system to 10 ppm, or less.

4. Emission Reduction Credit Requirements

a. The company shall not operate the combustion turbines and/or duct burners until the required emission reduction credits are provided and processed through the emission reduction credit (ERC) registry.

b. The company is required to provide emission offsets in the amount of 295.1 tons per year of NOx and 65.1 tons per year of VOCs to offset emissions of 227 tons per year of NOx and 50.1 tons per year of VOCs.

5. NOx Allowance Requirements

a. The company shall comply with the applicable regulations contained in 25 Pa. Code §§ 123.101—123.120.

b. The company shall establish a compliance account prior to the commencement of operations and it is responsible to acquire any required NOx allowances from those available in the NATS (25 Pa. Code § 123.117(a)).

6. Monitoring Requirements

a. The company shall install, operate and maintain continuous emission monitors for nitrogen oxides, oxygen and carbon monoxide on both combustion turbines.

b. The company shall install a Department certified continuous emission monitor for sulfur dioxide or comply with the provisions of 40 CFR Part 75, Appendix D, relating to estimating the emissions of sulfur dioxide. Prior to the issuance of an operating permit, the company shall notify the Department, in writing, as to the method for monitoring the emissions of sulfur dioxide.

c. The continuous emission monitoring system for the parameters in Condition 6a above must be approved by the Department. The continuous emission monitoring system shall be installed, operated and maintained in

accordance with the requirements of Chapter 139 of the Rules and Regulations of the Department. Proposals containing the information as listed in Phase I section of the Department's *Continuous Source Monitoring Manual* for the continuous emission monitoring system must be submitted at least 3 months prior to the start-up of the combustion turbines.

d. The continuous emission monitoring system shall be maintained and operated to achieve the following data availability requirements.

<i>Requirement</i>	<i>Monitored Pollutants or Parameters</i>
	Carbon Monoxide, NOx and Oxygen
Data Availability:	≥90% valid hours/calendar month
	≥95% valid hours/calendar quarter
Valid Hour:	≥75% valid readings (45 minutes/hour)

e. Continuous monitoring shall be conducted at the locations approved by the Department for the following:

i. Nitrogen oxides, carbon monoxide and oxygen shall be monitored downstream of the air pollution control equipment.

f. The continuous monitors shall be operated in such a manner as to determine compliance with the applicable limits in Condition 3.

g. The company shall continuously monitor the amount reagent being injected.

h. The company shall, on a monthly basis, monitor the amount of natural gas combusted in the duct burners to determine compliance with Condition 1b.

#### 7. Testing Requirements

a. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after the initial start-up of the facility, the owner or operator shall conduct performance test(s) as per Sections 60.8 and 40 CFR, Part 60, Subparts Da and GG and Chapter 139 of the Rules and Regulations of the Department.

b. The initial stack shall be for nitrogen oxides, carbon monoxide, volatile organic compounds, ammonia slip, and particulate matter.

c. At least 30 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

d. At least 60 days prior to the test, the company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

e. Within 30 days after the source test(s), two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval. All test reports shall be complete and include all operating conditions.

f. The company shall, on a weekly basis, test the cooling tower water for dissolved/suspended solids. A schedule of less frequent testing may be approved by the Department upon demonstration that the results of the required testing are below the limitation contained in Condition 3j.

#### 8. Recordkeeping and Reporting Requirements

Sufficient data shall be recorded so that compliance with the conditions in this Plan Approval can be deter-

mined. Records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

a. The company shall maintain records on all air pollution control system performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which is subject to this Plan Approval.

b. The company shall maintain a copy of the manufacturer's specifications for the 2 combustion turbines, 2 duct burners, cooling tower and air pollution control equipment onsite.

c. The company shall maintain a copy of the manufacturer's specifications for all CEMs that are required by this plan approval.

d. The company shall keep a record of all the stack tests that are required in this Plan Approval.

e. The company shall keep a monthly record of the fuel monitoring that is required by Condition 6h.

f. The company shall keep a record of the date of the malfunction, the time of the malfunction, the cause of the malfunction and the action taken to correct the malfunction.

g. The company shall keep a record, on a monthly basis, of the emissions from each combustion turbine and duct burner as well as the cooling tower to demonstrate compliance with Conditions 3a and 3c.

h. The company shall keep all records that are required under 40 CFR Part 60 Subparts Da and GG and 40 CFR Parts 72 through 78.

i. The company shall keep a record of each start-up and shutdown of the combustion turbines and/or duct burners.

j. The company shall keep a record of the results of the testing for cooling tower blowdown water total dissolved and suspended solids.

Anyone wishing to provide the Department with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to the address shown below within 30 days. Written comments should include the following: name, address and telephone number of the person submitting comments; identification of the proposed Plan Approval; No. PA-23-0082; concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Requests for a public fact finding conference or hearing may also be made by writing the Department at the address shown below. A public conference may be held if the Department in its discretion decides that such a conference is warranted on the basis of the information received. All persons who have submitted comments or have requested a conference will be notified of the decision to hold such a conference by publication in a newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written remarks from the public will be addressed by the Department during the review process before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Written remarks should be sent to: Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, Lee

Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. For additional information contact George A. Monasky, P.E. at (610) 941-5123.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above 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 such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, 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 above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief sum-

mary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

*Coal Applications Received:*

**33793033. Cloe Mining Company, Inc.** (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous surface and auger operation in Gaskill Township, **Jefferson County**, affecting 94.0 acres. Receiving streams: Unnamed tributaries to Stony Run. Application received December 20, 1999.

**10990104. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Clay and Center Townships, **Butler County**, affecting 120.0 acres. Receiving streams: Four unnamed tributaries to Muddy Creek. Application received December 17, 1999.

**33753031. Colt Resources** (R. D. 3, Box 48A, Clarion, PA 16214). Renewal of an existing bituminous surface, auger, and tippel refuse disposal operation in Perry Township, **Jefferson County**, affecting 123.0 acres. Receiving streams: Nicely Run to Mahoning Creek. Application received December 22, 1999.

**102327-24960101-E-6. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to conduct coal mining activities within 100 feet of unnamed tributaries consisting of erosion and sedimentation control facilities, a stream crossing and to mine through and replace said tributaries with a downslope channel in Horton Township, **Elk County**. Receiving streams: Four unnamed tributaries of Mead Run and Mead Run. Application received December 23, 1999.

**102327-24960101-E-7. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to conduct coal mining activities within 100 feet of unnamed tributaries consisting of erosion and sedimentation control facilities, a stream crossing and to mine through and replace said tributaries with a downslope channel in Horton Township, **Elk County**. Receiving streams: Four unnamed tributaries of Mead Run and Mead Run. Application received December 23, 1999.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17990124. Mark Coal Company** (P. O. Box 166, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 73.7 acres. Receiving streams: unnamed tributaries to Muddy Run and Muddy Run. Application received December 14, 1999.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

**03900103R. Thomas J. Smith, Inc.** (R. R. 1, Box 260D, Shelocta, PA 15774). Renewal application received for continued reclamation of a bituminous surface auger mine located in South Bend Township, **Armstrong County**, affecting 79.2 acres. Receiving streams: unnamed tributary to Crooked Creek and Sugar Run to Crooked Creek. Renewal application received: December 21, 1999.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

**32870101. Permit Revision, Urey Coal Company** (222 Forest Ridge Road, Indiana, PA 15701), to add 11.0

acres to the existing permit of which approximately 1.1 acres are projected for coal removal. Total SMP acres goes from 145.4 to 156.4 in Banks and Montgomery Townships; Glen Campbell Borough, **Indiana County**, receiving streams unnamed tributaries to Cush Creek and Cush Creek, application received December 15, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Noncoal Applications Received:*

**52770301T. Shiffer Bituminous Service Co.** (P. O. Box 248, 76 Storm Street, Stroudsburg, PA 18360), transfer of an existing quarry operation from Getz Enterprises in Polk Township, **Monroe County** affecting 15.0 acres, receiving stream—none. Application received December 20, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**37840409. Southdown, Inc.** (1200 Smith Street, Suite 2400, Houston, TX 77002) Revision to an existing limestone operation in Shenango Township, **Lawrence County**, affecting 186.8 acres. Receiving streams: Unnamed tributary to Big Run. Revision to include incidental coal extraction as part of the permitted activities. Application received December 21, 1999.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the state to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant state requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments 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 above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under Section 401 of the Federal Water Pollution Control Act.**

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E54-271.** Encroachment. **Pottsville Hospital and Warne Clinic**, 420 South Jackson Street, Pottsville, PA 17901-3692. To grade the floodway and to construct an outfall structure along the Schuylkill River for the pur-

pose of constructing the Schuylkill Rehabilitation Center. The project is located on the south side of the Schuylkill River approximately 600 feet east of the intersection of S. R. 0061 and S. R. 0209 (Pottsville, PA Quadrangle N: 10.4 inches; W: 8.6 inches), City of Pottsville and Palo Alto Borough, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

**EA64-001NE.** Encroachment, **United States Department of Justice, Federal Bureau of Prisons**, 320 First St. N. W., Washington, DC 20534. To place fill in 4.5 acres of wetlands and to construct and maintain a road crossing of a tributary to Munson Creek (HQ-CWF) for the purpose of constructing a United States Penitentiary. The project is located approximately 0.6 mile southwest of the intersection of S. R. 0296 and S. R. 3028 (Waymart, PA Quadrangle N: 11.75 inches; W: 5.75 inches), Canaan Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

*Southwest Regional Office, Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E26-263.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing reinforced concrete bridge having normal clear spans of 59.4 feet each and an underclearance of 9.0 feet over Jacobs Creek (WWF). Also to construct and maintain two 18-inch diameter concrete pipe outfalls in Jacobs Creek (WWF) and a temporary causeway for pier and beam erection. The project is located on S. R. 1031 (Section F00) between Scottdale and Everson (Connellsville, PA Quadrangle N: 16.7 inches; W: 13.0 inches) in Scottdale Borough, **Westmoreland County** and Upper Tyrone Township, **Fayette County**.

**E02-235.** Encroachment, **Robert E. Dalzell**, 14 River Road, Pittsburgh, PA 15238. To amend permit No. E02-235 which authorized maintenance dredging, to embed a barge in the riverbank and to modify and maintain the existing docking facilities along the right bank of the Allegheny River (WWF) near Mile Point 11.1 (New Kensington West, PA Quadrangle N: 0.7 inches; W: 14.0 inches) in O'Hara Township, **Allegheny County**. The amendment will be for the operation and maintenance of a gazebo in the floodway of the Allegheny River located within the existing facility.

## DAM SAFETY

**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.**

*Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D63-089.** Dam, **Eighty-Four Mining Company** (1800 Washington Road, Pittsburgh, PA 15421). To modify, operate and maintain Mine No. 84-Pond 6 across a tributary to Pigeon Creek (WWF), for the purpose of elevating the height of the dam to increase the slurry storage capacity of Pond #6 (Hackett, PA Quadrangle N: 4.3 inches; W: 8.5 inches) in Somerset Township, **Washington County**.

## WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (P. L. 842, No. 356) (35 P. S. §§ 631—641 relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southeast Regional Office: Bureau of Water Supply Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WA 46-67H.** Water allocation, **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. The applicant is requesting the right to purchase up to 9.5 mgd per day from Philadelphia Water Department in Tinicum Township, **Delaware County**.

*Northwest Regional Office: Regional Manager, Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.*

**WA 37-213A.** Water allocation, **Pennsylvania American Water Company—Ellwood District**, 2736 Ellwood Road, New Castle, PA 16101. Due to recent purchase of the Franklin Township Water System, located in Beaver County, the Company requests modification to permit in order to provide service to an extended system. This application request is not changing the existing allocation, only the increase in service area and number of customers. Site of source and treatment is the Ellwood District, Lawrence County, site of service is Franklin Township, **Beaver County**.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action 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 decisional law.

**Actions under The Clean Streams Law (P. L. 1987, No. 394) (35 P. S. §§ 691.1—691.1001).**

#### *Permits Issued*

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Permit No. 5499202.** **Minersville Borough Municipal Authority**, 2 East Sunbury Street, Minersville, PA 17954. Permit to replace sand water filtration plant with a new package-type facility, located in Cass Township, **Schuylkill County**.

**Permit No. 5899402.** **Ararat Township Supervisors**, R. R. 1, Box 23E, Thorn Hill Road, Thompson, PA 18465. Permit to construct and operate a sewage treatment plant and pressure-sewer system around Fiddle Lake, located in Ararat Township, **Susquehanna County**.

**Permit No. 5899403.** **Camp Chen-A-Wanda, Inc.**, R. R. 1, Thompson, PA 18465. Permit to construct and operate two pump stations within its existing collection system, located in Ararat Township, **Susquehanna County**.

**NPDES Permit No. PA-0063207.** Sewerage, **Scott Township Sewer and Water Company**, R. R. 1, Box 324, Jermyn, PA 18433 is authorized to discharge from a facility located in Scott Township, **Lackawanna County**, to South Branch Tunkhannock Creek.

**NPDES Permit No. PA-0036102.** Sewerage, **Lehigh County Authority**, P. O. Box 3348, Allentown, PA 18106 is authorized to discharge from a facility located in Heidelberg Township, **Lehigh County**, to an unnamed tributary to Mill Creek.

**NPDES Permit No. PA-0032433.** Sewerage, **Commonwealth of Pennsylvania, Department of Conservation and Natural Resources**, Frances Slocum State Park, 565 Mount Olivet Road, Wyoming, PA 18644-9333 is authorized to discharge from a facility located in Lehman Township, **Luzerne County**, to Abraham's Creek.

**NPDES Permit No. PA-0061697.** Industrial waste, **Gilberton Power Company**, 50 Eleanor Avenue, Frackville, PA 17931 is authorized to discharge from a facility located in Mahanoy Township, **Schuylkill County**, to Mahanoy Creek.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**Permit No. PA 0087980.** Concentrated animal feeding operations, **Agway Agricultural Products**, 512 West King Street, Shippensburg, PA 17257 is authorized to operate a 2.295 Animal Equivalent Unit Concentrated Animal Feeding Operation (CAFO) located at Agway Dream Farm in Lurgan Township, **Franklin County**.

**Permit No. PA 0081345.** Sewerage, **Grier Foundation**, P. O. Box 318, Tyrone, PA 16686 is authorized to discharge from a facility located in Warriors Mark Township, **Huntingdon County** to the receiving waters named Little Juniata River.

**Permit No. PA 0082937.** Industrial waste, **R. R. Donnelley & Sons, Co.**, 1375 Harrisburg Pike, Lancaster, PA 17601 is authorized to discharge from a facility located in Lancaster City, **Lancaster County** to the receiving waters named Little Conestoga Creek.

**Permit No. 2898201.** Concentrated animal feeding operation, **Agway Agricultural Products**, 512 West

King Street, Shippensburg, PA 17257. This permit approves the construction of new manure storage facility in Lurgan Township, **Franklin County**.

**Permit No. 2899405.** Sewage, **Shippensburg Borough**, 60 West Burd Street, Shippensburg, PA 17257. This permit approves the modification to the construction of sewage treatment facilities in Southampton Township, **Franklin County**.

**Permit No. 3699202.** Industrial waste, **Wyeth-Ayerst Pharmaceuticals, Inc.**, Wasp and Biddle Street, P. O. Box 304, Marietta, PA 17547. This permit approves the construction of industrial waste treatment facilities in East Donegal Township, **Lancaster County**.

**Permit No. 2270402-T1-Amendment 99-1.** Sewage, **Millersburg Area Authority**, 101 West Street, Millersburg, PA 17061. This permit approves the rerating of sewage treatment facilities in Millersburg Borough, **Dauphin County**.

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

**NPDES Permit No. PA0043036.** Sewage, **Pennsylvania Conference Association of Seventh Day Adventists, Inc.**, 720 Museum Road, Reading, PA 19611 is authorized to discharge from a facility located at the Laurel Lake Sewage Treatment Plant, Banks Township, **Indiana County** to receiving waters named Straight Run.

**NPDES Permit No. PA0091634.** Sewage, **The Rensselaerville Institute**, P. O. Box 128, Huyck Rd., Rensselaerville, NY 12147-0128 is authorized to discharge from a facility located at Rensselaerville Institute STP, North Union Township, **Fayette County** to receiving waters named Unnamed Tributary of Redstone Creek.

**NPDES Permit No. PA0097781.** Sewage, **NBI Properties, Inc.**, 1880 Industrial Circle, Suite F, Longmont, CO 80501 (previously Belle Vernon Motel Corporation) is authorized to discharge from a facility located at Belle Vernon Holiday Inn STP, Rostraver Township, **Westmoreland County** to receiving waters named Cedar Creek.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**NPDES Permit No. PA0102547.** Sewage, **Oak Springs Mobile Home Park Inc.**, P. O. Box 9122, Cranberry Township, PA 16066-0035 is authorized to discharge from a facility located in Cranberry Township, **Butler County** to an unnamed tributary to Brush Creek.

**NPDES Permit No. PA0023167—Amendment No. 1.** Sewage, **Pine Street Wastewater Treatment Plant**, P. O. Box 79, Kane, PA 16735 is authorized to discharge from a facility located in Wetmore Township, **McKean County** to West Run.

**NPDES Permit No. PA0221759.** Sewage, **Robert L. Shuttleworth**, 923 Fern Road, St. Marys, PA 15857 is authorized to discharge from a facility located in Jones Township, **Elk County** to an unnamed tributary to Swamp Creek.

**NPDES Permit No. PA0035114.** Industrial waste, **Torpedo Specialty Wire, Inc.**, R. D. 2, Box 27, Pittsfield, PA 16340 is authorized to discharge from a facility located in Pittsfield Township, **Warren County** to Gar Run.

**WQM Permit No. 4399202.** Industrial waste, **Duferco Farrell Corporation**, 15 Roemer Boulevard, Farrell, PA 16121. This project is for the construction of an acid pickling neutralization treatment system at the number 7 pickle line in the City of Farrell, **Mercer County**.

## INDIVIDUAL PERMITS

(PAR)

### Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth; (2) NOIs for coverage under General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices, and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements, and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specified General Permit as follows:

#### List of General Permit Type

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant



*List of  
General Permit Type*

PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit for Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Northampton County Lower Saucon Township	PAR10U130	Robert Ciccone P. O. Box 86 Bath, PA 18014	Saucon Creek	Northampton CD (610) 746-1971
Northampton County Lower Saucon & Williams Townships	PAR10U129	Allan A. Myers, Inc. 860 Island Park Rd. Easton, PA 18042	Lehigh River (UNT)	Northampton CD (610) 746-1971
Allegheny County Bell Acres Borough	PAR10A392	Southersby Develop Corp. 15 McMichael Road Carnegie, PA 15106	UNT Big Sewickley Creek	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Hills Borough	PAR10A396	Beams Run LTD P O. Box 18761	Peters Creek	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAR10A399	Lincoln Property Company 35 Highland Road Bethel Park, PA 15102	Montour Run	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A400	Public Auditorium Auth. of Pgh. & Allegheny County Regional Resource Center Suite 1410 425 Sixth Street Pittsburgh, PA 15219	Allegheny River Ohio River	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A403	Pittsburgh Sports & Exhibition Authority Regional Resource Center Suite 1410 425 Sixth Street Pittsburgh, PA 15219	Allegheny River	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAR10A405	Houston-Starr Company 300 Brushton Avenue Pittsburgh, PA 15221	Simpson Run	Allegheny County CD (412) 241-7645
Armstrong County East Franklin Township	PAR10B032	Lowell B. Reed R. D. 1, Box 273 Cowansville, PA 16218	Glade Run	Armstrong County CD (724) 548-3425
Beaver County Center Township	PAR100263	Larry Milosh Golf Center at Ironwood 660 Brodhead Rd. Alliquippa, PA 15001	UNT Logtown Run	Beaver County CD (724) 774-7090

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Indiana County Rayne Township White Township Washington Township	PAR103147	Indiana County Municipal Service Authority 827 Water Street Indiana, PA 15701	McKee Run	Indiana County CD (724) 463-8547
Indiana County Conemaugh Township	PAR103148	Conemaugh Twp. Municipal Water & Sewer Authority R. D. 1, Box 206 Saltzburg, PA 15681	Blackleggs Creek	Indiana County CD (724) 463-8547
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Schuylkill County Pine Grove Township	PAR602225	Dean H. Klinger R. R. 5, Box 211 Pine Grove, PA 17963	Unnamed tributary to Swatara Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Berks County Laureldale Township	PAR203510	Empire Steel Castings Inc. 1501 Frush Valley Road Laureldale, PA 19605-1927	Laurel Run Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Upper Leacock Township	PAR803558	Skyline Corporation P. O. Box 743 Elkhart, IN 46515-0743	Mill Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Perry County Wheatfield Township	PAR603545	Ronald G. Myers Myers Used Auto Parts 50 Paradise Road Duncannon, PA 17020	UNT to Little Juniata Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Armstrong County Parker City	PAR226119	Universal Forest Products Inc. 2801 East Beltline NE Grand Rapids, MI 49525	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County Chartiers Township	PAR236121	Crouse-Hinds Division P. O. Box 579 Meadow Lands, PA 15347	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Greene County Perry Township	PAR606148	Richard Burnside P. O. Box 4290 Mt. Morris, PA 15349	Unnamed Feeder to Dunkard Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Armstrong County Parker City	PAR806187	L & L Tank Lines P. O. Box P Parker, PA 16049	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**Permit No. 0999510.** Public water supply, **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954-1550. A permit has been issued to Northampton Bucks County Municipal Authority granting permission to use Well No. 16 as an additional source in Northampton Township, **Bucks County**. *Type of Facility:* Public Water Supply System. *Consulting Engineer:* Pennoni Associates, Inc., 875 North Easton Road, Doylestown, PA 18901. *Permit to Construct Issued:* December 7, 1999.

**Permit No. 0699505.** Public water supply, **Citizens Utilities Water Co. of PA**, Exeter Township, **Berks County**. *Responsible Official:* Brian J. Hassinger, 4 Wellington Blvd., Wyomissing Hills, PA 19610. *Type of Facility:* Interconnection with the Reading Area Water Authority. Construction of booster pump station, transmission main and 250,000 gallon storage tank. *Consulting Engineer:* Dale R. Kratzer, PE, Spotts Stevens & McCoy Inc., 345 N. Wyomissing Blvd., P. O. Box 6307, Reading, PA 19610-0307. *Permit to Construct issued:* December 17, 1999.

**Permit No. WA 06-1011.** Water allocation, **Citizens Utilities Water Company of Pennsylvania, Berks County**. *Responsible Official:* Brian Hassinger, P. O. Box 6342, 4 Wellington Blvd., Wyomissing, PA 19610. *Request:* Right to purchase 1.5 million gallons per day (mgd) on a monthly basis from the Reading Area Water Authority. The right shall increase to 2.0 mgd upon approval from Public Utility Commission to serve a portion of Robeson Township. *Consulting Engineer:* Dale Kratzer, P.E., Spotts Stevens and McCoy, Inc., 345 N. Wyomissing Boulevard, P. O. Box 6307, Reading, PA 19610-0307. *Permit Issued:* December 16, 1999.

## 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 to 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 methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Wagner Gourmet Foods Site**, Ivyland Borough, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site groundwater contaminated with sol-

vents. The report is intended to document remediation of the site to meet background standards.

*Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.*

**Former LeMac Foundry**, Decatur Township, **Mifflin County**. Brinkerhoff Environmental Services, Inc., 1913 Atlantic Avenue, Suite R5, Manasquan, NJ 08736 has submitted a Final Report concerning remediation of site soils contaminated with lead. The report is intended to document remediation of the site to the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediations Act (35 P.S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program 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 Land Recycling and Environmental Remediations Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis 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 methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a plan or 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 acted upon the following plans and reports:

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**CKE Rectifier Division**, White Township, **Indiana County**. CKE, Inc., 2866 Route 422 West, Indiana, PA 15701 and Alan D. Halperin, P.G., D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 has submitted a final report concerning remediation of site soil contaminated with lead and heavy metals. The final report demonstrated attainment of the site specific standard and was approved by the Department on December 14, 1999.

## SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

**Applications withdrawn under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) regulations to operate solid waste processing or disposal area or site.**

*Regional Office: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**A. 301077. Safety Kleen (PPM), Inc.**, 1672 East Highland Road, Twinsburg, OH 44087. Applicant withdrew a request to modify its residual waste permit for the addition of a PCB wastewater treatment process at its facility located in the City of Philadelphia. The review was terminated by the Southeast Regional Office on December 16, 1999.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office: Regional Solid Waste Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.*

**Permit No. 301309. Brunner Island Steam Electric Station, Pennsylvania Power & Light Company**, (Two North Ninth Street, Allentown, PA 18101). Application for Brunner Island Steam Electric Station Mill rejects disposal area for a site in East Manchester Township, **York County**. Permit issued in the Regional Office December 17, 1999 and will expire December 16, 2009.

## AIR QUALITY OPERATING PERMITS

**Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-01007P. Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) on December 17, 1999, for operation of a specialty steel manufacturing facility controlled by various air cleaning devices at the Reading Plant in Reading/Muhlenberg Township, **Berks County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**TVOP-08-00001. Tennessee Gas Pipeline Co.,** Station 319, Wyalusing (P. O. Box 2511, 1001 Louisiana Street, Houston, TX 77252-2511) on December 21, 1999, for a natural gas compressor station that includes two natural gas turbines, small combustion sources, backup generator and small storage tanks in Wyalusing Township, **Bradford County**.

**TVOP-08-00004. Rynone Mfg. Corp.,** Sayre Plant (N. Thomas Avenue, P. O. Box 128, Sayre, PA 18840) on December 17, 1999, revised to include conditions from Plan Approval 08-318-023D for operation of a new gel-coat booth (Booth 4). The facility operates bathroom vanity tops polyester molding operations in Sayre Borough, **Bradford County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-16-134A. Car Mate Trailers, Inc.** (Route 66, P. O. Box 155, Leeper, PA 16233) on December 31, 1999, for operation of two paint booths in Farmington Township, **Clarion County**.

**PA-33-155A. Trail King Industries, Inc. Ti-Brook** (R. D. 5, Box 48, Brookville, PA 15825) on December 31, 1999, for operation of a paint booth in Brookville, **Jefferson County**.

**Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**16-00128. County Landfill, Inc.** (P. O. Box 237, Leeper, PA 16233) for modification of the Title V Operating Permit to include the conditions of Plan Approval No. PA-16-128B for the installation of the enclosed flare in Farmington Township, **Clarion County**.

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**TVOP-55-00001. Sunbury Generation, LLC** (WPS Resources Corp., 677 Baeten Road, Green Bay, WI 54304) on November 1, 1999, for operation of an electricity generating facility which includes six boilers, two turbines, two generators and associated process equipment formerly owned and operated by PP&L, Inc. in Shamokin Dam Borough, **Snyder County**.

**TVOP-17-00001. Sithe Pennsylvania Holdings LLC, Shawville Generating Station** (1001 Broad Street, Johnstown, PA 15907) on November 24, 1999, for operation of an electricity generating facility which includes four boilers, five generators, heaters, tanks and associated process equipment formerly owned and operated by Penelec-GPU Generation, Inc. in Bradford Township, **Clearfield County**.

**SMOP-59-00007. Sithe Pennsylvania Holdings LLC, Blossburg CT Facility** (1001 Broad Street, Johnstown, PA 15907) on November 24, 1999, for operation of an electricity generating facility which includes an engine, a turbine and associated process equipment formerly owned and operated by Penelec-GPU Generation in Covington Township, **Tioga County**.

**SMOP-49-00039. Norfolk Southern Corp.** (110 Franklin Road, SE, Roanoke, VA 24042-0013) on October 25, 1999, for operation of a railcar cleaning facility formerly owned and operated by Consolidated Rail Corp. in Northumberland Borough, **Northumberland County**.

**NMOP-17-00029. Penfield Collieries, LLC** (P. O. Box 19002, Green Bay, WI 54307-9002) on August 27, 1999, for operation of coal preparation plant formerly owned and operated by Lady Jane Collieries, Inc. in Huston Township, **Clearfield County**.

**SMOP-17-00017. Rescar, Inc.** (7702 FM 1960 East, Suite 108, Humble, TX 77346) on August 16, 1999, for operation of a railcar cleaning facility formerly owned and operated by Rescar of Pennsylvania, Inc. in Dubois, **Clearfield County**.

**PLAN APPROVALS**

**Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.*

**35-318-081. MACTac, Inc.** (East Corey Street, P. O. Box 1106, Scranton, PA 18501) on December 16, 1999, for construction of a hot melt coater in Moosic Borough, **Lackawanna County**.

**54-310-022. Schuylkill Contracting Co.** (913 Valley Road, R. R. 2, Box 2312, Pottsville, PA 17901) on December 21, 1999, for construction of a stone crushing operation in Foster Township, **Schuylkill County**.

**40-318-024A. Inline Fiberglass America Limited** (R. R. 1, Box 4098, Hazleton, PA 18201) on December 21, 1999, for reactivation of a resin mixing and storage operation in Humboldt Industrial Park, Hazle Township, **Luzerne County**.

**40-318-025A. Inline Fiberglass America Limited** (R. R. 1, Box 4098, Hazleton, PA 18201) on December 21, 1999, for reactivation of eight fiberglass manufacturing lines in the Humboldt Industrial Park, Hazle Township, **Luzerne County**.

**40-318-035A. Inline Fiberglass America Limited** (R. R. 1, Box 4098, Hazleton, PA 18201) on December 21, 1999, for reactivation of a heat cleaning oven in the Humboldt Industrial Park, Hazle Township, **Luzerne County**.

**40-399-023A. Inline Fiberglass America Limited** (R. R. 1, Box 4098, Hazleton, PA 18201) on December 21, 1999, for reactivation of a window fabrication operation in the Humboldt Industrial Park, Hazle Township, **Luzerne County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**22-05024A. The Penn State University College of Medicine/Milton S. Hershey Medical Center** (500

University Drive, Hershey, PA 17033-2390) on December 20, 1999, for construction of an animal crematory incinerator controlled by an afterburner in Derry Township, **Dauphin County**.

**31-05011A. US Silica Co.** (P. O. Box 187, Berkeley Springs, WV 25411-0187) on December 22, 1999, for modification of the low-iron sand project controlled by a dust collector at the Mapleton Depot Plant in Brady Township, **Huntingdon County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources.

**36-317-105D. Kellogg U.S.A., Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on December 20, 1999, for construction of corn lines in East Hempfield Township, **Lancaster County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-10-047D. Mine Safety Appliances Co.** (1420 Mars Evans City Road, Evans City, PA 16033) on December 22, 1999, for installation of a new drying operation in the amine boranes process in Forward Township, **Butler County**.

**PA-25-987A. Hanes Erie, Inc.** (7601 Klier Drive, Fairview, PA 16415) on December 15, 1999, for construction of paint spray booths in Fairview Township, **Erie County**.

**PA-37-185A. Universal Refractories, Inc.** (915 Clyde Street, Wampum, PA 16157) on December 20, 1999, for construction of a magnesium oxide processing line in Wampum Borough, **Lawrence County**.

**PA-62-017D. United Refining Co.** (15 Bradley Street, Warren, PA 16365) on December 16, 1999, for modification of Plan Approval 62-312-029A (Tank 432) in Warren, **Warren County**.

**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-03041. Delaware County Solid Waste Authority** (583 Longview Road, Boyertown, PA 19512) on November 5, 1999, to authorize temporary operation of a municipal waste landfill controlled by an enclosed ground flare and turbine, covered under this Plan Approval until March 3, 2000, at the Rolling Hills Landfill in Earl Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

**21-312-021. Arnold Fuel Oil, Inc.** (P. O. Box 2621, Harrisburg, PA 17105) on December 22, 1999, to authorize temporary operation of a petroleum product loading rack controlled by a vapor combustion unit, covered under this Plan Approval until April 19, 2000, at the Mechanicsburg Terminal—Texaco Road in Silver Spring Township, **Cumberland County**.

**36-317-184B. Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17516) on December 18, 1999, to authorize temporary operation of a bread oven and cracker lines seven and eight and construction of cracker line nine covered under this Plan Approval until April 6, 2000, at the Denver Bakery in East Cocalico Township, **Lancaster County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.*

**08-318-027. Mills Pride—Pennsylvania LLC** (P. O. Box 158, Sayre, PA 18840) on December 17, 1999, for performance of stack testing on two wood-fired boilers and a wood cabinet door finishing operation extended until May 31, 2000, in Athens Township, **Bradford County**.

**18-310-002D. Hanson Aggregates Pennsylvania, Inc.** (P. O. Box 231, Easton, PA 18044-0231) on December 20, 1999, for operation of various pieces of stone crushing and screening equipment and associated air cleaning device (a fabric collector) on a temporary basis until April 18, 2000, in Lamar Township, **Clinton County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.*

**PA-10-021C. Indspec Chemical Corp.** (133 Main Street, P. O. Box 307, Petrolia, PA 16050) on December 31, 1999, for a gas fired boiler economizer in Petrolia, **Butler County**.

**PA-42-185A. IA Construction Co.** (Route 155, Turtlepoint, P. O. Box 568, Franklin, PA 16323) on December 31, 1999, for a batch asphalt plant in Annin Township, **McKean County**.

**PA-43-170B. Werner Co.** (93 Werner Road, Greenville, PA 16125) on December 30, 1999, for a pultrusion line in Sugar Grove Township, **Mercer County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to these applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4401—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).

*Knox District Office, P. O. Box 669, Knox, PA 16232.  
Coal Permits Issued:*

**33940104. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous strip, auger and shale removal operation in Oliver Township, **Jefferson County** affecting 109.2 acres. Receiving streams: Two unnamed tributaries to Little Sandy Creek. Application received: October 13, 1999. Permit Issued: December 16, 1999.

**33980103. Leonard Yenzi** (P. O. Box 62, Anita, PA 15711) Commencement, operation and restoration of a bituminous strip operation in Warsaw Township, **Jefferson County** affecting 74.3 acres. Receiving streams: Unnamed tributary to Mill Creek. Application received: April 20, 1998. Permit Issued: December 20, 1999.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

**17990111. Larry D. Baumgardner Coal Col, Inc.** (P. O. Box 186, Lanse, PA 16849), commencement, operation and restoration of a bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 93.3 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna River. Application received May 17, 1999. Permit issued December 16, 1999.

**17900140. Junior Coal Contracting, Inc.** (R. R. 3, Box 225A, Philipsburg, PA 16866), revision to an existing bituminous surface mine permit for a change in permit acreage from 60.9 to 63.9 acres. Receiving streams: unnamed tributary to Laurel Run. Application received October 30, 1998. Permit issued December 20, 1999.

**57813001. Bernice Mining & Contracting, Inc.** (P. O. Box 208, Mildred, PA 18632), renewal of an existing bituminous surface mine permit in Cherry Township, **Sullivan County** affecting 511 acres. Receiving streams: Birch Creek to Loyalsock Creek, and two unnamed tributaries of Loyalsock Creek to Loyalsock Creek, and Loyalsock Creek to West Branch Susquehanna River. Application received October 6, 1999. Permit issued December 14, 1999.

**17743172. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 569 acres. Receiving streams: Two unnamed tributaries to Hawk Run and two unnamed tributaries to Moshannon Creek to West Branch Susquehanna River. Application received October 18, 1999. Permit issued December 14, 1999.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

**11833026.** Permit Renewal for reclamation only. **Greenley Energy Holdings of PA, Inc.** (505 Point Drive, Greensburg, PA 15601-5628) for continued restoration of a coal refuse reprocessing/coal refuse disposal strip mine in Richland Township; Scalp Level Borough, **Cambria County**, affecting 39.5 acres, receiving stream Little Paint Creek, application received October 18, 1999, issued December 16, 1999.

**32980112. Alverda Enterprises, Inc.** (P. O. Box 87, Alverda, PA 15710), commencement, operation and restoration of bituminous strip mine in Pine & Green Townships, **Indiana County**, affecting 46.6 acres, receiving stream unnamed tributary to Yellow Creek to Yellow Creek, application received October 13, 1998, issued December 20, 1999.

**56990101. Hoffman Mining, Inc.** (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), commencement, operation and restoration of a bituminous strip-auger mine in Paint Township, **Somerset County**, affecting 54.3 acres, receiving stream unnamed tributaries to Kaufman Run and Kaufman Run, application received January 15, 1999, permit issued December 22, 1999.

*Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.*

*Small Noncoal (Industrial Mineral) Permits Issued:*

**59982801. Fred J. Robbins** (R. R. 2, Box 25A, Tioga, PA 16946), transfer of an existing small industrial minerals (gravel) permit from Scott Fay/Fred J. Robbins located in Lawrence Township, **Tioga County** affecting 1 acre. Receiving streams: Mutton Lamb Creek, tributary to Tioga River. Application received October 6, 1999. Permit issued November 24, 1999.

**08990805. Frank Kamarauskas** (R. D. 4, Box 118, Montrose, PA 18801), commencement, operation and restoration of a small industrial minerals (flagstone) permit in Tuscarora Township, **Bradford County** affecting 1 acre. Receiving streams: unnamed tributary to Mill Run. Application received November 3, 1999. Permit issued December 16, 1999.

*Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.*

*Noncoal Permits Issued:*

**63920103T. Langeloth Metallurgical Co., LLC** (Main Street, P. O. Box 608, Langeloth, PA 15054). Revision issued changing name of permittee from Langeloth Metallurgical Co. to Langeloth Metallurgical Co. LLC and renewal issued for continued operation and reclamation of a noncoal surface mine located in Smith Township, **Washington County**, affecting 13.0 acres. Receiving streams: unnamed tributary to Burgetts Fork to Burgetts Fork, to Raccoon Creek to the Ohio River. Revision/renewal application received: October 5, 1998. Name change/renewal issued: December 21, 1999.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**6375SM2C2. Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231), correction to an existing quarry operation in Scott and Mt. Pleasant Townships, **Columbia County** affecting 515.5 acres, receiving stream—none. Correction issued December 21, 1999.

**60910302C3. Iddings Quarry, Inc.** (900 Chestnut Street, Mifflinburg, PA 17844), correction to an existing quarry operation in Limestone Township, **Union County** affecting 33.8 acres, receiving stream—unnamed tributary to Buffalo Creek. Correction issued December 22, 1999.

**8073SM1C5. Highway Materials, Inc.** (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422), renewal of NPDES Permit PA00614602 in Marlborough Township, **Montgomery County**, receiving stream—Unami Creek. Renewal issued December 22, 1999.

**7775SM12T2. Highway Materials, Inc.** (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422), transfer and correction of an existing quarry operation in Alsace Township, **Berks County** affecting 137.44 acres receiving stream—unnamed tributary to Laurel Run. Transfer issued December 22, 1999.

**06980301. Highway Materials, Inc.** (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422), commencement, operation and restoration of a quarry operation in Alsace Township, **Berks County** affecting 47.0 acres, receiving stream—unnamed tributary to Berhart Creek. Permit issued December 22, 1999.

**6172SM6C5. Bear Gap Stone, Inc.** (R. R. 1, Box 138, Elysburg, PA 17824), renewal of NPDES Permit PA0223484 in Ralpho Township, **Northumberland County**, receiving stream—unnamed tributary to South Branch Roaring Creek. Renewal issued December 23, 1999.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**3778SM10. Franklin Gravel Company** (411 Grant Street, Franklin, PA 16323) Renewal of NPDES PA0108812, City of Franklin, **Venango County**. Receiving streams: Patchel Run. Application received: November 4, 1999. Permit Issued: December 16, 1999.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

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 (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action 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 at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E13-116.** Encroachment, **Pennsylvania Department of Transportation**, District 5-0, 1713 Lehigh Street, Allentown, PA 18103-4724. To maintain the existing 5-foot diameter C.M.P. culvert within a 50-foot long section of a 6-foot × 5-foot concrete U-channel in a tributary to the Lehigh River. The culvert was constructed under authorization of Emergency Permit No. EP1394401. The project is located along the northeastern side of S. R. 2015, immediately east of the intersection of S. R. 2015 and Second Street (Lehigh PA Quadrangle N: 15.5 inches; W: 10.4 inches) in Franklin Township, **Carbon County**.

**E40-526.** Encroachment, **John T. Timko**, 788 East Main Street, Weatherly, PA 18255. To construct and maintain a road crossing of a tributary to Big Wapwalpen Creek (locally known as Yeager Creek), consisting of a 15.1-foot by 4.8-foot galvanized steel box culvert, including the placement of fill in a de minimis area of wetlands equal to 0.02 acre, for the purpose of providing access from Brandywyn Drive to 16.2-acre single residential lot. This project was previously authorized by Permit No. E40-428. The project is located on Lot 19 of the Fox Run Subdivision, approximately 0.5 mile southeast of the intersection of S. R. 2045 and S. R. 3010 (Freeland, PA Quadrangle N: 19.1 inches; W: 8.1 inches), in Wright Township, **Luzerne County**.

**E40-529.** Encroachment, **Richard K. Haas and Lynn I. Banta**, R. R. 3, Box 3026, Harveys Lake, PA 18618. To modify and maintain an existing pile supported boathouse and dock along the southern shore of Harveys Lake. The new dock will have a surface area of 4,470 S. R. and will extend 70 feet from the shore which is equal to the length of the existing structure. The project is located at Pole 303, approximately 0.5 mile west of the intersection of S. R. 1020 and S. R. 0415 (Harveys Lake, PA Quadrangle N: 18.7 inches; W: 5.0 inches) in Harveys Lake Borough, **Luzerne County**.

**E40-530.** Encroachment, **William P. Duaksis**, R. R. 1, Box 249, Dallas, PA 18612. To modify and maintain an existing pile supported boat dock by constructing an additional 300 S. F. section for two boat slips along the southern shore of Harveys Lake. The modified dock will have a surface area of approximately 2,022 S. F. and will extend 49 feet from the shore. The project is located at Pole 305½, approximately 0.5 mile west of the intersection of S. R. 1020 and S. R. 0415 (Harveys Lake, PA Quadrangle N: 18.7 inches; W: 5.1 inches) in Harveys Lake Borough, **Luzerne County**.

**E64-204.** Encroachment, **Camp Wayne for Girls**, 12 Alleward Street, Lido Beach, NY 11561. To construct and maintain a concrete bulkhead having a length of 95 feet and a floating perimeter dock/walkway with dimensions of 92 feet by 140 feet and approximately 6 feet wide, enclosing a swimming area on Upper Twin Lake. A shallow area, approximately 48 feet by 88 feet will be uniformly graded and covered with a vinyl liner. The project is located along the northern shoreline of Upper Twin Lake (Lake Como, NY Quadrangle N: 21.4 inches; W: 13.0 inches), in Preston Township, **Wayne County**.

*Southcentral Region: Section Chief, Department of Environmental Protection, Southcentral Regional Office, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E22-405.** Encroachment, **Consolidated Scrap Resources, Inc.**, P. O. Box 1761, Harrisburg, PA 17105. To remove a metal shear and to place a shredder in the floodway of Paxton Creek (WWF) at a point approximately 1,200 feet downstream of Maclay Street (Harrisburg, PA Quadrangle N: 5.4 inches; W: 1.0 inch) in the City of Harrisburg, **Dauphin County**. This permit was issued under § 105.13(e) "Small Projects."

**E31-156.** Encroachment, **PA Electric, GPU Energy**, 2800 Pottsville Pike, Reading, PA 19640. To construct a fiber optic cable crossing on existing single pole across Spruce Creek (HQ-CWF) at 10 separate locations extending from a downstream crossing located about 0.75 mile upstream from the confluence of Spruce Creek and the Little Juniata River to an upstream crossing located about 0.7 mile upstream from the village of Graysville and to waiver permit requirements for one crossing across Spruce Creek located about 0.16 mile above the confluence of Spruce Creek and the Little Juniata River (Spruce Creek, PA Quadrangle N: 19.7 inches; W: 1.1 inches and Franklin, PA Quadrangle N: 12.6 inches; W: 3.3 inches) in Spruce Creek and Franklin Townships, **Huntingdon County**. This permit was issued under § 105.13(e) "Small Projects."

**E67-669.** Encroachment, **L & C Partners**, Vincent Leto, 990 S. Pleasant Ave., Dallastown, PA 17313. To construct and maintain two access roads with associated wetland fill and one utility lane crossing for the proposed Rose Brook Residential Subdivision located west of Dietz Road and 4,000 feet north of Ness Road in Windsor Township, **York County**. Culvert No. 1 (Primrose Lane) is 56 linear feet of a 5-foot diameter RCP and Culvert No. 2 (Cranberry Lane) is 96 linear feet of a 5-foot diameter RCP both in an unnamed tributary to Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 13.8 inches; W: 16.3 inches and N: 13.6 inches; W: 16.3 inches respectively) in Windsor Township, **York County**. The permittee will fill 0.38 acre of wetland in association with the roadway crossings. The permittee is required to provide a minimum of 0.38 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.



*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1283.** Encroachment, **Department of General Services, Bureau of Architecture & Engineering**, 18th & Herr Streets, Harrisburg, PA 17125. To construct and maintain a flood protection project (DGS No. 184-32; C2:33) in the channel of and along the banks of an unnamed tributary to Lick Run (TSF) for a distance of approximately 2,537.0 feet (as per attached list). The project is located approximately 260 feet west from the intersection of Hollow Haven Drive and Colewood Drive (Glassport, PA Quadrangle N: 17.0 inches; W: 16.25 inches) in Baldwin Borough, **Allegheny County**.

**E02-1287.** Encroachment, **McMetro Partnership**, 315 Payday Drive, Elizabeth, PA 15037. To place and maintain fill in approximately 0.25 acre of wetland (PSS/PEM) for the purpose of constructing a 55 acre retail development known as McMetro Development. The development site is located on the southwest side of S. R. 60 between the Robinson Town Centre Boulevard and S. R. 22/30 interchanges with S. R. 60 (Oakdale, PA Quadrangle N: 13.6 inches; W: 6.5 inches) in North Fayette and Robinson Townships, **Allegheny County**. The applicant has met the wetland replacement requirements by contributing to the Wetland Replacement Fund.

**E02-1291.** Encroachment, **Advance Sign Company**, 1010 Saw Mill Run Boulevard, Pittsburgh, PA 15226. To construct and maintain a building addition (50.0 feet long x 40 feet wide x 27 feet high) to the existing building along the right bank of Saw Mill Run (WWF) for the purpose of expanding an existing business located on the east side of S. R. 51, approximately 1,100 feet south from the intersection of S. R. 51 and Bausman Street (Pittsburgh West, PA Quadrangle N: 6.2 inches; W: 0.7 inches) in the City of Pittsburgh, **Allegheny County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E26-260.** Encroachment, **Wharton Township**, P. O. Box 1, Farmington, PA 15434-0001. To operate and maintain the existing structure having a 48-inch elliptical pipe culvert (invert depressed 6 inches) in Scotts Run (HQ-CWF) located on T-379 (Scotts Run Road) at a point approximately 300 feet upstream of the confluence of said stream with Big Sandy Creek (Fort Necessity, PA Quadrangle N: 8.2 inches; W: 16.3 inches) in Wharton Township, **Fayette County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E65-739.** **Deryk R. Grain**, 5195 Mamont Road, Murrysville, PA 15668. To operate and maintain a 6-inch depressed 60-inch corrugated metal pipe culvert in Haymakers Run (HQ-CWF) authorized for construction by Emergency Permit No. EP6599203 for the purpose of providing access to a residence. The project is located off of Mamont Road, approximately 1 mile from its intersection with Sardis Road (Murrysville, PA Quadrangle N: 15.8 inches; W: 3.35 inches) in the Municipality of Murrysville, **Westmoreland County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E63-477.** Encroachment, **The Money Store**, 4111 South Darlington, Suite 300, Tulsa, OK 74135. This was previously published in the October 30, 1999 issue of the *Pennsylvania Bulletin* as Permit Number E63-744. The permit is to operate and maintain an existing 8-foot diameter CMP culvert depressed 1 foot in Raccoon Creek

(WWF). The purpose of this project is to provide access to a single family residence. The project is located on the west side of Waterdam Road, approximately 350 feet south of its intersection with Krackemerge Road (Midway, PA Quadrangle N: 12.2 inches; W: 8.6 inches) in Mount Pleasant Township, **Washington County**. This permit was issued under § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E65-738.** Encroachment, **Patience and Mark Fisher**, 5205 Mamont Road, Murrysville, PA 15668. To operate and maintain the 30-foot long, 5-foot diameter aluminized steel pipe (invert depressed 6 inches) in Haymakers Run (HQ-CWF) located on a driveway off of Mamont Road at a point approximately one mile east of the intersection of Mamont Road and Sardis Road. The project includes approximately 40 L. F. of riprap bank protection. (Murrysville, PA Quadrangle N: 15.7 inches; W: 3.2 inches) in Murrysville Borough, **Westmoreland County**. The work was authorized and completed under Emergency Permit No. EP6599205 issued on September 7, 1999. This permit was issued under § 105.13 "Small Projects." This permit also includes 401 Water Quality Certification.

*DEP Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E10-286.** Encroachment. **Mine Safety Appliance Company**, P. O. Box 426, Pittsburgh, PA 15230-0426. To fill a total of 1.408 acres of 11 wetland areas for development of building lots and roadways within Cranberry Woods Corporate Office Park located south of S. R. 228 east of I-79 (Mars, PA Quadrangle N: 10.0 inches; W: 13.0 inches) located in Cranberry Township, **Butler County**. Project includes creation of at least 1.58 acres of replacement wetland at two locations within the Cranberry Woods Corporate Office Park development.

**E20-482.** Encroachment. **Cambridge Springs Borough**, 26 Federal Street, Cambridge Springs, PA 16403. To demolish an existing storage building and to construct and maintain a new water treatment plant building measuring 80 feet long by 46.7 feet wide downstream of the existing treatment plant and a 31-foot-diameter by 38-foot-high water storage tank upstream of the existing treatment plant and appurtenances within the 100-year flood plain of French Creek south of Snow Alley (Cambridge Springs, PA Quadrangle N: 10.2 inches; W: 8.0 inches) located in Cambridge Springs Borough, **Crawford County**.

**E16-111.** Encroachment. **Millcreek Township**, P. O. Box 4, Fisher, PA 16225. To remove the existing bridge, fill a scour hole and associated channel work extending approximately 15 meters upstream and downstream of the bridge and to construct and maintain a composite prestressed concrete adjacent box beam bridge having a clear span of 25 meters and a minimum underclearance of 2.25 meters on an 85 degree skew across Mill Creek on T-562 approximately 4.5 miles south of S. R. 1001 (Corsica, PA Quadrangle N: 20.0 inches; W: 15.1 inches) located in Millcreek Township, **Clarion County**.

**E16-112.** Encroachment. **Redbank Township**, P. O. Box 47, Fairmount City, PA 16224. To remove the existing bridge, realign a total of approximately 40 meters of the channel of Pine Creek with elevated flood plain beginning approximately 5 meters upstream of the bridge and

extending downstream, fill 0.0467 hectare of wetland associated with roadway widening and to construct and maintain a precast concrete arch having a normal span of 10.973 meters and a minimum underclearance of 2.855 meters on a 63 degree skew across Pine Creek on T-510 approximately 0.2 kilometer north of S.R. 28 (New Bethlehem, PA Quadrangle N: 10.1 inches; W: 0.2 inches) located in Redbank Township, **Clarion County**. The project includes creation of 0.0552 hectare of replacement wetland.

## STORAGE TANKS

### SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permits under the authority of the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and 25 Pa. Code Chapter 245, Subchapter C have been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
99-43-002	Richard Herman Duferco Farrell Corp 15 Roemer Blvd Farrell, PA 16121-2299	Mercer County Farrell	2 ASTs storing Diesel 12,000 gallons each 2 ASTs storing HCL 25,000 gallons each
99-02-007	George Doubs Neville Chemical Company 2800 Neville Road Pittsburgh, PA 15225-1496	Allegheny County Neville Township	6 ASTs storing Resin Forming Feedstock 850,000 gallons each
99-54-001	Robert Cook Modular Environmental Technologies, Inc 2170 Buckthorne The Woodlands, TX 77387	Schuykill County Tamaqua	3 ASTs storing Potassium Hydroxide 31,545 gallons total

[Pa.B. Doc. No. 00-71. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center. The "1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

#### *Ordering Paper Copies of DEP Technical Guidance*

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 DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Here 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. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

#### *Draft Guidance—Substantive Revision*

DEP ID: 362-0300-007 Title: Alternate and Experimental Systems Guidance Description: This document identi-

fies alternate and experimental on-lot wastewater treatment systems and technologies that are acceptable under Chapter 73. Chapter 73 allows for the use of these alternate and experimental systems for new land development and when applying the "best technical guidance" available for correcting a malfunction or making a repair of an existing onlot wastewater system. The revised guidance includes additional systems and proposes modifications to existing systems. This guidance was last published in 1997. The Sewage Advisory Committee reviewed this draft guidance in October 1999. Anticipated Effective Date: January 31, 2000 Comment Period Ends: January 18, 2000 Contact: Milton Lauch at (717) 787-8184, fax number is (717) 772-5156, or E-mail at [Lauch.Milton@dep.state.pa.us](mailto:Lauch.Milton@dep.state.pa.us).

#### *Final Guidance*

DEP ID: 394-0810-001 Pennsylvania's Continuous Planning Process (CPP) for Water Quality Management 1999 Update Description: Since the late 1970's, the Department has revised many of the processes described in the original CPP and its supplements, and the Pennsylvania General Assembly has enacted new and amended legislation which are now part of the water quality management program. Section 303(e)(2) of the Clean Water Act requires EPA to review a state's approved CPP periodically to ensure its consistency with the Act. In response, the Department has finalized the CPP Update. Effective Date: December 31, 1999 Contact: Fran Koch at (717) 783-2289, or email at [Koch.Fran@dep.state.pa.us](mailto:Koch.Fran@dep.state.pa.us).

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 00-72. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Environmental Justice Work Group Meeting

The Department of Environmental Protection's Environmental Justice Work Group is holding a 2-day meeting on January 13 and 14 at the Philadelphia Airport Hilton, 4509 Island Avenue, Philadelphia. The all-day meeting on January 13 will begin at 9 a.m., and a community forum will held at 7 p.m. The January 14 meeting will be held from 8 a.m. to 4 p.m. The work group is assisting the agency in developing an environmental justice policy and program. Anyone wishing to attend the meeting or community forum should contact Alisa Harris, Environmental Equity Coordinator, or Tom Oldham at (717) 787-4449.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodations to do so should contact Alisa Harris at the above telephone number.

JAMES M. SEIF,  
Secretary

[Pa.B. Doc. No. 00-73. Filed for public inspection January 7, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses

on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 [TT].

Allegheny County Coroner's Office-SBSe, CBSe  
Division of Laboratories  
10 County Office Building  
Pittsburgh, PA 15219  
412-350-6873

American Medical Laboratories, Inc.-SBSe, CBSe  
14225 Newbrook Drive  
Chantilly, VA 20153  
703-802-6900

Analytic Biochemistries-SBSe, CBSe  
1680-D Loretta Avenue  
Feasterville, PA 19053  
215-322-9210

Clinical Laboratories, Inc.-SBSe, CBSe  
901 Keystone Industrial Park  
Throop, PA 18512  
570-346-1759

Dept of Pathology & Lab Med-HUP-SSe, CSe  
3400 Spruce Street  
Philadelphia, PA 19104  
215-662-6880

DrugScan, Inc.-SBSe, CBSe  
1119 Mearns Road, P. O. Box 2969  
Warminster, PA 18974  
215-674-9310

Good Samaritan Hospital-SSe  
Fourth and Walnut Streets, P. O. Box 1281  
Lebanon, PA 17042  
717-270-7500

Guthrie Clinic Pathology Laboratory-SSe  
Guthrie Square  
Sayre, PA 18840  
570-888-5858

Health Network Laboratories-SBSe, CBSe  
2024 Lehigh Street  
Allentown, PA 18103  
610-402-8150

Lab Corp Occupational Testing Services, Inc.-SBSe, CBSe  
1904 Alexander Drive  
Research Triangle Park, NC 27709  
919-549-8263

MedTox Laboratories, Inc.-SBSe, CBSe  
402 West County Road D  
St. Paul, MN 55112  
612-636-7466

Mercy Health Lab-Mercy Fitzgerald Hospital-SSe  
Lansdowne Avenue and Bailey Road  
Darby, PA 19023  
610-237-4175

National Medical Services, Inc.-Laboratory-SBSe, CBSe  
3701 Welsh Road  
Willow Grove, PA 19090  
215-657-4900

National Medical Services, Inc.-SBSe, CBSe  
STAT Toxicology Laboratory  
2300 Stratford Avenue  
Willow Grove, PA 19090  
215-784-1600

Pittsburgh Criminalistics-SBSe, CBSe  
1320 Fifth Avenue  
Pittsburgh, PA 15219  
412-391-6118

Quest Diagnostics of PA, Inc.-SBSe, CBSe  
875 Greentree Road  
4 Parkway Center  
Pittsburgh, PA 15220  
412-920-7600

Saint Joseph Hospital-SSe  
250 College Avenue, P. O. Box 3509  
Lancaster, PA 17604  
717-291-8022

Saint Joseph Quality Medical Lab-SBSe, CBSe  
215 North 12th Street, Box 316  
Reading, PA 19603  
610-378-2200

Toxi-Con-SB  
120 Monahan Avenue, Suite 101  
Dunmore, PA 18512  
570-963-0722

Western Reserve Care System-SBSe, CBSe  
500 Gypsy Lane  
Youngstown, OH 44504  
216-740-3794

WVHCS Hospital, General Campus-SSe  
Corner North River and Auburn Streets  
Wilkes-Barre, PA 18764  
570-829-8111

York Hospital-SSe  
1001 South George Street  
York, PA 17405  
717-771-2696

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-74. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Laboratories Approved to Determine Blood Alcohol Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code, and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are approved to analyze both serum and plasma. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance), and the Game and Wildlife Code, 34 Pa.C.S. § 2502, (relating to hunting or furtaking under the influence of alcohol or controlled substance) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside the Commonwealth may not provide blood and/or serum and plasma alcohol testing services in Pennsylvania unless they are specifically licensed by the Department under the Clinical Laboratory Act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

The symbols S and B indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

**Abington Memorial Hospital-S**

1200 Old York Road  
Abington, PA 19001  
215-576-2350

**Albert Einstein Medical Center-Northern Division-S**

5501 Old York Road  
Philadelphia, PA 19141  
215-456-6100

**Allegheny County Coroner's Office-SB**

Division of Laboratories  
10 County Office Building  
Pittsburgh, PA 15219  
412-350-6873

**Allegheny General Hospital-Dept. Lab. Medicine-S**

320 East North Avenue  
Pittsburgh, PA 15212  
412-359-3521

**Allegheny Valley Hospital Laboratory-SB**

1300 Carlisle Street  
Natrona Heights, PA 15065  
724-224-5100

**Altoona Hospital-SB**

620 Howard Avenue  
Altoona, PA 16601  
814-946-2340

**American Medical Laboratories, Inc.-SB**

14225 Newbrook Drive  
Chantilly, VA 20153  
703-802-6900

**Analytic Bio-Chemistries, Inc.-SB**

1680-D Loretta Avenue  
Feasterville, PA 19053  
215-322-9210

**Armstrong County Memorial Hospital-S**

1 Nolte Drive  
Kittanning, PA 16201  
724-543-8122

**Associated Clinical Laboratories-SB**

1526 Peach Street  
Erie, PA 16501  
814-461-2400

**Associated Regional and University Pathologists-SB**

500 Chipeta Way  
Salt Lake City, UT 84108  
800-242-2787

**AUH-Forbes Regional-SB**

2570 Haymaker Road  
Monroeville, PA 15146  
412-858-2560

**Ayer Clinical Laboratory-Penn Hospital-S**

8th & Spruce Streets  
Philadelphia, PA 19107  
215-829-3541

**Barnes-Kasson County Hospital-S**

400 Turnpike Street  
Susquehanna, PA 18847  
570-853-3135

**Bon Secours-Holy Family Regional Health-SB**

2500 Seventh Avenue  
Altoona, PA 16602  
814-949-4495

**Braddock Medical Center-S**

412 Holland Avenue  
Braddock, PA 15104  
412-636-5000

**Bradford Hospital Laboratory-SB**

116-156 Interstate Parkway  
Bradford, PA 16701  
814-834-8282

**Brandywine Hospital and Trauma Center-S**

Route 30 Bypass  
Coatesville, PA 19320  
610-383-8000

**Brownsville General Hospital Laboratory-S**

125 Simpson Road  
Brownsville, PA 15417  
724-785-7200

**Butler Memorial Hospital-S**

911 East Brady Street  
Butler, PA 16001  
724-284-4510

**Canonsburg General Hospital-SB**

R.D.#1, Box 147, Route 519  
Canonsburg, PA 15317  
724-745-6100

**Carlisle Hospital-S**

245 Parker Street  
Carlisle, PA 17013  
717-249-1212

**Centre Community Hospital-B**

1800 East Park Avenue  
State College, PA 16803  
814-234-6117

**Chambersburg Hospital-S**

112 North Seventh Street  
Chambersburg, PA 17201  
717-267-7152

**Charles Cole Memorial Hospital-S**

R.D. #1, Box 205  
Coudersport, PA 16915  
814-274-9300

**Chester County Hospital-S**

701 East Marshall Street  
West Chester, PA 19380  
610-431-5182

**Chestnut Hill Hospital-S**

8835 Germantown Avenue  
Philadelphia, PA 19118  
215-248-8630

**Childrens Hospital of Philadelphia-S**

One Children's Center, 34th and Civic Center Blvd.  
Philadelphia, PA 19104  
215-590-1000

**Citizens General Hospital-SB**

651 Fourth Avenue  
New Kensington, PA 15068  
724-337-5031

**City Avenue Hospital-S**

4150 City Avenue  
Philadelphia, PA 19131  
215-871-1000

Clarion Hospital-SB  
One Hospital Drive  
Clarion, PA 16214  
814-226-9500

Clearfield Hospital Laboratory-S  
809 Turnpike Avenue, P. O. Box 992  
Clearfield, PA 16830  
814-765-5341

Clinical Laboratories, Inc.-SB  
901 Keystone Industrial Park  
Throop, PA 18512  
570-346-1759

Community Hospital-B  
North Fraley Street  
Kane, PA 16735  
570-837-4575

Community Hospital of Lancaster-S  
1100 East Orange Street  
Lancaster, PA 17602  
717-397-3711

Community Medical Center-S  
1822 Mulberry Street  
Scranton, PA 18510  
570-969-8000

Conemaugh Valley Memorial Hospital-SB  
1086 Franklin Street  
Johnstown, PA 15905  
814-534-9000

Corry Memorial Hospital-S  
612 West Smith Street  
Corry, PA 16407  
814-664-4641

Crozer-Chester Medical Center-Springfield-S  
190 West Sproul Road  
Springfield, PA 19064  
610-328-9200

Crozer Chester Medical Center-S  
1 Med Ctr. Blvd.  
Upland, PA 19013  
610-447-2000

Delaware County Memorial Hospital-S  
501 N. Lansdowne Avenue  
Drexel Hill, PA 19026  
610-284-8100

Department of Pathology & Lab Med-HUP-SB  
3400 Spruce Street  
Philadelphia, PA 19104  
215-662-6880

Doylestown Hospital-S  
595 West State Street  
Doylestown, PA 18901  
215-345-2250

DrugScan, Inc.-SB  
1119 Mearns Road, P. O. Box 2969  
Warminster, PA 18974  
215-674-9310

DuBois Regional Medical Center-West Unit-S  
100 Hospital Avenue  
DuBois, PA 15801  
814-371-2200

Easton Hospital-SB  
250 South 21st Street  
Easton, PA 18042  
610-250-4140

Elk Regional Health Center-S  
94 Hospital Street  
Ridgway, PA 15853  
814-788-5530

Elk Regional Health Center-B  
763 Johnsonburg Road  
Saint Marys, PA 15857  
814-788-8179

Elkins Park Hospital-S  
60 East Township Line Road  
Elkins Park, PA 19027  
215-663-6102

Ellwood City General Hospital-S  
724 Pershing Street  
Ellwood City, PA 16117  
724-752-0081

Ephrata Community Hospital-S  
169 Martin Avenue, P. O. Box 1002  
Ephrata, PA 17522  
717-733-0311

Episcopal Hospital-S  
100 East Lehigh Avenue  
Philadelphia, PA 19125  
215-427-7333

Evangelical Community Hospital-SB  
1 Hospital Drive  
Lewisburg, PA 17837  
570-522-2510

Frankford Hospital Bucks County Campus-S  
380 North Oxford Valley Road  
Langhorne, PA 19047  
215-934-5227

Frankford Hospital-Frankford Division-S  
Frankford Avenue and Wakeling Street  
Philadelphia, PA 19124  
215-831-2068

Frankford Hospital-Torresdale Division-S  
Red Lion and Knights Road  
Philadelphia, PA 19114  
215-612-4000

Frick Hospital-S  
508 South Church Street  
Mount Pleasant, PA 15666  
412-547-1500

Fulton County Medical Center-S  
216 South First Street  
McConnellsburg, PA 17233  
717-485-3155

Geisinger Medical Center-SB  
North Academy Road  
Danville, PA 17822  
570-271-6338

George Tolstoi Laboratory-Uniontown Hospital-S  
500 West Berkeley Street  
Uniontown, PA 15401  
724-430-5143

Gettysburg Hospital-SB  
147 Gettys Street  
Gettysburg, PA 17325  
717-334-2121

Gnaden Huetten Memorial Hospital-SB  
Eleventh and Hamilton Streets  
Lehighon, PA 18235  
610-377-1300

Good Samaritan Hospital-SB  
Fourth and Walnut Streets, P. O. Box 1281  
Lebanon, PA 17042  
717-270-7500

Good Samaritan Regional Medical Center-B  
700 East Norwegian Street  
Pottsville, PA 17901  
570-621-4032

Graduate Hospital-S  
1800 Lombard Street  
Philadelphia, PA 19146  
215-893-2240

Grand View Hospital-S  
700 Lawn Avenue  
Sellersville, PA 18960  
215-257-3611

Greene County Memorial Hospital-S  
Bonar Avenue  
Waynesburg, PA 15370  
724-627-2608

Guthrie Clinic Pathology Laboratory-S  
Guthrie Square  
Sayre, PA 18840  
570-888-5858

Hahnemann University Hospital-S  
Broad and Vine Streets, MS 113  
Philadelphia, PA 19102  
215-762-1783

Hamot Medical Center-S  
201 State Street  
Erie, PA 16550  
814-455-6711

Hanover General Hospital-SB  
300 Highland Avenue  
Hanover, PA 17331  
717-637-3711

Harrisburg Hospital-SB  
South Front Street  
Harrisburg, PA 17101  
717-782-3131

Hazleton General Hospital-SB  
East Broad Street  
Hazleton, PA 18201  
717-450-4156

Health Network Laboratories-SB  
2024 Lehigh Street  
Allentown, PA 18103  
610-402-8150

Health Network Laboratories-S  
2545 Schoenersville Road  
Bethlehem, PA 18017  
610-861-2261

Highlands Hospital-S  
401 East Murphy Avenue  
Connellsville, PA 15425  
724-628-1500

Holy Spirit Hospital-SB  
503 North 21st Street  
Camp Hill, PA 17011  
717-763-2206

Horizon Hospital System-Greenville Campus-SB  
110 North Main Street  
Greenville, PA 16125  
724-588-2100

Horizon Hospital System-Shenango Campus-SB  
2200 Memorial Drive  
Farrell, PA 16121  
724-981-3500

Indiana Hospital-Department of Lab Medicine-S  
Hospital Road, P. O. Box 788  
Indiana, PA 15701  
724-357-7167

Jameson Memorial Hospital-S  
1211 Wilmington Avenue  
New Castle, PA 16105  
724-656-4080

J. C. Blair Memorial Hospital-S  
Warm Springs Avenue  
Huntingdon, PA 16652  
814-643-8645

Jeanes Hospital-S  
7600 Central Avenue  
Philadelphia, PA 19111  
215-728-2347

Jeannette District Memorial Hospital-S  
Jefferson Avenue  
Jeanette, PA 15644  
724-527-3551

Jefferson Regional Health Services, Inc.-Brookville Div.-S  
100 Hospital Road  
Brookville, PA 15825  
814-849-2312

John F. Kennedy Memorial Hospital-S  
Cheltenham Avenue and Langdon Streets  
Philadelphia, PA 19124  
215-831-7203

Kensington Hospital-S  
136 West Diamond Street  
Philadelphia, PA 19122  
215-426-8100

LabOne, Inc.-SB  
10101 Renner Boulevard  
Lenexa, KS 66219  
913-888-1770

Lab Corp Occupational Testing Services, Inc.-SB  
4022 Willow Lake Blvd  
Memphis, TN 38118  
901-795-1515

Lab Corp. of America Holdings-SB  
69 First Avenue, P. O. Box 500  
Raritan, NJ 08869  
201-526-2400

Lab Corp. of America Holdings-SB  
6370 Wilcox Road  
Dublin, OH 43016  
800-282-7300

Laboratory Specialists, Inc.-B  
1111 Newton Street  
Gretna, LA 70053  
504-361-8989

Lancaster General Hospital-S  
555 North Duke Street, P. O. Box 3555  
Lancaster, PA 17603  
717-299-5511

Lancaster General Hospital-Susquehanna Division-S  
306 North Seventh Street  
Columbia, PA 17512  
717-684-2841

Latrobe Area Hospital-S  
121 West Second Avenue  
Latrobe, PA 15650  
724-537-1550

Lewistown Hospital-S  
Highland Avenue  
Lewistown, PA 17044  
717-248-5411

Lock Haven Hospital-B  
24 Cree Drive  
Lock Haven, PA 17745  
717-893-5000

Main Line Clinical Laboratories-Bryn Mawr-CP-S  
130 Bryn Mawr Avenue  
Bryn Mawr, PA 19010  
610-526-3554

Main Line Clinical Laboratories-Lankenau-CP-S  
100 East Lancaster Avenue  
Wynnewood, PA 19096  
610-645-2615

Main Line Clinical Laboratories-Paoli Memorial-CP-S  
255 W. Lancaster Avenue  
Paoli, PA 19301  
610-648-1000

Marian Community Hospital-S  
100 Lincoln Avenue  
Carbondale, PA 18407  
717-281-1042

McKeesport Hospital Laboratory-S  
1500 Fifth Avenue  
McKeesport, PA 15132  
412-664-2233

Meadville Medical Center-Liberty Street-S  
751 Liberty Street  
Meadville, PA 16335  
814-336-3121

The Medical Center, Beaver, PA, Inc.-SB  
1000 Dutch Ridge Road  
Beaver, PA 15009  
724-728-7000

Medical College of Pennsylvania Hospital-S  
3300 Henry Avenue  
Philadelphia, PA 19129  
215-842-6615

MedTox Laboratories, Inc.-SB  
402 West County Road D  
St. Paul, MN 55112  
612-636-7466

Memorial Hospital-SB  
325 South Belmont Street, P. O. Box 15118  
York, PA 17403  
717-843-8623

Memorial Hospital Lab-SB  
1 Hospital Drive  
Towanda, PA 18848  
570-265-2191

Mercy Health Laboratory, Mercy Fitzgerald Hospital-S  
Lansdowne Avenue and Bailey Road  
Darby, PA 19023  
610-237-4175

Mercy Health Laboratory, Mercy Hospital/Philadelphia-S  
5301 Cedar Avenue  
Philadelphia, PA 19143  
215-748-9170

Mercy Health Laboratory, Mercy Community Hospital-S  
2000 Old West Chester Pike  
Havertown, PA 19083  
610-645-3600

Mercy Health Partners-S  
746 Jefferson Avenue  
Scranton, PA 18510  
570-348-7100

Mercy Hospital-S  
Pride and Locust Streets  
Pittsburgh, PA 15219  
412-232-7831

Mercy Hospital-S  
25 Church Street  
Wilkes-Barre, PA 18765  
570-826-3100

Mercy Hospital-Nanticoke-S  
128 West Washington Street  
Nanticoke, PA 18634  
570-735-5000

Mercy Providence Hospital Laboratory-S  
1004 Arch Street  
Pittsburgh, PA 15212  
412-323-5783

Mercy Suburban Hospital-S  
2701 DeKalb Pike  
Norristown, PA 19404  
610-278-2075

Methodist Hospital Division/TJUH, Inc.-S  
2301 South Broad Street  
Philadelphia, PA 19148  
215-952-9059

Meyersdale Community Hospital-S  
200 Hospital Drive  
Meyersdale, PA 15552  
814-634-5911

MidValley Hospital-S  
1400 Main Street  
Peckville, PA 18452  
717-489-7546

Miners Hospital-S  
290 Haida Avenue  
Hastings, PA 16646  
814-948-7171

Monongahela Valley Hospital, Inc.-S  
Country Club Road, Route 88  
Monongahela, PA 15063  
724-258-1000

Monsour Medical Center-S  
70 Lincoln Way East  
Jeannette, PA 15644  
724-527-1511

Montgomery Hospital Laboratory-S  
Powell and Fornance Streets  
Norristown, PA 19401  
610-270-2173

Moses Taylor Hospital-S  
700 Quincy Avenue  
Scranton, PA 18510  
570-963-2100

Muncy Valley Hospital-S  
215 East Water Street  
Muncy, PA 17756  
570-546-8282



Nason Hospital-B  
Nason Drive  
Roaring Spring, PA 16673  
814-224-6215

National Medical Services, Inc.-Laboratory-SB  
3701 Welsh Road  
Willow Grove, PA 19090  
215-657-4900

National Medical Services, Inc.-Stat Tox Lab-SB  
2300 Stratford Avenue  
Willow Grove, PA 19090  
215-784-1600

Nazareth Hospital-S  
2601 Holme Avenue  
Philadelphia, PA 19152  
215-335-6245

North Penn Hospital-S  
100 Medical Campus Drive  
Lansdale, PA 19446  
215-368-2100

Northwest Medical Center-Franklin-S  
1 Spruce Street  
Franklin, PA 16323  
814-437-7000

Northwest Medical Center, Oil City Campus-SB  
174 East Bissell Avenue  
Oil City, PA 16301  
814-677-1711

Ohio Valley General Hospital-S  
Heckel Road  
McKees Rocks, PA 15136  
412-777-6244

Omega Medical Laboratories, Inc.-SB  
2001 State Hill Road, Suite 100  
Wyomissing, PA 19610  
610-378-1900

PA Department of Health, Bureau of Laboratories-SB  
P. O. Box 500  
Exton, PA 19341-0500  
610-363-8500

PA State Police Lab-Bethlehem-SB  
2932 Airport Road  
Bethlehem, PA 18017  
610-861-2103

PA State Police Lab-Erie-SB  
4310 Iroquois Avenue  
Erie, PA 16511  
814-899-8447

PA State Police Lab-Greensburg-SB  
P. O. Box P, PA State Police  
Greensburg, PA 15601  
724-832-3299

PA State Police Lab-Harrisburg-SB  
1800 Elmerton Avenue  
Harrisburg, PA 17110  
717-783-5548

PA State Police Lab-Lima-SB  
350 N. Middletown Road  
Media, PA 19063  
610-566-9066

PA State Police Lab-Wyoming-SB  
479 Wyoming Avenue  
Wyoming, PA 18644  
570-826-2230

Palmerton Hospital-S  
135 Lafayette Avenue  
Palmerton, PA 18071  
610-826-3141

Parkview Hospital-S  
1331 East Wyoming Avenue  
Philadelphia, PA 19124  
215-537-7430

Penn State-Geisinger WVMC-S  
1000 East Mountain Drive  
Wilkes-Barre, PA 18711  
570-826-7830

Philipsburg Area Hospital-SB  
210 Lock Lomond Road  
Philipsburg, PA 16866  
814-342-7112

Phoenixville Hospital Laboratory-S  
140 Nutt Road, Department of Pathology  
Phoenixville, PA 19460  
610-983-1612

Pinnacle Health/Community General Osteopathic  
Hospital-S  
4300 Londonderry Road, P. O. Box 3000  
Harrisburg, PA 17109  
717-657-7214

Pittsburgh Criminalistics-SB  
1320 Fifth Avenue  
Pittsburgh, PA 15219  
412-391-6118

Pocono Medical Center Laboratory-SB  
206 East Brown Street  
East Stroudsburg, PA 18301  
570-476-3544

Polyclinic Hospital-S  
2601 North Third Avenue  
Harrisburg, PA 17110  
717-782-4141

Pottstown Memorial Medical Center-S  
1600 East High Street  
Pottstown, PA 19464  
610-327-7111

Pottsville Hospital and Warne Clinic-SB  
420 South Jackson Streets  
Pottsville, PA 17901  
570-621-5262

Presbyterian Medical Center of Phila.-S  
3400 Spruce Street, Dept. of Pathology  
Philadelphia, PA 19104  
215-662-3435

Quest Diagnostics Clinical Laboratories, Inc.-SB  
400 Egypt Road  
Norristown, PA 19403  
610-631-4200

Quest Diagnostics of PA, Inc.-S  
900 Business Center Drive  
Horsham, PA 19044  
215-957-9300

Quest Diagnostics of PA, Inc.-SB  
875 Greentree Road  
4 Parkway Center  
Pittsburgh, PA 15220  
412-920-7600

Quest Diagnostics, Incorporated-SB  
One Malcolm Avenue  
Teterboro, NJ 07608  
201-393-5602

Reading Hospital and Medical Center-S  
Sixth and Spruce Streets  
Reading, PA 19611  
610-988-8080

Riddle Memorial Hospital-S  
Baltimore Pike Highway 1  
Media, PA 19063  
610-566-9400

Roxborough Memorial Hospital-S  
5800 Ridge Avenue  
Philadelphia, PA 19128  
215-483-9900

Sacred Heart Hospital-S  
Fourth and Chew Streets  
Allentown, PA 18102  
610-776-4727

Saint Agnes Medical Center-S  
1900 South Broad Street  
Philadelphia, PA 19145  
215-339-4100

Saint Clair Memorial Hospital-S  
1000 Bower Hill Road  
Pittsburgh, PA 15243  
412-561-4900

Saint Francis Hospital-S  
1000 South Mercer Street  
New Castle, PA 16101  
724-658-3511

Saint Joseph Hospital-S  
250 College Avenue, P. O. Box 3509  
Lancaster, PA 17604  
717-291-8022

Saint Lukes Hospital-S  
801 Ostrum Street  
Bethlehem, PA 18015  
610-691-4141

Saint Mary Medical Center-S  
Langhorne-Newtown Road  
Langhorne, PA 19047  
215-750-2162

Saint Vincent Health Center-S  
232 West 25th Street  
Erie, PA 16544  
814-452-5383

Sewickley Valley Hospital Laboratory-S  
Blackburn Road and Fitch Drive  
Sewickley PA 15143  
412-741-6600

Shadyside Hospital-S  
5230 Centre Avenue  
Pittsburgh, PA 15233  
412-622-2315

Sharon Regional Health System-SB  
740 East State Street  
Sharon, PA 16146  
724-983-3911

Sierra Analytical Laboratories-SB  
625 East Drinker Street  
Dunmore, PA 18512  
570-341-2224

Soldiers & Sailors Memorial Hospital-S  
Central Avenue  
Wellsboro, PA 16901  
570-724-1631

Somerset Hospital Laboratory-SB  
225 South Center Avenue  
Somerset, PA 15501  
814-443-2626

South Hills Health System-Jefferson-S  
575 Coal Valley Road  
Pittsburgh, PA 15236  
412-469-5723

Southern Chester County Medical Center-S  
1015 West Baltimore Pike  
West Grove, PA 19390  
610-869-1080

Specialty Laboratories-SB  
2211 Michigan Avenue  
Santa Monica, CA 90404  
310-828-6543

St. Francis Central Hospital-S  
1200 Centre Avenue  
Pittsburgh, PA 15219  
412-562-3060

St. Francis Hospital-Cranberry-S  
One St. Francis Way  
Cranberry Township, PA 16066  
724-772-5300

St. Francis Medical Center-S  
400-45th Street  
Pittsburgh, PA 15201  
412-622-4838

St. Joseph Quality Medical Laboratory-SB  
215 North 12th Street, Box 316  
Reading, PA 19603  
610-378-2200

St. Joseph's Hospital-Div. of NPHS-S  
16th Street and Girard Avenue  
Philadelphia, PA 19130  
215-787-9000

St. Lukes Hospital-Allentown Campus-S  
1736 Hamilton Street  
Allentown, PA 18104  
610-439-4000

St. Lukes Quakertown Hospital-S  
Eleventh Street & Park Avenue, P. O. Box 9003  
Quakertown, PA 18951  
215-536-2400

Suburban General Hospital-S  
100 South Jackson Avenue  
Bellevue, PA 15202  
412-734-6000

Taylor Hospital Division of CCMC-S  
175 East Chester Pike  
Ridley Park, PA 19078  
610-595-6450

Temple East, Inc., NE-S  
2301 East Allegheny Avenue  
Philadelphia, PA 19134  
215-291-3671

Temple East, Inc.-NMC-S  
1741 Frankford Avenue  
Philadelphia, PA 19125  
215-291-2118

Temple Lower Bucks Hospital Lab-S  
501 Bath Road  
Bristol, PA 19007  
215-785-9200

Temple University Hospital-S  
3401 N. Broad Street  
Philadelphia, PA 19140  
215-707-4353

Thomas Jefferson University Hospital-S  
125 South 11th Street, 204 Pavillion  
Philadelphia, PA 19107  
215-955-6374

Titusville Area Hospital-S  
406 West Oak Street  
Titusville, PA 16354  
814-827-1851

Toxi-Con-SB  
120 Monahan Avenue, Suite 101  
Dunmore, PA 18512  
570-963-0722

Tyler Memorial Hospital-S  
R. D. #1, Route 6  
Tunkhannock, PA 18657  
570-836-2161

Tyrone Hospital-SB  
Clay Avenue Extension  
Tyrone, PA 16686  
570-684-0484

United Community Hospital-S  
631 North Broad Street Ext.  
Grove City, PA 16127  
724-458-5442

University Hospital-M.S. Hershey Medical Center-S  
500 University Avenue  
Hershey, PA 17033  
717-531-8353

University of Pittsburgh Medical Center/Beaver Valley-SB  
2500 Hospital Drive-Pathology Dept.  
Aliquippa, PA 15001  
724-857-1238

University of Pittsburgh Medical Center-CLSI-S  
200 Lothrop Street, CLSI Room 5929 MT  
Pittsburgh, PA 15213  
724-647-7813

UPMC Bedford Memorial-SB  
10455 Lincoln Highway  
Everett, PA 15537  
814-623-3506

UPMC Lee Regional Hospital-SB  
320 Main Street  
Johnstown, PA 15901  
814-533-0130

UPMC Passavant-S  
9100 Babcock Boulevard  
Pittsburgh, PA 15237  
412-367-6700

UPMC Saint Margaret Hospital-S  
815 Freeport Road  
Pittsburgh, PA 15215  
412-784-4000

Warminster Hospital-S  
225 Newtown Road  
Warminster, PA 18974  
215-441-6700

Warren General Hospital-SB  
212 Crescent Park West  
Warren, PA 16365  
814-723-3300

Washington Hospital-S  
155 Wilson Avenue  
Washington, PA 15301  
724-223-3136

Wayne Memorial Hospital-S  
601 Park Street  
Honesdale, PA 18431  
570-253-1300

Waynesboro Hospital-SB  
East Main Street  
Waynesboro, PA 17268  
717-765-3403

West Virginia University Hospital-S  
Clinical Laboratories  
1 Medical Center Drive, P. O. Box 8009  
Morgantown, WV 26506  
304-598-4241

Western Pennsylvania Hospital-S  
4800 Friendship Avenue  
Pittsburgh, PA 15224  
412-578-5779

Western Reserve Care System-SB  
500 Gypsy Lane  
Youngstown, OH 44504  
216-740-3794

Westmoreland Hospital-S  
532 W. Pittsburgh Street  
Greensburg, PA 15601  
724-832-4365

Williamsport Hospital and Medical Center-SB  
777 Rural Avenue  
Williamsport, PA 17701  
570-321-2300

Windber Medical Center-B  
600 Somerset Avenue  
Windber, PA 15963  
814-467-6611

WVHCS Hospital, General Campus-SB  
Corner North River and Auburn Streets  
Wilkes-Barre, PA 18764  
570-829-8111

York Hospital-SB  
1001 South George Street  
York, PA 17405  
717-771-2696

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 00-75. Filed for public inspection January 7, 2000, 9:00 a.m.]

**Laboratories Approved to Perform Blood Lead  
and/or Erythrocyte Protoporphyrin Determina-  
tions under the Clinical Laboratory Act**

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act

of 1967 (42 U.S.C.A. § 263a), and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health.

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead or erythrocyte protoporphyrin testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.4 (relating to reportable noncommunicable diseases and conditions). In addition, the Department requests laboratories to submit reports on children under 6 years of age and pregnant women, on whom laboratory tests confirm venous blood lead concentrations of 15 micrograms per deciliter or higher. The Department's collection and review of these latter reports would be consistent with the most recent revision of the guideline titled, *Preventing Lead Poisoning in Young Children*, which was published in 1991 by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, and is available from them.

All reports must be sent to the Department of Health, Division of Environmental Health, P. O. Box 90, Harrisburg, PA 17108. Report forms are available on request from the Division of Environmental Health.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P". Laboratories offering both services are designated with the letters "LP".

Blood lead analyses performed for occupational safety and health purposes must be conducted by a laboratory which also meets the requirements of the Occupational Safety and Health Administration of the United States Department of Labor as specified in 29 CFR 1910.1025(j)(2)(iii).

The list of approved laboratories will be reviewed semiannually and if there are any changes to the list, a notice to that effect will be published in the *Pennsylvania Bulletin* at that time.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry

and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500.

Persons with a disability who require auxiliary aid service should contact Dr. Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

Allegheny County Coroners Office-L  
3441 Forbes Avenue Oakland  
Pittsburgh PA 15213  
412-578-8072

American Medical Laboratories, Inc.-LP  
14225 Newbrook Drive  
Chantilly VA 20153  
703-802-6900

Angeline Kirby Memorial Health Center-L  
71 North Franklin Street  
Wilkes-Barre PA 18701  
717-823-5450

Associated Regional & University Pathologists-LP  
500 Chipeta Way  
Salt Lake City UT 84108  
800-242-2787

Aurora Consolidated Labs-LP  
8901 West Lincoln Avenue  
West Allis WI 53227  
414-328-7945

Children's Hospital of Philadelphia-P  
One Children's Center, 34th and Civic  
Philadelphia PA 19104  
215-590-1000

East Penn Manufacturing Company, Inc.-LP  
Deka Road, Keller Tech Center  
Lyons Station PA 19536  
610-682-6361

Edison Medical Laboratories, Inc.-LP  
1692 Oak Tree Road, Suite 1  
Edison NJ 08820  
732-906-7800

Ellwood City General Hospital-LP  
724 Pershing Street  
Ellwood City PA 16117  
412-752-0081

Exide Corp. Indus. Hygiene Lab.-LP  
6313 Rising Sun Avenue  
Philadelphia PA 19111  
215-342-1414

Geisinger Medical Center-L  
North Academy Road  
Danville PA 17822  
717-271-6338

Great Smokies Diagnostic Laboratory-L  
63 Zillicoa Street  
Asheville NC 28801  
828-253-0621

Hagerstown Medical Laboratory-L  
11110 Medical Campus Road, Suite 230  
Hagerstown MD 21742  
301-790-8670

Health Network Laboratories-LP  
2024 Lehigh Street  
Allentown PA 18103  
610-402-8150

- Helena Laboratories-P  
PO Box 752  
Beaumont TX 77704  
409-842-3714
- LabCorp of America Holdings-LP  
6370 Wilcox Road  
Dublin OH 43016  
800-282-7300
- LabCorp of America Holdings-LP  
1447 York Court  
Burlington NC 27215  
800-334-5161
- LabCorp of America Holdings-LP  
69 First Avenue, P. O. Box 500  
Raritan NJ 08869  
201-526-2400
- Laboratory Corp of America-LP  
13900 Park Center Road  
Herndon VA 22071  
703-742-3100
- LabOne, Inc.-LP  
8915 Lenexa Drive  
Overland Park KS 66214  
913-888-1770
- Lancaster General Hospital-L  
555 North Duke Street, P. O. Box 3555  
Lancaster PA 17603  
717-299-5511
- LeadTech Corporation-L  
One Marine Plaza  
North Bergen NJ 07047  
201-868-7707
- Main Line Clinical Laboratory-L  
Lankenau Hospital  
100 East Lancaster Avenue  
Wynnewood PA 19096  
610-645-2615
- Mayo Clinic-LP  
200 First Street, S. W., Hilton 530  
Rochester MN 55905  
507-284-8626
- Medical Associates, PC-P  
935 Highland Blvd, Suite 4400  
Bozemon MT 59715  
406-587-5123
- Med Tox Laboratories-LP  
402 County Road D  
New Brighton MN 55112  
612-636-7466
- Mercy Health Lab-Mercy Fitzgerald Hospital-L  
Lansdowne Avenue and Bailey Road  
Darby PA 19023  
610-237-4175
- Mercy Hosptial Lab-L  
Pride and Locust Streets  
Pittsburgh PA 15219  
412-232-7831
- National Medical Services-LP  
3701 Welsh Road  
Willow Grove PA 19090  
215-657-4900
- Omega Medical Laboratories, Inc.-L  
2001 State Hill Road, Suite 100  
Wyomissing PA 19610  
610-378-1900
- Pacific Toxicology Laboratories-LP  
1545 Pontius Avenue  
Los Angeles CA 90025  
310-479-4911
- Pennsylvania Department of Health-LP  
Bureau of Laboratories  
P. O. Box 500  
Exton PA 19341-0500  
610-363-8500
- Pocono Medical Center-L  
206 East Brown Street  
East Stroudsburg PA 18301  
717-476-3544
- Primary Care Health Services, Inc., Laboratory-L  
7227 Hamilton Avenue  
Pittsburgh PA 15208  
412-244-4728
- Public Health Laboratory City of Philadelphia-L  
500 South Broad Street  
Philadelphia PA 19146  
215-685-6811
- Quest Diagnostics Clin. Labs, Inc.-LP  
400 Egypt Road  
Norristown PA 19403  
610-631-4200
- Quest Diagnostics Clin. Labs., Inc.-LP  
7600 Tyrone Avenue  
Van Nuys CA 91405  
818-376-6195
- Quest Diagnostics Incorporated-LP  
One Malcolm Avenue  
Teterboro NJ 07608  
201-393-5602
- Quest Diagnostics of PA, Inc.-LP  
875 Greentree Road  
Four Parkway Center  
Pittsburgh PA 15220-3610  
412-920-7600
- Quest Diagnostics of PA, Inc.-LP  
900 Business Center Drive  
Horsham PA 19044  
215-957-9300
- Quest Diagnostics, Incorporated-LP  
33608 Ortega Highway  
San Juan Capistrano CA 92690  
949-728-4000
- Reading Hospital and Medical Center-L  
6th and Spruce Streets  
Reading PA 19603  
610-378-6080
- Specialty Laboratories-L  
2211 Michigan Avenue  
Santa Monica CA 90404  
310-828-6543
- St. Joseph Quality Medical Laboratory-L  
215 North 12th Street, Box 316  
Reading PA 19603  
610-378-2200

Toxi-Con Laboratories-LP  
120 Monahan Avenue, Suite 101  
Dunmore PA 18512  
717-963-0722

University of Pittsburgh Medical Center-LP  
200 Lothrop Street  
CLSI Room 5929 MT  
Pittsburgh PA 15213-2582  
412-647-7813

ROBERT S. ZIMMERMAN,  
*Secretary*

[Pa.B. Doc. No. 00-76. Filed for public inspection January 7, 2000, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Maximum Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 1999, the maximum compensation payable under the Workers' Compensation Act, under Article 1, subsections 105.1 and 105.2, shall be \$611 per week for injuries occurring on and after January 1, 2000. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2000, the percentage increase in the Statewide Average Weekly Wage is 4%.

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 00-77. Filed for public inspection January 7, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 97—White Oak Borough, Allegheny County. This parcel contains approximately 5.655± Acres or 246,338± SF of land situated along the northwesterly side of Long Run Road (S. R. 0048) in the Borough of White Oak, Pennsylvania. The property will be sold in "as is condition." The estimated fair market value of the parcel is \$142,350.00. It has been determined that the land is no longer needed for present or future Transportation purposes.

Interest public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Raymond S. Hack, District Engineer, Pennsylvania Department of

Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-78. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Finding Bucks County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Geigle Hill Road Bridge over the Tinicum Creek in Tinicum Township, Bucks County. The project consists of replacing the bridge with a box culvert and slightly realigning the roadway approaches. The project area is located within the Ridge Valley Rural Historic District, which is listed in the National Register of Historic Places. The project will require the acquisition of land from two contributing resources to the historic district, as well as the removal and replacement of the existing Geigle Hill Road Bridge which is also a contributing resource to the historic district. The effect of this project on the Ridge Valley Rural Historic District will be mitigated by a Memorandum of Agreement (MOA) for the proposed action which has been signed by all appropriate agencies. The MOA included a commitment to prepare a HABS/HAER documentation package as a permanent record of the bridge's existence.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-79. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Retention of Engineering Firms

#### Philadelphia County Project Reference No. 08430AG2470

The Department will retain an engineering firm to perform preliminary engineering, environmental documentation, final design and services during construction for S.R. 0095, Section AFC, Delaware Expressway (I-95) in the City of Philadelphia, from Ann Street to Wheatsheaf Lane, a distance of approximately 2.371km (1.473 miles). The estimated construction cost of this project is \$35.0 million. The expressway reconstruction will include structure replacement, structure rehabilitation and modification, roadway reconstruction, roadway improvements (signs, lighting and drainage) and landscaping.

The selected firm will be required to provide the following engineering, environmental and design services: C.E.E. Level IV/Section 4(f) document preparation; Point of Access Study preparation; surveys; roadway design; drainage design; roadside development design; preparation of cross sections; erosion and sedimentation control design; structure design; subsurface boring, sampling and testing; noise analysis; preparation of traffic control plans, pavement marking and signing plans; traffic signal design; traffic analysis; utility coordination; coordination with public agencies, municipal officials, and the public; and all other related services to complete preliminary engineering, environmental documentation, final design, services during and all other related services required to complete the preliminary engineering, environmental documentation, final design and services during construction for this project.

Firms that are currently serving, or are being considered for selection, as municipal engineer in the municipality listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Michael J. Girman, III, at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

Letters of Interest will be evaluated at the Engineering District 6-0 office with emphasis on the following factors listed in order of importance:

- a. Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.
- b. Experience of employees to be associated with this project. Particularly important are the key people assigned to the project including their experience and past record of performance with similar projects.
- c. Past performance record.
- d. Relative size of firm to size of project to be completed under this Agreement.
- e. Innovations and flexibility in thinking, particularly with respect to the needs of the local communities.
- f. Geographic location of the consultant with respect to District 6-0.

Engineering District 6-0 will announce the firms that have been shortlisted at an open public meeting to be held in the District Office at 7000 Geerdes Boulevard, King of Prussia, PA on February 10, 2000.

This project reference assignment is considered complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and six (6) additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew L. Warren, District Administrator  
Engineering District 6-0  
7000 Geerdes Boulevard  
King of Prussia, PA 19406-1525  
Attention: Mr. Michael J. Girman, III

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the tenth(10th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy O'Brien, P.E., District 6-0, at (610) 205-6850, or Mr. Michael J. Girman, III, District 6-0, at (610) 205-6856.

**Delaware County  
Project Reference No. 08430AG2471**

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Delaware County in Engineering District 6-0, on an as-needed basis. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of two million (\$2,000,000) dollars.

It is anticipated that a maximum supplementary construction inspection staff of fifteen (15) inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities, Department and District experience and supervisory experience.
- b. Any specialized experience in asphalt paving, structure, concrete, drainage, paint inspection and Maintenance and Protection of Traffic.
- c. Number of NICET and NECEPT certified inspectors in each payroll classification.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Ability to provide CPM scheduling. (TCM-1 Classification).
- f. Ability to provide "CDS" operator or someone capable of inputting data into a personal computer, (TCIS Classification).
- g. Past performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

A minimum of four (4) individuals submitted as part of your inspection staff must have a NECEPT Bituminous Field Technician Certification.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (1)
NACE Intermediate Coating Inspector	1 (0) **
NACE Basic Coating Inspector	1 (0) **

\*\* These two (2) specialized classifications will be used for bridge painting inspection. Under these classifications, the selected firm must provide lead abatement training for these employees prior to any job assignment. In addition, the firm must establish, implement and maintain an effective employee medical surveillance in accordance with 29 CFR 1926 throughout the duration of this inspection.

These two (2) specialized classifications will have the following requirements:

1. NACE Intermediate Coating Inspector Training/or equivalent.

The inspector for the above NACE Intermediate Coating Inspector Training category will have completed at least 80% of the required credits for this NACE category or equivalent training; also, will have a minimum of five (5) years coating inspection experience on heavy industrial or highway projects; also, will have a minimum of one (1) year experience of coatings inspection on a lead removal project where air monitoring, blood monitoring, containment and disposal of lead debris were performed; also, will be knowledgeable in OSHA 1926.62 (lead) regulations, applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.125) will also be capable of "climbing" on high bridge members to perform coatings inspection: will be capable of supervising/training lower level coatings inspectors (both consultant and state) if necessary. Will also complete EPA accredited training for lead removal (Title X, Sections 402 and 404).

2. NACE Basic Coating Inspector Training/or equivalent.

The inspector for the NACE Basic Coating Inspector will have completed at least 80% of the required credits for this category or equivalent training also, will have a minimum of three (3) years coating inspection experience on heavy industrial or highway project, also, will have minimum of six (6) months experience on lead removal project; also will be knowledgeable in OSHA 1926.62 (lead regulations) applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025), will also be capable of "climbing" on high bridge members to perform coatings inspection, will also be capable of working with state inspectors; will also complete EPA accredited training for lead removal (Title X, Section 402 and 404).

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI)	\$36.53
(TA)	\$25.10
NACE Intermediate Coating Inspector	\$61.70
NACE Basic Coating Inspector	\$53.64

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- Paint Test Kits per project as may be required.
- Two-way Radios per project as may be required.
- One cellular phone per project.
- One 35 MM camera per project.
- Safety vests - high visibility for inspectors.

Letters of Interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your Letter of Interest for this specific project.



The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI	7
NACE Intermediate	2
NACE Basic	2

No resumes are required for the TA Classification.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Andrew L. Warren, District Administrator  
Engineering District 6-0  
7000 Geerdes Blvd.  
King of Prussia, PA 19406-1525

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Rex Mackey, District 6-0, at (610) 205-6689.

**Lebanon County**  
**Project Reference No. 08430AG2472**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering, final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

SR 1022 Section 001, Segment 0020 Offset 2691 (LR 38049 SLD STA 26+77) over Swatara Creek, Union and Swatara Townships, Lebanon County. Work will involve replacement of an existing two span structure and roadway approach work. There is the potential for Section 4(f) takes from historic properties.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetlands, preliminary area reconnaissance, utility investigation, safety review meeting, hydrologic and hydraulic report, type, size and location submission, agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.
- Welcom's Open Plan software will be used for project management and tracking.
- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.
- b) Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.
- c) Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103  
Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice. Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**Perry County**  
**Project Reference No. 08430AG2473**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering, final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

- SR 2002-004 Segment 0110 Offset 0000 (LR 50014 SLD STA 212+67) over Shermans Creek, Wheatfield and Penn Townships, Perry County. Work will involve replacement of an existing two span structure and new roadway alignment.
- SR 2002-005 Segment 0120 Offset 0000 (LR 50014 SLD STA 238+44) over Shermans Creek, Penn Township, Perry County. Work will involve replacement of an existing two span structure and new roadway alignment.
- SR 2003-004 Segment 0060 Offset 0000 (LR 50044 SLD STA 120+28) over Shermans Creek, Carroll Township, Perry County. Work will involve replacement of an existing two span structure and new roadway alignment.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetland evaluation, preliminary area reconnaissance, utility investigation, safety review meeting, hydrologic and hydraulic report, type, size and location submission,

agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.
- Welcom's Open Plan software will be used for project management and tracking.
- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.
- b) Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.
- c) Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103  
Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**Perry County  
Project Reference No. 08430AG2474**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering, final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

- SR 0034-014 Segment 0060 Offset 1529 (LR 40 Sta. 156+12) over Shermans Creek, Carroll Township, Perry County. Work will involve replacement of an existing three span structure and new roadway alignment.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetlands, utility investigation, safety review meeting, hydrologic and hydraulic report, type, size and location submission, agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.
- Welcom's Open Plan software will be used for project management and tracking.
- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.
- b) Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.
- c) Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103  
Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed

above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**Perry County**  
**Project Reference No. 08430AG2475**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering, final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

- SR 4006-003 Segment 0200 Offset 0000 (LR 50024 Sta. 25+77) over Raccoon Creek, Tuscarora Township, Perry County. Work will involve replacement of an existing single span structure and roadway approach work.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetlands, preliminary area reconnaissance, utility investigation, safety review meeting, hydrologic and hydraulic report, type, size and location submission, agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.
- Welcom's Open Plan software will be used for project management and tracking.
- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.
- b) Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.
- c) Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Re-

quirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103  
Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**Adams County**  
**Project Reference No. 08430AG2476**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering, final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

- SR 0234 Section 008, Segment 0570 Offset 2107 (LR 342-B Sta. 21+11) over Beaver Creek, East Berlin Borough, Adams County. Work will involve replacement of an existing two span structure. The National Register listed Swigart's Mill historic site, a Section 4(f) resource, is located adjacent to the bridge.
- SR 1009 Section 003, Segment 0050 Offset 0496 (LR 01042 Sta. 100+12) over Bermudian Creek, Huntingdon Township, Adams County. Work will involve replacement of an existing single span structure and new roadway alignment. The existing structure is an 1896 Pratt thru truss bridge, which is potentially eligible for listing on the National Register of Historic Places. Pennsylvania State Gameland 249, a Section 4(f) resource, is located adjacent to the bridge.
- SR 2012 Section B04, Segment 0040 Offset 0000 (LR 01055 Sta. 99+37) over Alloway Creek, Germany Township, Adams County. Work will involve replacement of an existing single span structure and new roadway alignment.
- SR 4008 Section 013, Segment 0160 Offset 0000 (LR 01001 Sta. 427+89) over Opossum Run, Bendersville Borough, Adams County. Work will involve replacement of an existing two span structure and new roadway alignment.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetlands, preliminary area reconnaissance, utility investigation, safety review meeting, hydrologic and hydraulic report, type, size and location submission, agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.

- Welcom's Open Plan software will be used for project management and tracking.
- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.
- Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.
- Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103  
Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**Lancaster County**  
**Project Reference No. 08430AG2477**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering, final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

- SR 2013 Section 003, Segment 0010 Offset 0000 (LR 36022 SLD STA 0+00) over Octoraro Creek, Colerain Township, Lancaster County. Work will involve replacement of an existing single span structure and roadway approach work. Octoraro Creek is designated as a Pennsylvania Scenic River. The John Evans Memorial Park, a 4(f) resource, is located adjacent to the bridge.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetlands, preliminary area reconnaissance, utility investi-

gation, safety review meeting, hydrologic and hydraulic report, type, size and location submission, agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.
- Welcom's Open Plan software will be used for project management and tracking.
- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.
- Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.
- Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103  
Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**Cumberland County**  
**Project Reference No. 08430AG2478**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering,

final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

- SR 2011 Section 005, Segment 0020 Offset 1758 and Segment 0030 Offset 0000 (LR 21017 SLD STA 28+28 and SLD STA 29+69) over Dogwood Run and Yellow Breeches, Monroe Township, Cumberland County. Work will involve replacement of an existing single span structure, an existing three span structure, and roadway approach work. The National Register listed John Williams House, a Section 4(f) resource, is located adjacent to the bridge over Dogwood Run. Yellow Breeches Creek is designated as a Pennsylvania Scenic River.

- SR 4007 Section 008, Segment 0030 Offset 0567 (LR 21042 SLD STA 60+69), Upper Mifflin Township, Cumberland County. Work will involve replacement of an existing single span structure and roadway approach work. The bridge is located within State Game Land 169 which is a Section 4(f) resource.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetlands, preliminary area reconnaissance, utility investigation, safety review meeting, hydrologic and hydraulic report, type, size and location submission, agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.

- Welcom's Open Plan software will be used for project management and tracking.

- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.

- b) Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.

- c) Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional

resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103

Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**Adams County  
Project Reference No. 08430AG2479**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering, final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

- SR 0097 Section 003, Segment 0150 Offset 0340 (LR 42 Sta. 366+1) over Littles Run, Mount Joy Township, Adams County. Work will involve replacement of an existing two span structure and new roadway alignment. Within the project limits are several properties that may be eligible for the National Register, therefore, the project may require a Section 4(f) evaluation.

- SR 0116 Section 012, Segment 0040 Offset 0000 (LR 44 Sta. 354+76) over Toms Creek, Hamiltonban Township, Adams County. Work will involve replacement of an existing two span structure and new roadway alignment.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetlands, preliminary area reconnaissance, utility investigation, safety review meeting, hydrologic and hydraulic report, type, size and location submission, agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.

- Welcom's Open Plan software will be used for project management and tracking.

- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a) Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.

b) Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.

c) Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered moderately complex. The letter of interest shall be limited to a maximum of five (5) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103  
Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**Lebanon County  
Project Reference No. 08430AG2480**

The Department will retain an engineering firm to provide environmental studies, preliminary engineering, final design, including preparation of bridge and roadway plans, specifications and estimates; construction consultation and viewers plans for:

SR 1014 Section 005, Segment 0062 Offset 0000 (LR 38005 SLD STA 420+35) over Elizabeth Run, Bethel Township, Lebanon County. Work will involve replacement of an existing single span structure and roadway approach work.

The required services will include preparation of intent to enter notices, field surveys, plotting of topography, cultural resources, Categorical Exclusion Evaluation, wetlands, preliminary area reconnaissance, utility investigation, safety review meeting, hydrologic and hydraulic report, type, size and location submission, agency coordination, Step 9 submission, preparation of a joint permit application, development of a soils and foundation engineering report, erosion and sediment control plan and narrative, field view, right-of-way plans, utility engineering, structure plans, value engineering, maintenance and protection of traffic plan and narrative, preparation of construction plans, specifications and estimates, construction consultation, shop drawing review project management and viewers plans.

- The design of the project will be developed using metric units.
- Welcom's Open Plan software will be used for project management and tracking.
- A project specific Quality Development Plan will be developed.

The Department is seeking a multi-disciplined team with environmental, geotechnical, highway design and structure design experience.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a) Specialized experience and technical competence with the replacement and rehabilitation bridge projects and their ability to provide innovative solutions to complex technical problems.

b) Experience in environmental, highway design, structure design, geotechnical design, and hydrologic/hydraulic analysis and design.

c) Past record with respect to cost control, work quality, and ability to meet schedules.

The goal for the Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the "General Requirements and Information" section after the advertised project(s).

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section for additional requirements for the Letter of Interest).

The Letter of Interest submission shall be sent to:

Mr. Barry G. Hoffman, P.E.  
Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103  
Attention: Mr. Michael Lapano

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 p.m. prevailing time on the twentieth day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Lapano, District 8-0, at (717)787-7482.

**General Requirements and Information**

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the Pennsylvania Bulletin.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
2. Identify the project manager.
3. Identify subconsultants, if any, including DBE/WBE, if required.
4. Identify key project staff.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who

submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-80. Filed for public inspection January 7, 2000, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed 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 new 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 January 21 and 22, 2000, the Commission will consider designating the following lakes as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective upon publication in the *Pennsylvania Bulletin*:

#### *58 Pa. Code § 65.9. Big Bass Special Regulations*

The Commission will consider designating the following lakes as regulated and managed under the Big Bass Special Regulations and adding them to the list of waters subject to these regulations (58 Pa. Code § 65.9):

<i>County</i>	<i>Water</i>
Cambria	Hinckston Dam
Cambria	Wilmore Dam
Somerset	Quemahoning Reservoir

#### *58 Pa. Code § 65.11. Panfish Enhancement Special Regulation*

The Commission will consider designating the following lakes for regulation and management under the Panfish Enhancement Special Regulation and adding them to the list of waters subject to this regulation (58 Pa. Code § 65.11):

<i>County</i>	<i>Water</i>	<i>Applicable Species</i>
Cambria	Hinckston Dam	Sunfish Crappie
Cambria	Wilmore Dam	Sunfish Yellow Perch Crappie

<i>County</i>	<i>Water</i>	<i>Applicable Species</i>
Somerset	Quemahoning Reservoir	Sunfish Yellow Perch Crappie

**Department of Transportation Regulation  
No. 18-349**

**Administrative Practice and Procedure;  
Outdoor Advertising**

**December 23, 1999**

At this time, the Commission is soliciting public input concerning these designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 by no later than the close of business (4 p.m.) on January 20, 2000. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.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. 00-81. Filed for public inspection January 7, 2000, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Commission may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the act (75 P. S. § 745.5a(h)(i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
18-349	Department of Transportation Administrative Practice and Procedure; Outdoor Advertising  (October Pa.B. 5515, (October 23, 1999))	12/23/99	11/22/01
16A-422	State Board of Examiners Fees  (29 Pa.B. 5521 (October 23, 1999))	12/23/99	11/22/01

We have reviewed this proposed regulation from the Department of Transportation (Department) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

**1. General.—Clarity.**

*Interested parties and other participants and party[ies]*

In several sections, the phrase "interested parties and other participants" has been replaced with the term "parties." Other sections retain this phrase. With respect to notice requirements, why has the scope of the regulation been reduced to "parties"? How will this change affect the Department's current practices? Also, will this change result in a person with an interest in a proceeding not receiving notice of that proceeding?

Unless the Department has a valid reason for retaining the phrase "interested party[ies] and other participants," this phrase should be deleted, and the term "part[ies]" should be used consistently throughout the regulation. Finally, the term "party" should be defined in section 491.2.

**2. Section 491.2. Definitions.—Clarity.**

*Office of the agency*

The phrase "upon which commencement of process is made upon the Secretary" is unclear. The Department should incorporate the first sentence of section 491.4(c) in this definition.

**3. Section 491.2a. Separation of adjudicatory function from representation of the Department.—Need; Clarity.**

*Subsection (b) Ex Parte discussions*

*Subsection (c) Prohibited discussions with employes*

Both of these subsections convey prohibitions, but do so with inconsistent verbs. Subsection (b) uses "no" in conjunction with "may," and subsection (c) uses "will not." For conformity with the Legislative Reference Bureau's Style Manual, both sections should use "may not."

The word "likewise," which begins subsection (c), should be deleted because it is not clear what that term relates to.

*Subsection (d) Designation by Chief Counsel and Secretary*

For the same reason discussed above, "prohibited from participating" should be replaced with "may not participate." Similarly, "should designate" should be replaced with "shall designate."



**4. Section 491.3. Request for hearing.—Reasonableness; Clarity.**

*Subsection (a) Content*

We have two concerns with this subsection. First, it does not require that the party requesting the hearing provide an address at which documents may be served. This requirement should be added to the final-form regulation.

Second, paragraph (3) uses the phrase “gives rise for the occasion of the appeal.” For clarity, the Department should consider more direct language, such as “is the subject of the appeal.”

*Subsection (b) Timeliness of petition for hearing*

We have two concerns with this subsection. First, the beginning point of the 30-day period referenced in paragraph (b)(1) is unclear. That period begins with the Department’s “determination.” However, the period referenced in subparagraph (2)(i) begins on the mailing date of the Department’s letter. The beginning of the time period referenced in these paragraphs should be consistent and should begin on the date of mailing (which is the date of service under the General Rules, 1 Pa. Code § 33.34) of the Department’s determination.

Second, subparagraph 2(ii) should only become operative in instances where the Department’s notice was either not mailed or misdirected, so that the party did not receive it. Only in that case, should the date of actual or constructive notice begin the 30-day period.

*Subsection (c) Determination of insufficiency*

Subsection (c) does not explain what kind of deficiency will lead to a matter being closed, thereby depriving the filing party of any opportunity for relief. Also, it does not provide any opportunity for a party to correct a deficiency. We recommend that the Department clarify what type of deficiencies are correctable and consider allowing a filing party a period of time to correct a deficiency.

*Subsection (d) Department’s request for clarification of the issues*

Subsection (d) allows the Department to request clarification of the issue giving rise to the appeal, but does not specify the time period within which clarification must be provided. The final-form regulation should provide how long a party has to respond to a request for clarification of the issues.

**5. Section 491.4. Institution of proceedings.—Clarity.**

*Subsection (c) Docket clerks designated office of the agency/timely filings*

The last sentence of this subsection provides that the date of receipt at the office of the agency—not the date of deposit in the mails—is determinative for timely filing purposes. This sentence should be relocated to the preceding section as a new paragraph (c). Alternatively, “date of filing” could be defined as the date of receipt at the office of the agency in section 491.2 (relating to definitions).

**6. Section 491.6. Notice and conduct of hearing.—Clarity.**

*Subsection (a) Written notification to parties*

The Department should explain how the interest of a person entitled to notice under 67 Pa. Code Chapter 441 will be protected if notice is not given. In the final-form regulation, the Department should clarify whether notice to a party in interest will be effective from the time the

party receives actual notice of the matter, or from the time the party should have known of the matter.

*Subsection (d) Intervention*

The underlying premise of the subsection (d)(1) rule is that a person knows or should have known about the hearing matter, but unduly delayed beyond the deadline in filing their petition to intervene. However, the regulation does not indicate what the time frame for intervention is, or when the deadline for intervention occurs. Under 1 Pa. Code § 35.30, the deadline for intervention is published in the *Pennsylvania Bulletin*. The Rules of Civil Procedure provide that intervention is allowed during the pendency of a matter (Pa.R.C.P., Rule 2327). The Department should examine both approaches and establish an allotment of time or deadline. Without any indication of the allowable window for intervention, it is not possible to determine if a petition to intervene has been unduly delayed.

Is subparagraph (2)(ii) properly titled “Supersedeas,” or should it be titled “Supplementation”? It appears that “Supplementation” is the appropriate heading.

*Subsection (g) Request for a stay or supersedeas*

The caption of this subsection implies that there is a difference between the terms “stay” and “supersedeas.” Black’s Law Dictionary indicates that these terms are used synonymously. If there is a difference between these two terms within the context of the Department’s procedures, the Department should indicate what that difference is. Otherwise, the Department should use one term consistently and define that term in section 491.2 (relating to definitions).

**7. Section 491.7. Filing requirements.—Reasonableness; Clarity.**

*Subsection (b) Telefacsimile and electronic transmission not accepted*

This subsection adds a prohibition on electronic filing of documents to the existing prohibition on telefacsimile filings. Why does the Department prohibit the telefacsimile and electronic transmission of documents?

**8. Section 491.9. Order to show cause.—Clarity.**

*Subsection (b) Notification to respondent*

Subsection (b) states in part: “the docket clerk will forward a copy of the order to the respondent.” The term “forward” is vague and potentially confusing. For greater clarity, the Department should replace “forward” with the term “serve.”

*Subsection (e) Notification to parties*

*Subsection (f) Scheduling of hearing*

*Subsection (g) Waiver*

These subsections refer to “parties.” In a proceeding on an order to show cause, what other parties are involved besides the respondent? If there are none, the term “parties” should be replaced with “respondent.”

**State Board of Barber Examiners Regulation  
No. 16A-422**

**Fees**

**December 23, 1999**

We have reviewed this proposed regulation from the State Board of Barber Examiners (Board) and submit for consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the

criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to fiscal impact, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

### 1. Section 3.103. Fees—Fiscal Impact, Need and Clarity.

#### *Administrative overhead costs.*

In the proposed regulation's fee report forms, there are significant differences in the costs covered by different fees except for "Administrative Overhead" costs. The overhead costs for eight of the proposed fee revisions are \$8.08; and the overhead costs for the remaining fee (Certification of Exam Scores) are \$9.76. According to staff at the Department of State and its Bureau of Professional and Occupational Affairs (BPOA), the allocated share of overhead cost for each fee category is calculated by dividing total overhead costs by the number of active licensees. This methodology for overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the staff cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. Hence, there is no certainty that the "projected revenues will meet or exceed projected expenditures" under section 14(b) of the Barber License Law (63 P. S. § 564(b)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities covered by different fees. Even though this process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead, to be recouped by these fees, and review their methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

#### *Application of Licensure of Barber School.*

This proposed fee is increasing from \$100 to \$280. The reason for this significant increase is not addressed in the preamble. In the fee report form, the section on fee-related costs identifies one activity as "Board Meeting—discuss/vote." The fee report form estimates that this activity will take half an hour and cost \$195. We request the Board explain the costs and the need for this substantial increase.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-82. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting,

interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

#### *Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-203	Pennsylvania Public Utility Commission Annual Resource Report Filing Requirements	12/23/99

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-83. Filed for public inspection January 7, 2000, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Donegal Mutual Insurance Company; Homeowners Insurance Rate and Rule Revision

On December 21, 1999, the Insurance Department received from Donegal Mutual Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

The company requests an overall 9.7% increase amounting to \$2,386,000 annually, to be effective February 1, 2000 for new business and March 1, 2000 for renewal business.

Unless formal administrative action is taken prior to February 19, 2000, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (E-mail: xlu@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-84. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Beverly Lichter; file no. 99-215-33760; State Farm Fire & Casualty Co.; doc. no. PH99-12-018; March 6, 2000, at 3 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-85. Filed for public inspection January 7, 2000, 9:00 a.m.]

## LIQUEUR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Allegheny County, Wine and Spirits Shoppe # 0227, Bethel Park.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment located within 1 mile of the intersection of East McMurray Road and Clifton Road in Bethel Park Borough.

*Proposals due:* January 28, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222.  
**Contact:** Bruce VanDyke, (412) 565-5130

Luzerne County, Wine and Spirits Shoppe # 4001, 210 East End Centre, Wilkes-Barre, PA 18702-6970.

*Lease Expiration Date:* November 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within Wilkes-Barre Township.

*Proposals due:* January 28, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 00-86. Filed for public inspection January 7, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Certificate of Public Convenience Without Hearing

**A-211800 F5001. The Manufacturers Water Company.** Application of The Manufacturers Water Company for a Certificate of Public Convenience evidencing approval of the sale of its common stock by Bethlehem Steel Corporation to CSA NonProfit, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 24, 2000, under 52 Pa. Code (relating to public utilities).

*Applicant:* The Manufacturers Water Company

*Through and By Counsel:* D. Mark Thomas, Esquire, Patricia Armstrong, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-87. Filed for public inspection January 7, 2000, 9:00 a.m.]

### 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. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before January 31, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00116389, Folder 2. William R. Smoley** (26 Salem Manor, Selinsgrove, Snyder County, PA 17870)—persons

in group and party service, in vehicles with a seating capacity of 15 passengers or less including the driver, between points in the counties of Snyder, Union, Northumberland, Columbia and Montour, and from points in said counties, to points in Pennsylvania, and return.

**Application of the following for the approval of the transfer of stock as described under each application.**

**A-00101899, F. 5001. Triage, Inc.** (800 West Olney Avenue, Philadelphia, PA 19120), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from Terry Marinello (50 shares) and James Wagner (50 shares) to Aleph Management Systems, Inc. *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-00113748, F. 5001. Tri-Star Enterprises, Inc.** (333 Jenkintown Commons, Jenkintown, Montgomery County, PA 19046), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from Brian Somerman (150 shares) to Aleph Management Systems, Inc. *Attorney:* John J. Gallagher, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-00110771, Folder 5001. Phila. Airport Taxi Service, Inc., t/d/b/a Metro Mobility** (333 Jenkintown Commons, Jenkintown, Montgomery County, PA 19046), a corporation of the Commonwealth of Pennsylvania—for approval of the transfer 100 shares of issued and outstanding stock, 50 each from Cynthia Somerman and Brian Somerman to Aleph Management Systems, Inc. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-88. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Telecommunications

**A-311050F0003. D&E Telephone Company and D&E/Omnipoint Wireless Joint Venture, L.P. d/b/a PCS One.** Joint Petition of D&E Telephone Company and D&E/Omnipoint Wireless Joint Venture, L.P. d/b/a PCS One for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

D&E Telephone Company and D&E/Omnipoint Wireless Joint Venture, L.P. d/b/a PCS One, by its counsel, filed on November 10, 1999, at the Pennsylvania Public Utility 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 D&E Telephone Company and D&E/Omnipoint Wireless Joint Venture, L.P. d/b/a PCS One Joint Petition are on

file with the Pennsylvania Public Utility 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. 00-89. Filed for public inspection January 7, 2000, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17108:

January 10, 2000	Wayne J. Hettinger (Continue Disability Retirement Benefits)	1:30 p.m.
January 19, 2000	Richard C. Welsh (dec'd) (Option Change)	1 p.m.
January 17, 2000	Cheryl Franklin (Continue Disability Retirement Benefits)	1:30 p.m.
February 2, 2000	Louis G. Peffenbach (Revoke Conditional Retirement Application executed in 1984)	1 p.m.
February 16, 2000	Beverly T. Kuzmission (Purchase of Service)	1 p.m.
February 16, 2000	Georgine G. Matthews (Purchase of Service)	2 p.m.
February 23, 2000	Constance Salidis (Contested Death Benefit)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 00-90. Filed for public inspection January 7, 2000, 9:00 a.m.]

# TURNPIKE COMMISSION

## Retention of a Consulting Firm

### Open End Facilities Management Consulting

#### Reference No. 3-126

The Turnpike Commission (Commission) will retain one Facilities Management Consulting Firm for an open-end contract to provide various facilities management-related services, analyses and reports. Consulting services will include, but not be limited to: overview assessment of facilities management components—custodial, maintenance, capital improvements, grounds care, energy management, and the like; energy procurement strategy; benchmarking and best practice recommendations; alternative organizational and contractual arrangements; technical, financial and staffing requirements; reporting methodologies; and other facilities-related services as needed.

The firm selected will have experience with large, complex facilities management organizations in the areas of operations and maintenance, performance benchmarking, performance measurement methodologies, operating and capital budgeting, service delivery systems, strategic planning and program implementation.

The contract will be for a maximum of \$500,000 or for a 24 month period. The firm will be required to provide sufficient office personnel, managers, technical personnel and clerical staff to support requested services.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this consulting engagement:

b. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the designated tasks in a timely and cost effective manner.

c. 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.

d. The specific experience and number of individuals who constitute the firm.

e. Location of consultant's office where the work will be performed.

f. Workload of the prime consultant and subconsultants for all Turnpike Commission projects and any other Pennsylvania State or local government projects.

g. 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.

Direct inquiries to Don Santostefano at (717) 986-9627; or by e-mail at dsantost@pturnpike.com.

#### General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters of Interest must include the following:

1. One page transmittal letter clearly identifying the consulting services reference number, brief description of the consulting services 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. Three page expression of interest in the advertised consulting services. Each firm should demonstrate their ability to perform the specific requirements indicated for these services and provide explanation that the firm has successfully completed similar type consulting services of the same magnitude.

3. An organization chart for the consulting services, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Turnpike Commission projects and any other Pennsylvania State or local government projects.

5. Other required information:

- Resumes of key personnel expected to be involved in the project, (limit to one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the State's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Don Santostefano, Facilities Manager, at the Turnpike Commission Administration Building located at 176 Kost Road, Carlisle, PA 17013-9779 (parcel delivery address). Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676.

The letter of interest and required information must be received by 12 noon, January 28, 2000. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable letters of interest received in response to this solicitation, one firm will be selected. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals or Requests for Proposals will not be requested prior to selection.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 00-91. Filed for public inspection January 7, 2000, 9:00 a.m.]

### Retention of a Design Management Firm

#### Mon/Fayette Expressway Project Uniontown to Brownsville Fayette and Washington Counties, Pennsylvania

#### Reference No. E-013

The Turnpike Commission (Commission) will retain a Design Management firm to provide project management services for the Mon/Fayette Expressway Project between Uniontown and Brownsville. Management services will be required for the design of the limited access highway on new alignment between Routes 119 and 51 near Uniontown, PA, and Routes 43 and 88 near Centerville, PA. A total of ten other consulting firms will be retained to perform the preliminary and final design of the roadway, structures and toll plazas. The total length of the design section is approximately 15 miles. The total construction cost is estimated at \$360 million. The Design Management Contract is expected to be for a period of 36 months. This project will be financed with Federal, State and Turnpike funds and will be subject to Federal review and oversight in accordance with Federal aid regulations (23 CFR, Chapter 1).

The selected firm will be required to provide engineering review services during the design phase of the project and to provide sufficient staff to adequately maintain project coordination and schedule from preliminary design through bidding of the construction contracts.

Tasks required include, but are not limited to: prepare master schedules to coordinate all phases of the project; monitor schedules to assure compliance with the master schedule; monitor design costs to keep cost within budget; review of design submissions, preliminary and final right-of-way plans, design drawings, special provisions, specifications and estimates prepared by other consulting engineering firms; conduct design review meetings and plan checks; provide constructability reviews; review environmental items of work; coordinate required permit applications; standardize design details; coordinate design and right-of-way acquisition activities; and coordinate with PennDOT, FHWA environmental agencies, township officials, municipal authorities and utility companies by means of periodic meetings.

The selected firm will be required to provide a full-time, permanent staff of qualified and experienced professional engineers and support personnel required to maintain project control. In addition to the full-time staff, other in-house specialists may be required to assist with specific work tasks encountered. The Commission must approve the individual who will head the Design Management Team.

The selected firm is required to furnish a fully equipped office in Pennsylvania, conveniently accessible, and within 50 miles of the Turnpike Commission Western Regional Office at 2200 North Center Avenue, New

Stanton, PA 15672-9602. The office must include a conference room capable of seating at least 25 people. All full-time staff assigned to the project is to be located in this office.

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. The Team must clearly demonstrate experience and competence on management of large-scale public works design projects.
- 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.
- 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 and Turnpike 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.

Firms expressing interest in this project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st Century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal of DBE participation in this contract will be established prior to the submission of Technical Proposals from the shortlisted firms for this project. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the Act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the established goal, it shall be required to demonstrate its good faith efforts to attain the goal. If further information is desired concerning DBE/MBE/WBE participation, direct inquiries to the Office of Equal Opportunity Development, Turnpike Commission at the above address, or by calling (717) 939-9551 Ext. 4241.

Direct inquiries about this advertisement to Kenneth L. Slippey, at 939-9551, extension 5150; or by e-mail at kslippey@paturnpike.com.

#### General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information. The Letters 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. Three page (maximum) expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for this project and provide explanation that the firm has successfully completed projects of the same magnitude.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the letter of interest will require written approval from the Commission.

4. Tabulation of workload for the prime consultant and all subconsultants for all Department of Transportation and Turnpike Commission projects.

5. A copy of the Annual Qualification Package submitted to the Department of Transportation for the current year that is in the same District as this project or one that is best suited for this project.

The Annual Qualification Package should contain at a minimum, the following information for the prime consultant and all subconsultants which should be attached to the back of the letter of interest (subs to follow primes):

- Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, 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 one 8 1/2 x 11 page, one side, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in the Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in Pennsylvania.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate letters of interest from joint venture constituents. A firm will not be permitted to submit a letter of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Firms interested in performing the above services are invited to submit a letter of interest and required information to Frank J. Kempf, P.E., Assistant Chief Engineer-Programs/Projects, at the PA Turnpike Commission Administration Building located at 176 Kost Road, Carlisle, PA 17013-9779 (parcel delivery address) (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The letter of interest and required information must be received by 12 noon, Friday, January 21, 2000. Any letters of interest received after this date and time will be time-stamped and returned.

The assignment of the above services will be made to one of the firms submitting an acceptable letter of interest. The Commission will be shortlisting this project at a public meeting after the evaluations of acceptable letters of interest. Technical proposals will then be requested from the shortlisted firms.

The Commission reserves the right to reject all letters of interest, to cancel solicitation requested under this notice, and/or to re-advertise solicitation for the work and services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 00-92. Filed for public inspection January 7, 2000, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide

#### Legal Services & Consultation—26

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

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### 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

**73200-99-038** Fabric, Poplin, 60"—63" cuttable, as per PCID 1019.

**Department:** Corrections  
**Location:** Correctional Industries SCI Greene, 1040 East Roy Furman Highway, Waynesburg, PA 15370-8090  
**Duration:** 1 year  
**Contact:** MaryAnn Urich, (717) 731-7134

**1179219** Latest model cutaway cab and chassis with omnibus body conversion in accordance with bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 1999—2001  
**Contact:** Vendor Services, (717) 787-2199

**1267119** Latest model van body in accordance with bid specifications. For a copy of the bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 1999—2001  
**Contact:** Vendor Services, (717) 787-2199

## SERVICES

### Advertising—01

**OGC-ITP-2000-01** The Office of General Counsel has prepared a manuscript, the Health Laws of Pennsylvania (Manuscript), which will serve as a desk reference for all lawyers who practice health law, health care providers and facilities, and government officials. The Manuscript, which is the first of its kind, is intended to provide a starting point for lawyers with health law questions. The focus of the Manuscript is the statutes and regulations of the Commonwealth, with some references to Federal law and case law for the sake of clarity or completeness. Through this Invitation to Publish (ITP), the Office of General Counsel is seeking proposals from vendors interested in publishing the Manuscript. The Manuscript consists of approximately 300 single-sided pages printed on 8.5" x 11" bond paper. All of the text is available on 3.5" diskettes in Microsoft Word. The Manuscript must be published in a format that permits periodic updates. A minimum of 200 complimentary copies must be provided to the Office of General Counsel as well as other discounted copies if required. Interested parties may obtain a copy of the ITP by sending a written request to Howard Burde, Esq., Deputy General Counsel, by mail at the Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA 17101 or by fax at (717) 772-9187. The Office of General Counsel has the right to reject any and all proposals received as a result of this ITP, or to negotiate separately with competing vendors. A Pre-Proposal Conference will be held on Monday, January 31, 2000, at 10 a.m. at the Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA. The purpose of this Pre-Proposal Conference is to summarize the ITP and respond to questions. The Pre-Proposal Conference is for information only. Answers furnished during the conference will be verified in writing by the Office of General Counsel. Sealed proposals must be submitted to the Office of General Counsel attention: Howard Burde, Esq., Deputy General Counsel, at the address listed above. Proposals must be received at the above address no later than 3 p.m. on Thursday, February 17, 2000. Vendors mailing proposals should allow sufficient mail delivery time to insure timely receipt of their proposals. Proposals sent by FAX will not be accepted. Late proposals will not be considered.

**Department:** Governor's Office  
**Location:** Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA 17101  
**Duration:** January 1, 2000 to January 1, 2001  
**Contact:** Howard A. Burde, Esq., (717) 783-6563

**Agricultural Services—02**

**PGC-2621** The equivalent of Game Bird Pheasant Breeder Feed—70 Tons together with the following additions: Pellets—Size 5/32". Bulk Delivery: Pneumatic blower unloading. Delivery in 8-24 ton lots, as requested by the Game Farm Superintendent. Delivery to begin on or about February 1, 2000, and end approximately May 14, 2000. Feed to be in strict accordance with Game Commission formula. Agency reserves the right to cancel purchase order if vendor fails to comply with specifications.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Western Game Farm, Attn: Larry Mears, Supt., 25761 Highway 408, Cambridge Springs, PA 16403  
**Duration:** February 1, 2000 to May 15, 2000  
**Contact:** Linda Beaver, (717) 787-6594

**PGC-2622** The equivalent of Game Bird Pheasant Breeder Feed—70 Tons, together with the following additions: Pellets—Size 5/32" Bulk Delivery: Pneumatic blower unloading. Delivery in 8-24 ton lots, as requested by the Game Farm Supt. Delivery to begin on or about February 7, 2000, and end approximately May 31, 2000. Feed quantity is only an estimate. Payment will be made only for amount actually ordered. To be in strict accordance with PA Game Commission formula. The Game Commission reserves the right to cancel the purchase order if the vendor fails to comply with specifications.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Loyalsock Game Farm, C. Clair Souter, Supt., 136 Game Farm Road, Montoursville, PA 17754  
**Duration:** February 7, 2000 to May 31, 2000  
**Contact:** Linda Beaver, (717) 787-6594

**Audio/Video—04**

**00972019** Contractor to provide all labor parts necessary to maintain closed circuit video equipment. Service coverage to be available 24 hours a day, 7 days a week. Contractor to respond to service request within 4 hours. Contractor to provide replacement equipment until Commonwealth equipment can be repaired. A list of equipment can be obtained from the hospital.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017  
**Duration:** July 1, 2000—June 30, 2005  
**Contact:** F. Molisee, Purchasing Agent 2, (412) 257-6215

**Construction—09**

**403213** Vendor to supply and install security screens at Bldg. # 12 at Warren State Hospital. For complete bid specifications, contact the hospital.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, PA 16365-5099  
**Duration:** February 15, 2000—June 29, 2000  
**Contact:** John Sample, PA 1, (814) 726-4448

**SP 1345991013** Replace roof on modular home. Includes removal and disposal of old roofing materials. Interested parties should contact Tom Schmidt, Maintenance Director at (610) 948-2430 for further details.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 10 Independence Drive, Spring City, PA 19475  
**Duration:** April 15, 2000 through June 30, 2000  
**Contact:** Theresa Barthel, P.A., (610) 948-2493

**KUCC-0004** Kutztown University is seeking qualified contractors for the general, mechanical, electrical and plumbing work associated with the renovations to the Rickenbach Research and Learning Center at Kutztown University. Bid packages are available for a non-refundable fee of \$145 from: Virginia Stoudt, STV Architects, 205 West Welsh Drive, Douglassville, PA, 19508, Phone: (610) 385-8325. Bid packages are available January 10, 2000 through prebid. A prebid meeting has been scheduled for January 20, 2000 at 10 a.m. in Room OM-26, Old Main Building. Bids are to be received no later than 3 p.m. on February 3, 2000 in Room 236, Office of Planning and Construction. Bids will be opened on February 4, 2000 at 3 p.m. in Old Main Building. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** Work to be completed on or before August 31, 2000  
**Contact:** Barbara Barish, (610) 683-4602

**015DGS570-27SW1** Project Title: Western Pennsylvania State Correctional Institution. Brief Description: All work necessary to cut, fill and grade the site to rough grade elevations, construct Erosion and Sedimentation Plan control measures, construct temporary gravel roads and parking areas and other work as specified in the Contract Documents. Estimated Range: Over \$10,000,000. Site Excavation. Plans Deposit, \$250 per set. Payable to P. J. Dick Incorporated. Refundable upon return of plans and specifications in reusable condition (no marks allowed) as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$40 or provide your express mail account number to the office listed below. Mail requests to: P. J. Dick, Inc., P. O. Box 98100, Pittsburgh, PA 15227, Attn: Joseph Kopko, Tel: (412) 462-9300. Bid Date: Wednesday, January 26, 2000 at 11 a.m. A Prebid Conference has been scheduled for Tuesday, January 11, 2000 at 10 a.m. at the 2nd Floor Meeting Room at the Offices of P. J. Dick, Inc., 1020 Lebanon Road, West Mifflin, PA 15122. All Contractors who have secured Contract Documents are invited and urged to attend this Prebid Conference.

**Department:** General Services  
**Location:** Western PA State Correctional Institution, State Route 4020, Luzerne Township, Fayette County, PA  
**Duration:** 150 Calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**98-77A&B** Renovations to Grant Science Center and Simon B. Elliott Hall. These renovations include upgrading finishes, renovating toilet rooms to comply with the ADA Law. New water service to each building, upgrading portions of the HVAC and Plumbing service. Replacing lighting and rewiring mechanical equipment. Plans and Specifications are available from Burkavage Design Associates, Inc., 200 Abington Executive Park, Clarks Summit, PA 18411, (570) 586-0719 for a non-refundable fee of \$150. A prebid conference has been scheduled for February 17, 2000 at 10 a.m. in Brooks Maintenance Building.

**Department:** State System of Higher Education  
**Location:** Mansfield University, Mansfield, PA 16933  
**Duration:** 60 days from Notice to Proceed  
**Contact:** Purchasing Department, (570) 662-4148

**FDC-117-503** Excavating, Backfilling; Compacting, and Grading; Placing 2A Aggregate BCBC and ID-2; Pavement Markings; Inlets; 18" and 24" C. P. Pipe; Seeding and Mulching. Project is at Parker Dam State Park. Bid documents will be available on or after January 11, 2000.

**Department:** Conservation and Natural Resources  
**Location:** Huston Township  
**Duration:** Complete all work by May 18, 2000  
**Contact:** Construction Management Section, (717) 787-5055

**Environmental Maintenance Service—15**

**BOGM 98-11** Clean out and plug eleven orphan oil wells, Cornplanter State Forest estimated between 500 and 600 feet each in depth and includes preparing and restoring well sites. Bid documents will be issued January 7, 2000. Payment in the amount of \$10 must accompany request before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Harmony Township  
**Duration:** 190 calendar days  
**Contact:** Construction Contracts Section, (717) 783-7994

**AMD 54(3024)102.1** Indian Head Passive Treatment, Tremont North involves approximately 71,000 c.y. grading, 660 c.y. drainage excavation, 152 l.f. corrugated polyethylene pipe and 10.8 acres seeding, 100% Federally funded from Pennsylvania's 1999 AML Grant totaling \$22.5 million. Bid documents will be issued January 7, 2000. Payment in the amount of \$10 must accompany request before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Frailey Township  
**Duration:** 240 calendar days  
**Contact:** Construction Contracts Section, (717) 783-7994

## Financial & Insurance Consulting—17

**PSERS-TPA** The Public School Employees' Retirement System (PSERS) is soliciting bids for a Third Party Administrator and Claims Processor for the PSERS Health Options Program (HOP). PSERS is looking for a firm or organization to administer the enrollment, eligibility and customer service functions of PSERS Health Options Program, provide claims processing services and obtain aggregate stop loss (excess liability) insurance for the Major Medical portion of HOP. Proposals will be mailed out no sooner than January 4, 2000 and a preproposal conference will be held on January 19, 2000 in the 5 North 5th Street Office. Interested vendors may contact Rebecca A. Snead at (717) 720-4607 or E-mail at sneadrc@psers.state.pa.us for a complete set bid specifications. Please provide company name, contact persons, address and telephone number.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** To be determined  
**Contact:** Rebecca A. Snead, (717) 720-4607

## Hazardous Materials—21

**1501810057** Asbestos and lead project monitoring, sample collection, preparation of required reports and analysis. This includes satisfactory removal and disposal of asbestos and lead as required in project specifications.

**Department:** General Services  
**Location:** Different regions in Commonwealth: (Region 1—Eastern Counties), (Region 2—Central Counties), and (Region 3—Western Counties)  
**Duration:** Beginning Approximately February 1, 2000, ending June 30, 2002  
**Contact:** W. Brian Hunsberger, (717) 783-0495

## HVAC—22

**SP 1345991014** Supply and install HVAC systems in modular home. 5 units with ductwork minimum. Interested parties can contact Tom Schmidt, Maintenance Director, at (610) 948-2493 for further details.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 10 Independence Drive, Spring City, PA 19475  
**Duration:** April 15, 2000 through June 30, 2000  
**Contact:** Theresa Barthel, P.A., (610) 948-2493

## Laboratory Services—24

**RFP 99-01** Provide a controlled substance and alcohol testing program, and a training program, for the Commonwealth in accordance with the Omnibus Transportation Employee Testing Act of 1991. To obtain a copy of this bid package, please fax the following information to Vikki Mahoney at (717) 783-7971: Contract # RFP 99-01, Company Name, Company Contract Name, Address, Telephone Number and Fax Number. Please reference RFP 99-01 on the fax.

**Department:** Transportation  
**Location:** Commonwealth-wide  
**Duration:** Two years with three 1-year renewal options  
**Contact:** Vikki Mahoney, (717) 787-7001

**SP 119100059** The contractor shall provide hair analysis for the Department of Corrections to be used to detect use of controlled substances in the inmate population.

**Department:** Corrections  
**Location:** 2520 Lisburn Road, Camp Hill, PA 17011  
**Duration:** 1 year  
**Contact:** Beth Procopio, (717) 975-4960

## Lodging/Meeting—27

**SP 359008329** Provide meeting facilities to include three 1-week sessions for the Department of Environmental Protection, Bureau of Personnel.

**Department:** Environmental Protection  
**Location:** Within a 25-mile radius of the Capitol Complex, downtown, Harrisburg, PA  
**Duration:** Through June 30, 2000, with option to renew  
**Contact:** Sherry Morrow, (717) 772-1216

## Property Maintenance—33

**Bid # 8052** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the Honesdale Station. Two cuttings per month. Trim shrubs twice a year. Fertilization twice a year. Weeding to be done two times per month. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Honesdale Station, R. D. 2, Box 2050, Honesdale, PA 18431-9998  
**Duration:** April 1, 2000 to June 30, 2002  
**Contact:** Donna Enders, (717) 783-5484

**080S36** Roadside mowing of Interstate highways, District 8-0 in Cumberland, Franklin, Dauphin, Lebanon and Perry Counties. Specifications and bid package requests must be received via fax at (717) 772-0975 (Bill Tyson) or telephone (717) 787-7600, 7:30 a.m.—3:30 p.m. (Mon.—Fri.). Mowing Group # 8-23589-I.

**Department:** Transportation  
**Location:** District 8-0 in Cumberland, Franklin, Dauphin, Lebanon and Perry Counties  
**Duration:** Two year periods for a total of four such renewals. Total of 10 years.  
**Contact:** William Tyson, (717) 787-7600

**080S38** Roadside mowing for Adams, Cumberland, and York Counties. Specifications and bid package requests must be received via fax at (717) 772-0975 (Bill Tyson) or telephone (717) 787-7600, 7:30 a.m.—3:30 p.m. (Mon.—Fri.). Mowing group # 8-00-124M.

**Department:** Transportation  
**Location:** Adams, Cumberland and York Counties  
**Duration:** Two year periods for a total of four renewals. Total of 10 years.  
**Contact:** William Tyson, (717) 787-7600

**080S37** Roadside mowing in Adams County. Specifications and bid package requests must be received via fax at (717) 772-0975 (Bill Tyson) or telephone (717) 787-7600, 7:30 a.m.—3:30 p.m. (Mon.—Fri.). Mowing group # 8-00-11M.

**Department:** Transportation  
**Location:** Maintenance District 8-1, Adams County  
**Duration:** Two year periods for a total of four such renewals. Total of 10 years.  
**Contact:** William Tyson, (717) 787-7600

**080S39** Roadside mowing in 8-5 Dauphin County. Specifications and bid package requests must be received via fax at (717) 772-0975 (Bill Tyson) or telephone (717) 787-7600, 7:30 a.m.—3:30 p.m. (Mon.—Fri.). Mowing group # 8-00-51-M.

**Department:** Transportation  
**Location:** Dauphin County, Harrisburg, PA  
**Duration:** Two year periods for a total of four such renewals. Total of 10 years.  
**Contact:** William Tyson, (717) 787-7600

### Real Estate Services—35

**373883** Lease Office Space to the Commonwealth of Pennsylvania, Department of Revenue with 2,413 useable sq. ft. of existing office space with minimum parking for ten vehicles, within the city limits of Indiana, Indiana County, PA. The Department of Revenue will occupy the space. Proposals Due: January 24, 2000. Solicitation No. 92945.

**Department:** Revenue  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Duration:** N/A  
**Contact:** Jennings Ward, (717) 787-7412

### Sanitation—36

**113-0363** Contractor to provide trash removal services for Southwestern Veterans Center. Specifications of service available upon request.

**Department:** Military Affairs  
**Duration:** September 1, 2000 to August 31, 2003  
**Contact:** Ken Wilson, (412) 665-6727

### Miscellaneous—39

**2000-RFP1** Mansfield University is seeking interested bidders to submit a Request for Proposal (RFP) to provide a long distance resale service to Mansfield University students living in the residence halls. The purpose of Request for Proposal (RFP) is to provide interested parties with information necessary to provide a clean concise response so that the university may select the appropriate service and vendors. Interested bidders may request the RFP from the Purchasing Department, Mansfield University, Mansfield, PA 16933, contact Peg Chapel, (570) 662-4148. Mansfield University reserves the right to accept and or reject all or any bids or any part thereof. RFP packages will be available on January 12, 2000.

**Department:** State System of Higher Education  
**Location:** Mansfield University Campus, Mansfield, PA 16933  
**Duration:** Year upon approval  
**Contact:** Purchasing Department, (570) 662-4148

**SU-45500-28** Shippensburg University is seeking vendors interested in furnishing two Notovision LCD projectors, as manufactured by Sharp. The bid due date is scheduled for January 13, 2000 by 4 p.m. Bid opening will be held at 2 p.m. on January 14, 2000. Vendors interested in receiving a bid package should fax their request to Janet Neidigh, Purchasing Agent at (717) 477-1350, or e-mail jneid@ship.edu. Questions may be addressed to (717) 477-1123, extension 3139. The University encourages responses from small and disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, PA  
**Duration:** Indeterminate 1999-2000  
**Contact:** Janet Neidigh, (717) 477-1386

**PGC-2623** 80 Telemetry Transmitters and collars for White-tailed Deer Fawns. Radio transmitters with mortality sensor attached to an expandable, breakaway collar for white-tailed deer fawns (birth to 10 months of age). Frequency, operational life, battery, power control, packaging requirements, and other specifications will be provided upon request. Interested bidders should contact Diane or Linda at (717) 787-6594, Monday through Friday, 8 a.m. to 4 p.m., for a bid package.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Gary L. Alt, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** Indeterminate 1999-2000  
**Contact:** Diane or Linda, (717) 787-6594

**119100060** The Department of Corrections is seeking proposals for commissary services at a young adult offenders prison currently under construction in Indiana, PA. The new prison is slated to open in July 2000 and will have a capacity of approximately 600 inmates. Interested contractors will be asked to provide proposals for offsite commissary operations.

**Department:** Corrections  
**Location:** State Correctional Institution—Pine Grove, 189 Fyock Road, Indiana, PA 15701  
**Duration:** Three years, with the option of two additional 1 year renewals  
**Contact:** Patricia Cassell, Central Office DOC, (717) 975-4999

[Pa.B. Doc. No. 00-93. Filed for public inspection January 7, 2000, 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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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
8010-04	12/29/99	Centerline Industries Inc.	4,896,480.95
1233329-01	12/28/99	Weidenhamer Systems Corp.	19,280.00
1235119-01	12/28/99	Barbara Ann Lemon Co.	60,940.00
1263159-01	12/28/99	RIS Paper Co.	40,140.00
8250700-01	12/28/99	Air Equipment Corp.	15,400.00

GARY E. CROWELL,  
*Secretary*

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