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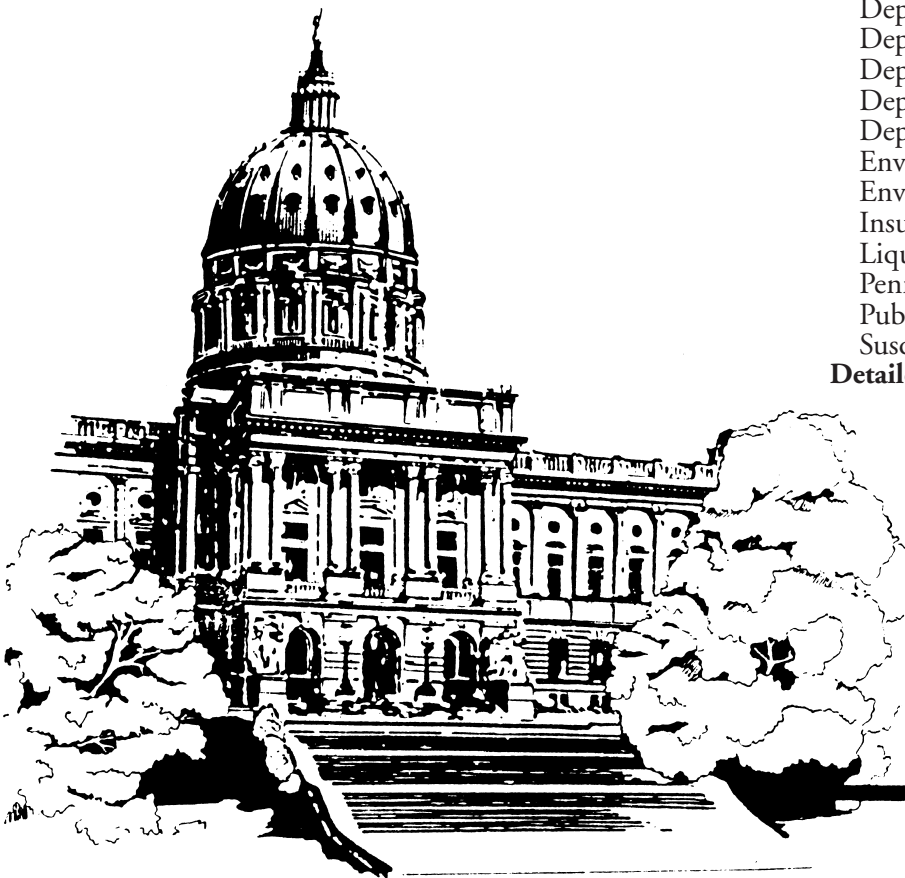
# PENNSYLVANIA BULLETIN

Volume 43  
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Number 4  
Pages 425—612

## Agencies in this issue

The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Labor and Industry  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Environmental Quality Board  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
Susquehanna River Basin Commission

**Detailed list of contents appears inside.**



**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 458, January 2013**

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# CONTENTS

## THE GENERAL ASSEMBLY

### JUDICIAL SYSTEM GENERAL PROVISIONS

#### Commission on Sentencing

Proposed amendment to the 7th edition sentencing guidelines published for public comment . . . . . 431

## THE COURTS

### APPELLATE PROCEDURE

Amendment of the internal operating procedures of the Supreme Court; no. 395 judicial administration doc. . . . . 514

### RULES OF CIVIL PROCEDURE

Damages for delay . . . . . 525

## EXECUTIVE AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Exemption from requirements . . . . . 537

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications . . . . . 537

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Request for bids . . . . . 538

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices . . . . . 538

Alternative Fuels Incentive Grant Program; availability of rebates under the Pennsylvania Hybrid Electric Vehicle Rebate Program . . . . . 584

Availability of technical guidance . . . . . 584

PA Sunshine Rebate Program; availability of rebates and minor changes to program guidelines . . . . . 585

Pennsylvania Sewage Advisory Committee special meeting . . . . . 585

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Lease office space to the Commonwealth . . . . . 585

### DEPARTMENT OF LABOR AND INDUSTRY

#### Notices

List of hazardous or otherwise prohibited establishments or occupations for minors . . . . . 586

### DEPARTMENT OF PUBLIC WELFARE

#### Notices

Approval of the consolidated and person/family directed support waivers . . . . . 588

Medical Assistance fee schedule; change in enrollment service fee in the Medical Assistance aging waiver . . . . . 589

Medical Assistance fee schedule; change in service coordination fee for the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA waivers and the Act 150 Program . . . . . 590

### DEPARTMENT OF REVENUE

#### Rules and Regulations

Board of Appeals; small games of chance . . . . . 532

Personal income tax; amended returns . . . . . 535

### DEPARTMENT OF TRANSPORTATION

#### Notices

Application for lease of right-of-way . . . . . 591

Contemplated sale of land no longer needed for transportation purposes . . . . . 591

Meetings scheduled . . . . . 591

### ENVIRONMENTAL HEARING BOARD

#### Notices

Rosebud Mining Company v. DEP; EHB doc. no. 2013-004-R. . . . . 591

### ENVIRONMENTAL QUALITY BOARD

#### Rules and Regulations

Emergency response planning at unconventional well sites . . . . . 526

### INSURANCE DEPARTMENT

#### Notices

Appeal of James N. Boudier under the Quality Health Care Accountability and Protection Article; Highmark, Inc.; doc. no. HC12-12-019 . . . . . 592

Genworth Life Insurance Company; rate increase filing for several LTC forms (4 documents) . . . . . 592, 593

Metropolitan Life Insurance Company; rate increase filing for several LTC forms (3 documents) . . . . . 593

Review procedure hearings; cancellation or refusal of insurance . . . . . 594

Time Insurance Company; rate increase filing for several LTC forms . . . . . 594

Union Security Insurance Company; rate increase filing for several LTC forms . . . . . 594

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases . . . . . 595

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Electronic access to pre-served testimony . . . . . 595

Implementation of Act 129 of 2008; Phase 2—registry of conservation service providers . . . . . 598

Service of notice of motor carrier applications . . . . . 607

Telecommunications (2 documents) . . . . . 610

Public hearing . . . . . 611

### PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

#### Notices

Hearings scheduled . . . . . 610

### SUSQUEHANNA RIVER BASIN COMMISSION

#### Notices

Public hearing . . . . . 611

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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 Pennsylvania 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 when the agency may omit the proposal step; it 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, it must repropose.

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

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

### ***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* is available at [www.pacode.com](http://www.pacode.com).

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*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

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. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

<b>4 Pa. Code (Administration)</b>		<b>101 Pa. Code (General Assembly)</b>	
<b>Statements of Policy</b>		<b>Statements of Policy</b>	
9 .....	220	31 .....	17
<b>7 Pa. Code (Agriculture)</b>		<b>204 Pa. Code (Judicial System General Provisions)</b>	
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
143 .....	216	303 .....	431
144 .....	216	<b>210 Pa. Code (Appellate Procedure)</b>	
<b>25 Pa. Code (Environmental Protection)</b>		<b>Adopted Rules</b>	
<b>Adopted Rules</b>		63 .....	514
78 .....	526	65 .....	298
<b>40 Pa. Code (Liquor)</b>		<b>225 Pa. Code (Rules of Evidence)</b>	
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
15 .....	12	Article VIII .....	210
<b>55 Pa. Code (Public Welfare)</b>		<b>231 Pa. Code (Rules of Civil Procedure)</b>	
<b>Statements of Policy</b>		<b>Adopted Rules</b>	
6400 .....	222	200 .....	525
<b>58 Pa. Code (Recreation)</b>		<b>234 Pa. Code (Rules of Criminal Procedure)</b>	
<b>Proposed Rules</b>		<b>Proposed Rules</b>	
75 .....	15	5 .....	210
<b>61 Pa. Code (Revenue)</b>		<b>246 Pa. Code (Minor Court Civil Rules)</b>	
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
7 .....	532	200 .....	8
117 .....	535	400 .....	8
119 .....	535	<b>255 Pa. Code (Local Court Rules)</b>	
121 .....	535	Unclassified .....	9, 11, 212, 214, 299
901 .....	532		

# THE GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VIII. CRIMINAL SENTENCING [ 204 PA. CODE CH. 303 ]

#### Proposed Amendment to the 7th Edition Sentencing Guidelines Published for Public Comment

The Pennsylvania Commission on Sentencing hereby publishes for public comment an amendment to the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18. Annex A outlines the proposed modifications to the 7th Edition Sentencing Guidelines.

The Commission proposes an amendment to the 7th Edition Sentencing Guidelines which were effective December 28, 2012 and apply to all offenses committed on or after that date. This action is in response to legislation enacted after the September 13, 2012 adoption of the 7th Edition Sentencing Guidelines and the end of the legislative session in November 2012. The following areas are addressed: addition of two new sentencing enhancements, offense gravity score assignments for several new or amended offenses, and sentencing provisions established for murder of the first or second degree when committed by a juvenile. Additionally, the Commission has replaced its entire offense listing with a reformatted offense listing.

Also, in response to the Task Force on Child Protection, the Commission is soliciting comments on a potential child pornography enhancement. The Task Force recommended that the Commission adopt an enhancement relating to sexual abuse of children, 18 Pa.C.S.A. § 6312 and specifying variations from the range of sentences applicable based on such aggravating circumstances as the age of the child, the number of images possessed by the defendant, and the nature and character of the abuse depicted in the images.

In accordance with 42 Pa.C.S.A. § 2155, the Commission shall publish in the *Pennsylvania Bulletin* all proposed sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- (i) Pennsylvania District Attorneys Association
- (ii) Chiefs of Police Associations
- (iii) Fraternal Order of Police
- (iv) Public Defenders Organization
- (v) Law School faculty members
- (vi) Pennsylvania Board of Probation and Parole
- (vii) Pennsylvania Department of Corrections
- (viii) Pennsylvania Bar Association
- (ix) Pennsylvania Wardens Association
- (x) Pennsylvania Association on Probation, Parole and Corrections
- (xi) Pennsylvania Conference of State Trial Judges
- (xii) Any other interested person or organization

The Commission will hold the following public hearing to receive comments on the proposed amendment to the sentencing guidelines and potential sentencing enhancement related to sexual abuse of children:

Date: March 6, 2013  
Time: 3:00 p.m.  
Location: Pennsylvania Judicial Center  
601 Commonwealth Avenue, Harrisburg, PA

Persons wishing to testify are asked to bring 30 copies of the written comments to the public hearing. Arrangements to testify may be made by contacting the Commission (Cathy Dittman at 814.863.5729 or CWD2@PSU.EDU) in advance of the hearing. Written comments from persons not wishing to testify should be submitted no later than Friday, February 22, 2013 to: Mark H. Bergstrom, Executive Director, Pennsylvania Commission on Sentencing, P. O. Box 1200, State College, PA 16804-1200.

The Commission will evaluate the proposed amendment to the 7th Edition Sentencing Guidelines after consideration of the testimony and comments received. Any amendments adopted by the Commission will be submitted to the General Assembly for review via publication in the *Pennsylvania Bulletin*. Proposed amendments become effective 90 days after publication in the *Pennsylvania Bulletin* unless rejected by concurrent resolution of the General Assembly.

PROFESSOR STEVEN L. CHANENSON,  
*Chair*

#### Commentary on Annex A

##### *Revisions to 303.1—Sentencing guideline standards*

The 7th Edition Sentencing Guidelines were effective December 28, 2012. They are applicable to all offenses committed on or after that date.

##### *Revisions to 303.2—Procedure for determining the guideline sentence*

References to the Criminal Gang Enhancement and Third Degree Murder of a Victim Younger than Age 13 Enhancement are added.

##### *Revisions to 303.3—Offense gravity score (general)*

No changes.

##### *Revisions to 303.4—Prior record score (categories)*

No changes.

##### *Revisions to 303.5—Prior record score (prior convictions)*

No changes.

##### *Revisions to 303.6—Prior record score (prior juvenile adjudications)*

No changes.

##### *Revisions to 303.7—Prior record score (guideline points scoring)*

The following offense is added to 303.7(4), misdemeanor 1 offenses that involve danger to children, which are awarded one point for each prior conviction or adjudication: recruiting criminal gang members.

##### *Revisions to 303.8—Prior record score (miscellaneous)*

No changes.



*Revisions to 303.9—Guideline sentence recommendations (general)*

A new sentencing provision and two enhancements are added.

*Sentencing Provisions: Sentences of Persons Younger than Age 18 for Murder in the First or Second Degree*

Act 204 of 2012 established mandatory minimum sentences for offenders younger than age 18 convicted of murder in the 1st or 2nd degree, including 1st or 2nd degree murder of an unborn child and 1st or 2nd degree murder of a law enforcement officer, who are convicted after June 24, 2012. This Act brings Pennsylvania into compliance with the recent U.S. Supreme Court ruling that life without parole cannot be the only sentencing option when an offender is younger than age 18 at the time of the crime. The statute provides for four mandatory minimum sentences of incarceration based on the offender's age at the time of the offense: 1) age 15 to younger than age 18 and 2) younger than age 15.

The Commonwealth must give reasonable notice after conviction but before sentencing to the defendant of its intention to seek a sentence of life imprisonment without parole for first degree murder, first degree murder of an unborn child, or first degree murder of a law enforcement officer. Life without parole is not applicable to second degree murder, second degree murder of an unborn child, and second degree murder of a law enforcement officer.

The mandatory minimum sentences for first degree murder are as follows: 1) 35 years for offenders age 15 to younger than 18 and 2) 25 years for offenders younger than age 15. The lower limit of the range for a prior record score of 0 is the mandatory minimum sentence. The lower limit of each cell increases in increments of 60 months for offenders age 15 to younger than 18. The increment is 48 months for offenders younger than age 15. The upper limit in each cell is life. The recommended sentence is life without parole for a prior record score of repeat violent offender (REVO). Mitigated sentences cannot be less than the mandatory minimum sentence.

The mandatory minimum sentences for second degree murder are as follows: 1) 30 years for offenders age 15 to younger than 18 and 2) 20 years for offenders younger than 15. The lower limit of the range for a prior record score of 0 is the mandatory minimum sentence. The lower limit of each cell increases in increments of 36 months for offenders age 15 to younger than 18. The increment is 24 months for offenders younger than age 15. The upper limit in each cell is 624 months for offenders age 15 to younger than 18. The upper limit is 588 months for offenders younger than age 15. Mitigated sentences cannot be less than the mandatory minimum sentence.

The court shall consider the Basic Sentencing Matrix for Juveniles Convicted of 1st or 2nd Degree Murder in 303.16(b).

*Enhancements*

The Criminal Gang Enhancement is created as mandated in Act 200 of 2012. An enhancement applies upon conviction. Along with a sentence of confinement for the underlying offense, an enhancement applies for a crime of violence (42 Pa.C.S.A. § 9714(g)) and for the offense of possession with intent to deliver (35 P.S. § 780-113(a)(30)) when the offense is committed in association with a criminal gang. Twelve months are added to the lower limit and 12 months to the upper limit of the standard range for the criminal gang enhancement. The court shall consider the matrix in 303.19.

The Third Degree Murder of a Victim Younger than Age 13 Enhancement is created as mandated in Act 204 of 2012. An enhancement is applied upon conviction. The sentence imposed will be served consecutively to any other sentence the person is serving and to any other sentence imposed by the court. If the court determines the victim of murder in the 3rd degree was younger than age 13 at the time of the offense, the court shall apply the sentencing enhancement. Twenty-four months are added to the bottom of the standard range for offense gravity score of 14, and the statutory limit is assigned as the upper limit of the standard range.

*Revisions to 303.10—Guideline sentence recommendations (enhancements)*

The Criminal Gang Enhancement and Third Degree Murder of a Victim Younger than Age 13 Enhancement are added (see 303.9).

*Revisions to 303.11—Guideline sentence recommendations (sentencing levels)*

No changes.

*Revisions to 303.12—Guideline sentence recommendations (sentencing programs)*

No changes.

*Revisions to 303.13—Guideline sentence recommendations (aggravating and mitigating circumstances)*

The mitigated sentence under the Criminal Gang Enhancement may not be less than 12 months. The mitigated sentence under the Third Degree Murder of a Victim Younger than Age 13 Enhancement may not be less than 96 months. A mitigated sentence for the offenses of murder in the first degree or second degree, murder of a law enforcement officer in the first or second degree, and murder of an unborn child in the first or second degree may not be less than the mandatory minimum sentence established in statute.

*Revisions to 303.14—Guideline sentence recommendations (economic sanctions)*

No changes.

*Revisions to 303.15—Offense listing*

The entire offense listing is replaced with a reformatted offense listing to better correlate the Commission's listing of offenses with the Administrative Office of Pennsylvania Courts' offense listing. The only changes are noted below.

*18 Pa.C.S.A.*

*New offenses:*

- § 2502(a) Murder, First Degree (offender age 15 to <18);
- § 2502(a) Murder, First Degree (offender age <15);
- § 2502(b) Murder, Second Degree (offender age 15 to <18);
- § 2502(b) Murder, Second Degree (offender age <15);
- § 2502(c) Murder, Third Degree (victim age <13);
- § 2507(a) Murder, First Degree of a law enforcement officer (offender age 15 to <18);
- § 2507(a) Murder, First Degree of a law enforcement officer (offender age <15);
- § 2507(b) Murder, Second Degree of a law enforcement officer (offender age 15 to <18);

- § 2507(b) Murder, Second Degree of a law enforcement officer (offender age <15);
- § 2604(a) Murder, First Degree of an unborn child (offender age 15 to <18);
- § 2604(a) Murder, First Degree of an unborn child (offender age <15);
- § 2604(b) Murder, Second Degree of an unborn child (offender age 15 to <18);
- § 2604(b) Murder, Second Degree of an unborn child (offender age <15);
- § 5131(a)(1) Recruiting criminal gang member-knowingly solicit, cause, attempt cause person to participate or remain in criminal gang (recruitee age 16 or older)
- § 5131(a)(1) Recruiting criminal gang member-knowingly solicit, cause, attempt cause person to participate or remain in criminal gang (recruitee age <16)
- § 5131(a)(2) Recruiting criminal gang member-knowingly inflict BI, physical menace, force, threats to cause person to participate or remain in criminal gang (recruitee age 16 or older)
- § 5131(a)(2) Recruiting criminal gang member-knowingly inflict BI, physical menace, force, threats to cause person to participate or remain in criminal gang (recruitee age <16)
- § 5131(a)(3) Recruiting criminal gang member-knowingly inflict SBI to cause person to participate or remain in criminal gang (recruitee age 16 or older)
- § 5131(a)(3) Recruiting criminal gang member-knowingly inflict SBI to cause person to participate or remain in criminal gang (recruitee age <16)
- Offenses moved from unconsolidated to consolidated statutes*
- § 7702(1) Owning, operating, or conducting a chop shop
- § 7702(2) Transports, sells, transfers, purchases, or receives any vehicle or vehicle part illegally obtained from chop shop
- § 7703 Altered or illegally obtained property (alteration or destruction of vehicle identification number)
- § 7704 Altered or illegally obtained property (disposition of vehicle)
- Modifications due to expansion of crimes of violence definition (7th Edition correction)*
- § 2507(d) Manslaughter, Second Degree of law enforcement officer
- § 3002(a)F1 Trafficking of persons
- 30 Pa.C.S.A.
- New offenses:
- § 5507(a) Duties of operators involved in boating accidents-stop
- § 5507(a) Duties of operators involved in boating accidents-stop (death)
- § 5507(b) Duties of operators involved in boating accidents-give information
- § 5507(b) Duties of operators involved in boating accidents-give information (death)
- § 5507(c) Duties of operators involved in boating accidents-render aid
- § 5507(c) Duties of operators involved in boating accidents-render aid (death)
- § 5507(d) Duties of operators involved in boating accidents-stay
- § 5507(d) Duties of operators involved in boating accidents-stay (death)
- 42 Pa.C.S.A.
- Deleted offenses (Statute moved to Title 44 § 2331):
- § 4732 DNA database disclosure prohibition
- 75 Pa.C.S.A.
- Deleted offenses (statute repealed):
- § 7102 Falsify vehicle identification
- § 7103 Deal in vehicles with removed identification
- Revisions to 303.16—Basic sentencing matrix*
- Format change is made to numbering of section. The basic sentencing matrix is (a).
- A section (b) Basic Sentencing Matrix for Juveniles Convicted of 1st or 2nd Degree Murder is added to address juveniles convicted of 1st or 2nd degree murder. Act 204 of 2012 establishes mandatory minimum sentences for offenders younger than age 18 convicted of murder in the first or second degree, murder of an unborn child in the first or second degree, and murder of a law enforcement officer in the first or second degree if the offender is younger than 18 at the time of the offense and the conviction occurred after June 24, 2012. Life without parole is a sentencing option for convictions of murder in first degree, murder of an unborn child in the first degree, and murder of a law enforcement officer in the first degree; notice after conviction and prior to sentencing is required. The matrix is based upon the mandatory minimum sentence as the lower limit of the sentencing range for a prior record score of 0 and increases in increments of 24, 36, 48, or 60 months, depending upon the age of the offender and whether the offense is 1st or 2nd degree. The upper limit of the sentencing ranges are life, 624 months, or 588 months, depending upon the age of the offender and whether the offense is 1st or 2nd degree. Life without parole is the recommendation for repeat violent offenders (REVO) convicted of murder in the first degree.
- Revisions to 303.17—Deadly weapon enhancement matrix*
- Format change is made to naming and numbering of section to reflect as deadly weapon possessed as section (a). The deadly weapon/used matrix is added as section (b).
- Revisions to 303.18—Youth/school enhancement matrices*
- The deadly weapon/used section was combined with Section § 303.17. The youth and school enhancement matrices move to 303.18. They are relabeled as (a) Youth, (b) School, and (c) Youth and School. Shading showing level 5 is corrected.

*Revision to 303.19—Criminal gang enhancement matrix.*

The youth/school matrices are moved to 303.18. This section is replaced with the criminal gang enhancement matrix.

Act 200 of 2012 requires the Commission to develop a sentencing enhancement for an offense of a crime of violence (42 Pa.C.S.A. § 9714(g)) and for the offense of possession with intent to deliver (35 P.S. § 780-113(a)(30)) when the offense is committed in association with a criminal gang. The enhancement applies upon conviction. The matrix reflects 12 months added to the lower limit and 12 months added to the upper limit of the standard range for the criminal gang enhancement.

**Annex A****TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS****PART VIII CRIMINAL SENTENCING****CHAPTER 303. SENTENCING GUIDELINES****§ 303.1. Sentencing guidelines standards.**

(a) The court shall consider the sentencing guidelines in determining the appropriate sentence for offenders convicted of, or pleading guilty or nolo contendere to, felonies and misdemeanors. Where crimes merge for sentencing purposes, the court shall consider the sentencing guidelines only on the offense assigned the higher offense gravity score.

(b) The sentencing guidelines do not apply to sentences imposed as a result of the following: accelerated rehabilitative disposition; disposition in lieu of trial; direct or indirect contempt of court; violations of protection from abuse orders; revocation of probation, intermediate punishment or parole.

(c) The sentencing guidelines shall apply to all offenses committed on or after the effective date of the guidelines. Amendments to the guidelines shall apply to all offenses committed on or after the date the amendment becomes part of the guidelines.

(1) When there are current multiple convictions for offenses that overlap two sets of guidelines, the former guidelines shall apply to offenses that occur prior to the effective date of the amendment and the later guidelines shall apply to offenses that occur on or after the effective date of the amendment. If the specific dates of the offenses cannot be determined, then the later guidelines shall apply to all offenses.

(2) The initial sentencing guidelines went into effect on July 22, 1982 and applied to all crimes committed on or after that date. Amendments to the guidelines went into effect in June 1983, January 1986 and June 1986. On October 7, 1987 the Pennsylvania Supreme Court invalidated the guidelines due to a procedural error that occurred in 1981 when the legislature rejected the first set of guidelines. New guidelines were drafted and became effective on April[ , ] 25, 1988. Amendments to the guidelines went into effect August 9, 1991 and December 20, 1991. Revised sets of guidelines became effective August 12, 1994, June 13, 1997, June 3, 2005, [ and ] December 5, 2008, and December 28, 2012.

(d) In every case in which a court of record imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where a court of record imposes a sentence outside the sentencing

guidelines, the reason or reasons for the deviation from the guidelines shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in § 303.1(e).

(e) Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to prepare all guideline-required sentencing information. The completed Guideline Sentence Form shall be made a part of the record and the information electronically submitted to the Commission via SGS Web no later than 30 days after the date of sentencing.

(f) Effective January 1, 2014, the State Identification Number (SID) for an offender shall be included as part of the record in the completed Guideline Sentence Form.

**§ 303.2. Procedure for determining the guideline sentence.**

(a) For each conviction offense of a judicial proceeding, the procedure for determining the guideline sentence shall be as follows:

(1) Determine the Offense Gravity Score as described in § 303.3 and § 303.15.

(2) Determine the Prior Record Score as described in § 303.4—§ 303.8.

(3) Determine the guideline sentence recommendation as described in § 303.9—§ 303.14, including Deadly Weapon Enhancement [ and ], Youth/School Enhancement, **Criminal Gang Enhancement**, and **Third Degree Murder of a Victim Younger than Age 13 Enhancement** (§ 303.10), and aggravating or mitigating circumstances (§ 303.13).

(b) *Judicial proceeding.* A judicial proceeding is a proceeding in which all offenses for which the offender has been convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple offenses and transactions.

**§ 303.3. Offense Gravity Score—general.**

(a) An Offense Gravity Score is given for each offense. The Offense Gravity Scores are located in § 303.15.

(b) *Subcategorized offenses.* Certain offenses are subcategorized and scored by the Commission according to the particular circumstances of the offense. The court determines which Offense Gravity Score, located in § 303.15, applies. These offenses are designated by an asterisk [\*].

(c) *Inchoate offenses.* Inchoate offenses are scored as follows:

(1) Convictions for attempt, solicitation, or conspiracy to commit a Felony 1 offense receive an Offense Gravity Score of one point less than the offense attempted, solicited, or which was the object of the conspiracy.

(2) Convictions for attempt, solicitation, or conspiracy to commit any offense which is not a Felony 1 offense, receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(3) Convictions for attempt, solicitation, or conspiracy to commit any offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101—§ 780-144) receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(4) *Exception for inchoate murder convictions.* Convictions for attempt, solicitation, or conspiracy to commit murder receive the Offense Gravity Score of 14 if there is serious bodily injury and 13 if there is no serious bodily injury.

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710) receive an Offense Gravity Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score.

(e) *Violations of The Controlled Substance, Drug, Device and Cosmetic Act* (35 P. S. §§ 780-101—780-144). If any mixture or compound contains any detectable amount of a controlled substance, the entire amount of the mixture or compound shall be deemed to be composed of the controlled substance. If a mixture or compound contains a detectable amount of more than one controlled substance, the mixture or compound shall be deemed to be composed entirely of the controlled substance which has the highest Offense Gravity Score.

(1) *Exception for prescription pills.* For violations of 35 P. S. § 780-113(a)(12), (a)(14), and (a)(30) involving narcotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher Offense Gravity Score assignment applies. (See § 303.15.)

(f) *Omnibus Offense Gravity Scores.* The Omnibus Offense Gravity Score is applied when the offense is not otherwise listed in § 303.15, or when the grade of an offense listed in § 303.15 has changed, unless application of this section would result in a lower Offense Gravity Score for an increased grading of the offense. Where the definition of the crime is changed, but the grade or statutory maximum sentence is not changed, the previously assigned offense gravity score still applies. The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:

Felony 1	8
Felony 2	7
Felony 3	5
Felonies not subclassified by the General Assembly	5
Misdemeanor 1	3
Misdemeanor 2	2
Misdemeanor 3	1
Misdemeanors not subclassified by the General Assembly	1

**§ 303.4. Prior Record Score—categories.**

(a) *Prior Record Score categories.* Determination of the correct Prior Record Score category under this section is based on the type and number of prior convictions (§ 303.5) and prior juvenile adjudications (§ 303.6). There are eight Prior Record Score categories: Repeat Violent Offender [REVOC], Repeat Felony 1 and Felony 2 Offender [RFEL], and point-based categories of 0, 1, 2, 3, 4 and 5.

(1) *Repeat Violent Offender Category [REVOC].* Offenders who have two or more previous convictions or adjudications for four point offenses (§ 303.7(a)(1) and § 303.15) and whose current conviction carries an Offense Gravity Score of 9 or higher shall be classified in the Repeat Violent Offender Category.

(2) *Repeat Felony 1 and Felony 2 Offender Category [RFEL].* Offenders who have previous convictions or

adjudications for Felony 1 and/or Felony 2 offenses which total 6 or more in the prior record, and who do not fall within the Repeat Violent Offender Category, shall be classified in the repeat Felony 1 and Felony 2 Offender Category.

(3) *Point-based Categories (0-5).* Offenders who do not fall into the REVOC or RFEL categories shall be classified in a Point-based Category. The Prior Record Score shall be the sum of the points accrued based on previous convictions or adjudications, up to a maximum of five points.

**§ 303.5. Prior Record Score—prior convictions.**

(a) If there is a single offense in the prior judicial proceeding, that offense shall be counted in the calculation of the Prior Record Score.

(b) If there are multiple offenses in the prior judicial proceeding:

(1) The most serious offense of the judicial proceeding shall be counted in the calculation of the Prior Record Score.

(2) Any offense for which a sentence of supervision or confinement is imposed consecutive to a sentence for another offense in the judicial proceeding shall be counted in the calculation of the Prior Record Score.

(c) *Un-sentenced convictions.* If no sentence has yet to be imposed on an offense, the offense shall not be counted in the calculation of the Prior Record Score.

(d) *Adequacy of the Prior Record Score.* The court may consider at sentencing prior convictions, juvenile adjudications or dispositions not counted in the calculation of the Prior Record Score, in addition to other factors deemed appropriate by the court.

**§ 303.6. Prior Record Score—prior juvenile adjudications.**

(a) *Juvenile adjudication criteria.* Prior juvenile adjudications are counted in the Prior Record Score when the following criteria are met:

(1) The juvenile offense occurred on or after the offender's 14th birthday, and

(2) There was an express finding by the juvenile court that the adjudication was for a felony or one of the Misdemeanor 1 offenses listed in § 303.7(a)(4).

(b) Only the most serious juvenile adjudication of each prior disposition is counted in the Prior Record Score. No other prior juvenile adjudication shall be counted in the Prior Record Score.

(c) *Lapsing of juvenile adjudications.* Prior juvenile adjudications for four point offenses listed in § 303.7(a)(1) shall always be included in the Prior Record Score, provided the criteria in subsection (a) above are met:

(1) All other juvenile adjudications not identified above in subsection (a) lapse and shall not be counted in the Prior Record Score if:

(i) The offender was 28 years of age or older at the time the current offense was committed; and

(ii) The offender remained crime-free during the ten-year period immediately preceding the offender's 28th birthday.

(iii) *Crime-free.* Included in the definition of crime-free is any summary offense and/or one misdemeanor offense with a statutory maximum of one year or less.

(2) Nothing in this section shall prevent the court from considering lapsed prior adjudications at the time of sentencing.

**§ 303.7. Prior Record Score—guideline points scoring.**

(a) Scoring of prior convictions and adjudications is provided below and in the listing of offenses at § 303.15:

(1) *Four Point Offenses.* Four points are added for each prior conviction or adjudication for the following offenses:

Murder, and attempt, solicitation or conspiracy to commit Murder

All other completed crimes of violence, as defined in 42 Pa.C.S. § 9714(g), excluding inchoates.

Murder of an Unborn Child, and attempt, solicitation or conspiracy to commit Murder of Unborn Child

Offenses with OGS 11 or greater, excluding inchoates and Violations of the Controlled Substance Act

Ethnic Intimidation to any Felony 1 offense

(2) *Three Point Offenses.* Three points are added for each prior conviction or adjudication for the following offenses:

All other Felony 1 offenses not listed in § 303.7(a)(1).

All other inchoates to offenses listed in § 303.7(a)(1).

Violation of 35 P. S. §§ 780-113(a)(12)(14) or (30) involving 50 grams or more, including inchoates involving 50 grams or more.

(3) *Two Point Offenses.* Two points are added for each prior conviction or adjudication for the following offenses:

All other Felony 2 offenses not listed in § 303.7(a)(1) or (a)(2).

All felony drug violations not listed in § 303.7(a)(2), including inchoates.

(4) *One Point Offenses.* One point is added for each prior conviction or adjudication for the following offenses:

All other felony offenses not listed in § 303.7(a)(1), (a)(2) or (a)(3).

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (possession of a weapon)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

Any of the following Misdemeanor 1 offenses that involve death or danger to children:

Involuntary Manslaughter

Simple Assault (against child under 12 years of age by adult 21 years of age or older)

Luring a Child into a Vehicle

Indecent Assault (complainant is less than 13 years of age)

Indecent Exposure (persons present are less than age 16)

Endangering Welfare of Children

Dealing in Infant Children

**Recruiting Criminal Gang Members**

Driving Under the Influence of Alcohol or Controlled Substance, except for a first lifetime conviction or adjudication.

Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, except for a first lifetime conviction or adjudication.

(5) *Other Misdemeanor Offenses.* All other misdemeanor offenses, including a first lifetime conviction for Driving Under the Influence of Alcohol or a Controlled Substance or Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, are designated by an “m” in the offense listing at § 303.15, and are scored as follows:

(i) One point is added if the offender was previously convicted of two or three misdemeanors.

(ii) Two points are added if the offender was previously convicted of four to six misdemeanors.

(iii) Three points are added if the offender was previously convicted of seven or more misdemeanors.

**§ 303.8. Prior Record Score—miscellaneous.**

(a) *Prior convictions and adjudications of delinquency.* A prior conviction means “previously convicted” as defined in 42 Pa.C.S. § 2154(a)(2). A prior adjudication of delinquency means “previously adjudicated delinquent” as defined in 42 Pa.C.S. § 2154(a)(2). In order for an offense to be considered in the Prior Record Score, both the commission of and conviction for the previous offense must occur before the commission of the current offense.

(b) *Inchoate offenses.* Unless otherwise provided in § 303.7 or § 303.15, a prior conviction or adjudication of delinquency for criminal attempt, criminal solicitation or criminal conspiracy is scored under § 303.7 based upon the grade of the inchoate offense.

(c) *Ethnic Intimidation.* Unless otherwise provided in § 303.7 or § 303.15, a prior conviction or adjudication of delinquency for Ethnic Intimidation is scored under § 303.7 based upon the grade of the Ethnic Intimidation.

(d) *Former Pennsylvania offenses.*

(1) A prior conviction or adjudication of delinquency under former Pennsylvania law is scored as a conviction for the current equivalent Pennsylvania offense.

(2) When there is no current equivalent Pennsylvania offense, prior convictions or adjudications of delinquency are scored under § 303.7 based on the grade of the offense. When a prior conviction or adjudication of delinquency was for a felony, but the grade of the felony is unknown, it shall be treated as a Felony 3. When a prior conviction was for a misdemeanor, but the grade of the misdemeanor is unknown, it shall be treated as other misdemeanors. When it cannot be determined if the prior conviction was a felony, one point misdemeanors, or other misdemeanors, it shall be treated as other misdemeanors. When a prior conviction is for a crime which has a summary grade, and the grade of the conviction is unknown, the prior conviction shall not be counted in the Prior Record Score.

(e) A prior conviction or adjudication of delinquency for an offense which was misgraded is scored as a conviction for the current equivalent Pennsylvania offense.

(f) *Out-of-state, federal or foreign offenses.*

(1) An out-of-state, federal or foreign conviction or adjudication of delinquency is scored as a conviction for the current equivalent Pennsylvania offense.

(2) A court-martial for a criminal offense under the Uniform Code of Military Justice is considered a federal conviction and is scored as a conviction for the current equivalent Pennsylvania offense. Non-judicial punishments or administrative actions (e.g., Article 15, Article 134) which are not convictions shall not be counted in the Prior Record Score.

(3) When there is no current equivalent Pennsylvania offense, determine the current equivalent Pennsylvania grade of the offense based on the maximum sentence permitted, and then apply § 303.8(d)(2).

(g) *Excluded offenses, charges and convictions.* The following types of offenses, charges and convictions shall not be scored in the Prior Record Score:

(1) Summary offenses, violations of local ordinances, direct or indirect contempt of court, violation of protection from abuse orders, and dispositions under Pa.R.Crim.P. Rules 300—320 (relating to accelerated rehabilitative disposition), 35 P.S. § 780-117 (relating to probation without verdict) or 35 P.S. § 780-118 (relating to disposition in lieu of trial or criminal punishment).

(2) A charge which is nolle prossed, dismissed, or on which a demurrer is sustained.

(3) Any prior conviction which contributed to an increase in the grade of a subsequent conviction, except for prior Driving Under the Influence of Alcohol or Controlled Substance convictions.

### § 303.9. Guideline sentence recommendation: general.

(a)(1) *Basic sentence recommendations.* Guideline sentence recommendations are based on the Offense Gravity Score and Prior Record Score. In most cases, the sentence recommendations are found in the Basic Sentencing Matrix (§ 303.16(a)). The Basic Sentencing Matrix specifies a range of sentences (i.e.-standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

**(2) Sentences for juveniles under age 18 for murder, murder of an unborn child, or murder of a law enforcement officer. If an offender is younger than age 18 years at the time of the offense and the conviction occurred after June 24, 2012, the court has no authority to impose a sentence less than that required by the mandatory minimum provision established in statute and may impose a minimum sentence up to and including life (18 Pa.C.S. § 1102.1). If the court determines the convicted offender was less than age 18 at the time of the offense and the conviction occurred after June 24, 2012, the court shall instead consider the Basic Sentencing Matrix for Juveniles Convicted of 1st or 2nd Degree Murder (§ 303.16(b)).**

(i) **If an offender is convicted of murder of the first degree (18 Pa.C.S. § 2502(a)), murder of the first degree of a law enforcement officer (18 Pa.C.S. § 2507(a)), or murder of the first degree of an unborn child (18 Pa.C.S. § 2604(a)), and the offender is age 15 to less than age 18, 60 months are added to the lower limit of the standard range and a life sentence is assigned to the upper limit of the**

**standard range. Life without parole is assigned as the sentence recommendation for a repeat violent offender.**

(ii) **If an offender is convicted of murder of the first degree (18 Pa.C.S. § 2502(a)), murder of the first degree of a law enforcement officer (18 Pa.C.S. § 2507(a)), or murder of the first degree of an unborn child (18 Pa.C.S. § 2604(a)), and the offender is younger than age 15, 48 months are added to the lower limit of the standard range and a life sentence is assigned to the upper limit of the standard range. Life without parole is assigned as the sentence recommendation for a repeat violent offender.**

(iii) **If an offender is convicted of murder of the second degree (18 Pa.C.S. § 2502(b)), murder of the second degree of a law enforcement officer (18 Pa.C.S. § 2507(b)), or murder of the second degree of an unborn child (18 Pa.C.S. § 2604(b)), and the offender is age 15 to less than age 18, 36 months are added to the lower limit of the standard range and 624 months are assigned to the upper limit of the standard range.**

(iv) **If an offender is convicted of murder of the second degree (18 Pa.C.S. § 2502(b)), murder of the second degree of a law enforcement officer (18 Pa.C.S. § 2507(b)), or murder of the second degree of an unborn child (18 Pa.C.S. § 2604(b)), and the offender is younger than age 15, 24 months are added to the lower limit of the standard range and 588 months are assigned to the upper limit of the standard range.**

(b) *Deadly Weapon Enhancement sentence recommendations.* If the court determines that an offender possessed a deadly weapon pursuant to § 303.10(a)(1), the court shall instead consider the DWE/Possessed Matrix (§ 303.17(a)). If the court determines that an offender used a deadly weapon pursuant to § 303.10(a)(2), the court shall instead consider the DWE/Used Matrix [ (§ 303.18) ] (§ 303.17(b)). Both enhanced matrices specify a range of sentences (i.e.-standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(c) *Youth/School Enhancement sentence recommendations.* If the court determines that an offender violated the drug act pursuant to § 303.10(b), the court shall consider the applicable matrix in [ 303.19 ] 303.18, related to Youth, School, or Youth and School Enhancements. When applying the Youth Enhancement, 6 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. When applying the School Enhancement, 12 months are added to the lower limit of the standard range and 24 months are added to the upper limit of the standard range. When the Youth and School Enhancement is applied, 18 months are added to the bottom of the standard range and 36 months are added to the upper limit of the standard range. The range of sentences (i.e.-standard range) shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(d) *Criminal Gang Enhancement recommendations.* If the court determines that either a crime of violence as defined in 42 Pa.C.S. § 9714(g) or a violation of possession with intent to deliver as defined in 35 P.S. § 780-113(a)(30) is committed in

association with a criminal gang, the court shall instead consider the Criminal Gang Matrix (§ 303.19). The enhanced matrix specifies a range of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Criminal Gang Enhancement adds 12 months to the lower limit and adds 12 months to the upper limit of the standard range.

(e) *Third Degree Murder of a Victim Younger than Age 13 Enhancement recommendations.* If the court determines that the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the Third Degree Murder of a Victim Younger than Age 13 Enhancement. The enhancement specifies a range of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Third Degree Murder of a Victim Younger than Age 13 Enhancement adds 24 months to the lower limit of the standard range and assigns the statutory maximum as the upper limit of the standard range. The sentence imposed will be served consecutively to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

(f) *Aggravated and mitigated sentence recommendations.* To determine the aggravated and mitigated sentence recommendations, apply § 303.13.

[(e)] (g) *Numeric sentence recommendations.* All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) (partial confinement) and § 9756(b) (total confinement).

[(f)] (h) *Alphabetic sentence recommendations.* RS in the sentence recommendation, an abbreviation for Restorative Sanctions, suggests use of the least restrictive, non-confinement sentencing alternatives described in 42 Pa.C.S. § 9753 (determination of guilt without further penalty), § 9754 (order of probation) and § 9758 (fine). 42 Pa.C.S. § 9721(c) (mandatory restitution) is also included in RS. No specific recommendations are provided for periods of supervision for these non-confinement sentencing alternatives. Recommendations related to fines and community service are found at § 303.14(a). RIP in the sentence recommendation, an abbreviation for Restrictive Intermediate Punishments, suggests use of Restrictive Intermediate Punishments pursuant to § 303.12(a)(4).

[(g)] (i) When the guideline sentence recommendation exceeds that permitted by 18 Pa.C.S. § 1103 and § 1104 (relating to sentence of imprisonment for felony and misdemeanor) and 42 Pa.C.S. § 9755(b) and § 9756(b) (relating to sentence of partial and total confinement) or other applicable statute setting the maximum term of confinement, then the statutory limit is the longest guideline sentence recommendation. For the purposes of the guidelines, the statutory limit is the longest legal minimum sentence, which is one-half the maximum allowed by law.

[(h)] (j) *Mandatory sentences.* The court has no authority to impose a sentence less than that required by a mandatory minimum provision established in statute. When the guideline range is lower than that required by a mandatory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the sentence recommendation is higher than that

required by a mandatory sentencing statute, the court shall consider the guideline sentence recommendation.

[(i)] (k) *Mandatory sentences for which county intermediate punishment is authorized.* The court shall consider the sentence recommendations pursuant to this section (§ 303.9) for an offender convicted under 30 Pa.C.S. § 5502 (Operating [a] Watercraft Under the Influence of Alcohol or a Controlled Substance), 75 Pa.C.S. § 1543(b) (Driving While Operating Privilege is Suspended or Revoked, Certain Offenses), 75 Pa.C.S. § 3802 (Driving Under the Influence of Alcohol or Controlled Substance) or 75 Pa.C.S. § 3808(a)(2) (Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock). The court may use a Qualified Restrictive Intermediate Punishment pursuant to § 303.12(a)(6) to satisfy the mandatory minimum requirement as provided by law.

#### § 303.10. Guideline sentence recommendations: enhancements.

##### (a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17(a)). An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury where the court determines that the defendant intended to use the weapon to threaten or injure another individual.

(2) When the court determines that the offender used a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Used Matrix [ (§ 303.18) ] (§ 303.17(b)). An offender has used a deadly weapon if any of the following were employed by the offender in a way that threatened or injured another individual:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality capable of producing death or serious bodily injury.

(3) There shall be no Deadly Weapon Enhancement for the following offenses:

(i) Possessing Instruments of Crime

(ii) Prohibited Offensive Weapons

(iii) Possession of Weapon on School Property

(iv) Possession of Firearm or Other Dangerous Weapon in Court Facility

(v) Simple Assault (18 Pa.C.S. § 2701(a)(2))

(vi) Aggravated Assault (18 Pa.C.S. § 2702(a)(4))

(vii) Theft when property stolen is a firearm (18 Pa.C.S. Chapter 39)

(viii) Violations of the Pennsylvania Uniform Firearms Act

(ix) Any other offense for which possession of a deadly weapon is an element of the statutory definition.

(4) The Deadly Weapon Enhancement shall apply to each conviction offense for which a deadly weapon is possessed or used.

(b) *Youth/School Enhancement.*

(1) When the court determines that the offender distributed a controlled substance to a person or persons under the age of 18, the court shall consider the range of sentences described in § 303.9(c).

(2) When the court determines that the offender manufactured, delivered or possessed with intent to deliver a controlled substance within 250 feet of the real property on which is located a public or private elementary or secondary school, the court shall consider the range of sentences described in § 303.9(c).

(3) When the court determines both (b)(1) and (b)(2) apply, the court shall consider the range of sentences described in § 303.9(c).

(4) The Youth/School Enhancement only applies to violations of 35 P. S. § 780-113(a)(14) and (a)(30).

(5) The Youth/School Enhancement shall apply to each violation which meets the criteria above.

(c) *Criminal Gang Enhancement.*

(1) **When the court determines that the offender committed a crime of violence as defined in 42 Pa.C.S. § 9714(g) in association with a criminal gang, the court shall instead consider the range of sentences described in § 303.9(d).**

(2) **When the court determines that the offender committed a violation of possession with intent to deliver as defined in 35 P. S. § 780-113(a)(30) in association with a criminal gang, the court shall instead consider the range of sentences described in § 303.9(d).**

(3) **The Criminal Gang Enhancement shall apply to each violation which meets the criteria above.**

(d) *Third Degree Murder of a Victim Younger than Age 13 Enhancement.*

(1) **When the court determines the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the range of sentences described in § 303.9(e).**

(2) **Third Degree Murder of a Victim Younger than Age 13 Enhancement shall apply to each violation which meets the criteria above.**

(3) **The sentence imposed will be served consecutive to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).**

§ 303.11. **Guideline sentence recommendation: sentencing levels.**

(a) *Purpose of sentence.* In writing the sentencing guidelines, the Pennsylvania Commission on Sentencing strives to provide a benchmark for the judges of Pennsylvania. The sentencing guidelines provide sanctions proportionate to the severity of the crime and the severity of the offender's prior conviction record. This establishes a sentencing system with a primary focus on retribution,

but one in which the recommendations allow for the fulfillment of other sentencing purposes including rehabilitation, deterrence, and incapacitation. To facilitate consideration of sentencing options consistent with the intent of the sentencing guidelines, the Commission has established five sentencing levels. Each level targets certain types of offenders, and describes ranges of sentencing options available to the court.

(b) *Sentencing levels.* The sentencing level is based on the standard range of the sentencing recommendation. Refer to § 303.9 to determine which sentence recommendation (i.e.—Basic, Deadly Weapon Enhancement or Youth/School Enhancement) applies. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, county or state intermediate punishment should be considered in lieu of confinement for an eligible offender. The descriptions of the five sentencing levels are as follows:

(1) *Level 1*—Level 1 provides sentence recommendations for the least serious offenders with no more than one prior misdemeanor conviction, such that the standard range is limited to Restorative Sanctions (RS). The primary purpose of this level is to provide the minimal control necessary to fulfill court-ordered obligations. The following sentencing option is available:

Restorative Sanctions (§ 303.9(f)) (also see § 303.14(a)(4) for Fines/Community Service Guidelines)

(2) *Level 2*—Level 2 provides sentence recommendations for generally non-violent offenders and those with numerous less serious prior convictions, such that the standard range requires a county sentence but permits both incarceration and non-confinement. The standard range is defined as having an upper limit of less than 12 months and a lower limit of Restorative Sanctions (RS). The primary purposes of this level are control over the offender and restitution to victims. Treatment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a county facility

Partial confinement in a county facility

County Intermediate Punishment (see § 303.12(a) for eligibility criteria)

Restorative Sanctions (§ 303.9(f)) (also see § 303.14(a)(4) for Fines/Community Service Guidelines)

(3) *Level 3*—Level 3 provides sentence recommendations for serious offenders and those with numerous prior convictions, such that the standard range requires incarceration or County Intermediate Punishment, but in all cases permits a county sentence. The standard range is defined as having a lower limit of incarceration of less than 12 months. Included in Level 3 are those offenses for which a mandatory minimum sentence of 12 months or less applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)



State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see § 303.12(a) for eligibility criteria)

(4) *Level 4*—Level 4 provides sentence recommendations for very serious offenders and those with numerous prior convictions, such that the standard range requires state incarceration but permits it to be served in a county facility pursuant to 42 Pa.C.S. § 9762(b). The standard range is defined as having a lower limit of incarceration of 12 months or greater but less than 30 months, but limited to offenses with an Offense Gravity Score of less than 9. Included in Level 4 are those offenses for which a mandatory minimum sentence of less than 30 months applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment and incapacitation. However, it is recognized that certain offenders at this level are permitted to serve a sentence of total confinement in a county facility, pursuant to 42 Pa.C.S. § 9762(b), and some non-violent offenders may benefit from drug and alcohol treatment. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see [ § 303.12.(a) ] § 303.12(a) for eligibility criteria)

(5) *Level 5*—Level 5 provides sentence recommendations for the most violent offenders and those with major drug convictions, such that the conviction has an Offense Gravity Score of 9 or greater or the standard range requires state incarceration in a state facility. The standard range in such a case is defined as having a lower limit of 12 months or greater. Included in Level 5 are those offenses for which a mandatory minimum sentence of 30 months or greater applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment commensurate with the seriousness of the criminal behavior and incapacitation to protect the public. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see § [ § 303.12.a ] § 303.12(a) for eligibility criteria)

**§ 303.12. Guideline sentence recommendations: sentencing programs.**

(a) *County intermediate punishment (CIP).*

(1) *Eligibility.*

(i) The following regulations and statutes govern operation of and eligibility for county intermediate punishment programs:

37 Pa. Code § 451.1 et seq.

42 Pa.C.S. § 9763, § 9773 and Chapter 98

204 § 303.8 and § 303.9

(ii) Sentence recommendations which include an option of County Intermediate Punishment for certain offenders are designated in the guideline matrices.

(2) The county intermediate punishment plan provides a mechanism to advise the court of the extent and availability of services and programs authorized in the county. This plan includes information on the appropriate classification and use of county programs based on program-specific requirements.

(3) *County intermediate punishments classifications.* In order to incorporate county intermediate punishment programs into the sentencing levels, the Commission has classified county intermediate punishment programs as Restrictive Intermediate Punishments (RIP) and restorative sanction programs. Additionally, specific county intermediate punishment programs have been identified in legislation (42 Pa.C.S. §§ 9763(c) and 9804(b)) and regulation (37 Pa. Code § 451.52) as authorized sentences for convictions relating to Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, Driving While Operating Privilege is Suspended or Revoked, Driving Under the Influence of Alcohol or Controlled Substance and Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock; the Commission has classified these programs as Qualified Restrictive Intermediate Punishments.

(4) *Restrictive Intermediate Punishments (RIP).* Restrictive Intermediate Punishments are defined as programs that provide for strict supervision of the offender. The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of offenders. All programs must meet the minimum standards provided in the Pennsylvania Commission on Crime and Delinquency regulations (37 Pa. Code Chapter 451) for county intermediate punishments.

(i) Restrictive Intermediate Punishments (RIP) either:

(A) house the offender full or part time; or

(B) significantly restrict the offender's movement and monitor the offender's compliance with the program(s); or

(C) involve a combination of programs that meet the standards set forth above.

(ii) An offender under consideration for Restrictive Intermediate Punishments at Level 4 or Level 3 shall have a diagnostic assessment of dependency on alcohol or other drugs conducted by one of the following: the Pennsylvania Department of Health's Bureau of Drug and Alcohol Programs (BDAP) or a designee; the county authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the Bureau of Drug and Alcohol Programs.

(iii) An offender assessed to be dependent shall be evaluated for purposes of a treatment recommendation by one of the above listed assessors. The evaluation shall take into account the level of motivation of the offender. If sentenced to a Restrictive Intermediate Punishment, the sentence shall be consistent with the level of care and length of stay prescribed in the treatment recommendation, regardless of the standard range sentencing recommendation.

(iv) An offender assessed as not in need of drug or alcohol treatment may be placed in any approved Restrictive Intermediate Punishment program. Each day of participation in a Restrictive Intermediate Punishment program or combination of programs shall be considered the equivalent of one day of total confinement for guideline sentence recommendations.

(v) The court may impose a Qualified Restrictive Intermediate Punishment in lieu of incarceration for certain convictions under 75 Pa.C.S. § 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance).

(5) *Restorative sanction programs.* Restorative sanction programs are the least restrictive, non-confinement intermediate punishments. Restorative sanction programs are generally used in conjunction with Restrictive Intermediate Punishments as the level of supervision is reduced, but may also be used as separate sanctions under any of the non-confinement sentencing alternatives provided in the statute (see § 303.9(f)).

(i) Restorative sanction programs:

(A) are the least restrictive in terms of constraint of offender's liberties;

(B) do not involve the housing of the offender (either full or part time); and

(C) focus on restoring the victim to pre-offense status.

(6) *Qualified Restrictive Intermediate Punishments.* In accordance with 42 Pa.C.S. §§ 9763(c), 9804(b) and 37 Pa. Code § 451, Qualified Restrictive Intermediate Punishment programs may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under 30 Pa.C.S. § 5502(c.1) for a first, second or third offense under 30 Pa.C.S. § 5502, 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38, or 75 Pa.C.S. § 3808(a)(2) Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock.

(i) Unless otherwise provided in statute, Qualified Restrictive Intermediate Punishment programs include:

(A) if the defendant is determined to be in need of drug and alcohol treatment, and receives a penalty imposed

under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804, or 75 Pa.C.S. § 3808(a)(2) a sentence to county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. a residential inpatient program or residential rehabilitative center;

2. house arrest with electronic surveillance;

3. a partial confinement program such as work release, a work camp or a halfway facility; or

4. any combination of Qualified Restrictive Intermediate Punishment programs.

(B) if the defendant is determined not to be in need of drug and alcohol treatment, or if the defendant receives a penalty imposed under 30 Pa.C.S. § 5502(c.1), a sentence to county intermediate punishment may only include:

1. house arrest with electronic surveillance; or

2. partial confinement programs such as work release, a work camp or a halfway facility; or

3. any combination of Qualified Restrictive Intermediate Punishment programs.

(b) *State Motivational Boot Camp (BC).*

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp: 61 Pa.C.S. Chapter 39.

(ii) Sentence recommendations which include boot camp eligible offenders are designated by the letters BC in the cells of the Basic Sentencing Matrix (§ 303.16(a)).

(2) The court shall indicate on the offender's commitment order and the Guideline Sentence Form if the offender is authorized as eligible for the boot camp program. The Department of Corrections makes the final determination as to whether the offender will be accepted into the boot camp program.

(c) *State Intermediate Punishment (SIP).*

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for State Intermediate Punishment: 61 Pa.C.S. Chapter 41.

(ii) Any person convicted of a drug-related offense for which the sentence recommendation includes total confinement in a state facility may be considered for state intermediate punishment.

(2) The court may, upon motion of the Commonwealth and agreement of the defendant, commit a defendant to the custody of the Department of Corrections for the purpose of evaluating whether the defendant would benefit from a drug offender treatment program and whether treatment in a drug offender treatment program is appropriate.

(3) Upon receipt of a recommendation for placement in a drug offender treatment program and an individualized treatment plan from the Department of Corrections, and agreement of the attorney for the Commonwealth and the defendant, the court may sentence an eligible offender to a period of 24 months of state intermediate punishment.

(4) The court may impose a consecutive period of probation. The total duration of a sentence of state intermediate punishment and consecutive probation may not exceed the maximum term for which the eligible offender could otherwise be sentenced.

**§ 303.13. Guideline sentence recommendations: aggravated and mitigated circumstances.**

(a) When the court determines that an aggravating circumstance(s) is present, it may impose an aggravated sentence as follows:

(1) For the Offense Gravity Scores of 9, 10, 11, 12 and 13 the court may impose a sentence that is up to 12 months longer than the upper limit of the standard range.

(2) For the Offense Gravity Score of 8, the court may impose a sentence that is up to 9 months longer than the upper limit of the standard range.

(3) For the Offense Gravity Scores of 6 and 7, the court may impose a sentence that is up to 6 months longer than the upper limit of the standard range.

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months longer than the upper limit of the standard range. When imposing a fine or community service pursuant to § 303.14(a)(4), the court may impose a sentence that is up to 25 hours longer than the upper limit of the standard range.

(5) When the standard range is Restorative Sanctions (RS), the aggravated sentence recommendation is RIP-3.

(b) When the court determines that a mitigating circumstance(s) is present, it may impose a mitigated sentence as follows:

(1) For the Offense Gravity Scores of 9, 10, 11, 12, 13, and 14 the court may impose a sentence that is up to 12 months shorter than the lower limit of the standard range.

(2) For the Offense Gravity Score of 8, the court may impose a sentence that is up to 9 months shorter than the lower limit of the standard range.

(3) For the Offense Gravity Scores of 6 and 7, the court may impose a sentence that is up to 6 months shorter than the lower limit of the standard range.

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months shorter than the lower limit of the standard range. When imposing a fine or community service pursuant to § 303.14(a)(4), the court may impose a sentence that is up to 25 hours shorter than the lower limit of the standard range.

(5) When the bottom of the standard range is less than or equal to 3 months of incarceration, the lower limit of the mitigated sentence recommendation is Restorative Sanctions (RS).

(6) In no case where a Deadly Weapon Enhancement is applied may the mitigated sentence recommendation be lower than 3 months.

(7) In no case where the Youth/School Enhancement is applied may the mitigated sentence recommendation be lower than 6 months for the Youth Enhancement, 12 months for the School Enhancement, and 18 months for the Youth and School Enhancement.

**(8) In no case where the Criminal Gang Enhancement is applied may the mitigated sentence recommendation be lower than 12 months.**

**(9) In no case where the Third Degree Murder of a Victim Younger than Age 13 Enhancement is applied may the mitigated sentence recommendation be lower than 96 months.**

**(10) In no case shall a mitigated sentence for juveniles under age 18 for murder, murder of an unborn child, or murder of a law enforcement officer be less than the mandatory minimum established in statute (18 Pa.C.S. § 1102.1).**

(c) When the court imposes an aggravated or mitigated sentence, it shall state the reasons on the record and on the Guideline Sentence Form, a copy of which is electronically transmitted to the Commission on Sentencing in the manner described in § 303.1(e).

**§ 303.14. Guideline sentence recommendations—economic sanctions.**

(a) *Fines.*

(1) Fines may be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

(i) 18 Pa.C.S. § 1101 (relating to fines)

(ii) 35 P.S. § 780-113(b)—(o) (relating to controlled substances)

(iii) 42 Pa.C.S. § 9726 (relating to fine as a sentence)

(iv) 42 Pa.C.S. § 9758 (relating to imposition of a fine)

(v) 75 Pa.C.S. § 3804 (relating to fines for DUI)

(2) A fine, within the limits established by law, shall be considered by the court when the offender is convicted of 35 P.S. § 780-113(a)(12), (14) or (30), and the drug involved is any of the following: a controlled substance or counterfeit substance classified in Schedule I or II and which is a narcotic; phencyclidine, methamphetamine, or cocaine, including the isomers, salts, compounds, salts of isomers, or derivatives of phencyclidine, methamphetamine, or cocaine; or is in excess of one thousand pounds of marijuana. Such fine shall be of an amount that is at least sufficient to exhaust the assets utilized in, and the proceeds obtained by the offender from, the illegal possession, manufacture, or distribution of controlled substances. Such fine shall not include assets concerning which the attorney for the Commonwealth has filed a forfeiture petition or concerning which he has given notice to the court of his intent to file a forfeiture petition.

(3) Fines may be utilized as part of a county intermediate punishment sentence or as a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

(4) *Fines/Community Service Guidelines.* The following guidelines shall be considered by the court when ordering fines or community service as a Restorative Sanction without confinement. Community service, when ordered, is imposed as a condition of probation. A fine, when ordered, is imposed as a non-confinement sentencing alternative or as a condition of probation. The fines guidelines are determined by multiplying the number of hours recommended by the offender's hourly wage or the current minimum wage, whichever is higher, but may not exceed the statutory maximum fine authorized by law

(A) *OGS 1*

i. PRS 0 25 hours-50 hours

ii. PRS 1 50 hours-75 hours

iii. PRS 2 75 hours-100 hours

iv. PRS 3 100 hours-125 hours

v. PRS 4 125 hours-150 hours

vi. PRS 5 150 hours-175 hours

(B) *OGS 2*

- i. PRS 0 25 hours-50 hours
  - ii. PRS 1 75 hours-100 hours
  - iii. PRS 2 100 hours-125 hours
  - iv. PRS 3 125 hours-150 hours
  - v. PRS 4 150 hours-175 hours
- (C) OGS 3

- i. PRS 0 50 hours-75 hours
  - ii. PRS 1 150 hours-175 hours
  - iii. PRS 2 225 hours-250 hours
  - iv. PRS 3 300 hours-325 hours
- (D) OGS 4

- i. PRS 0 100 hours-125 hours
  - ii. PRS 1 225 hours-250 hours
  - iii. PRS 2 300 hours-325 hours
- (E) OGS 5

- i. PRS 0 225 hours-250 hours
- (b) *Costs and fees.*

(1) Costs and fees may be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

- (i) 18 Pa.C.S. § 1109 (relating to costs of any reward)
- (ii) 18 P.S. § 11.1101 (relating to Crime Victim’s Compensation Fund costs)
- (iii) 18 P.S. § 11.1102 (relating to costs of offender supervision programs)
- (iv) 42 Pa.C.S. § 1725 (relating to fees and charges)
- (v) 42 Pa.C.S. § 1725.1 (relating to costs)

(vi) 42 Pa.C.S. § 1725.2 (relating to costs of summary convictions)

(vii) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)

(viii) 42 Pa.C.S. § 1726.1 (relating to forensic exam)

(ix) 42 Pa.C.S. § 1726.2 (relating to criminal prosecution involving domestic violence)

(x) 42 Pa.C.S. § 9728(c) (relating to costs, etc.)

(c) *Restitution*

(1) Restitution shall be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

(i) 18 Pa.C.S. § 1106 (relating to injuries to person or property)

(ii) 18 Pa.C.S. § 1107 (relating to theft of timber)

(iii) 18 P.S. § 11.1302 (relating to restitution to the Office of Victim Services)

(iv) 42 Pa.C.S. § 9720.1 (relating to identity theft)

(v) 42 Pa.C.S. § 9721(c) (relating to mandatory restitution)

(2) Restitution may be imposed as a direct sentence or as a condition of probation or intermediate punishment, and is considered a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

**§ 303.15. Offense Listing.**

*(Editor’s Note: The Commission is proposing to replace the current offense listing which appears in 204 Pa. Code pages 303-28—303-74, serial pages (364242)—(364288), with the following proposed table. The proposed table is printed in regular type to enhance readability. The Commentary on Annex A lists the additions, deletions and modifications to the current offense listing.)*

**CRIMES CODE OFFENSES**

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
901	Criminal attempt (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal solicitation (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal conspiracy (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907(a)	Possessing instruments of crime (criminal instruments)	M-1	3	m
907(b)	Possessing instruments of crime (weapon)	M-1	4	1
907(c)	Possessing instruments of crime (unlawful body armor)	F-3	5	1
908(a)	Prohibited offensive weapons	M-1	4	1
908.1(a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	8	2
908.1(a)(1)	Use electric incapacitation device (no intent to commit felony)	M-1	5	1
908.1(a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	7	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	4	1
909(a)	Manufacture/etc.-master key for motor vehicle	M-1	3	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	8	2
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (1st off)	M-1	4	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (2nd off)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subsq off)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (1st off)	M-1	4	m
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (2nd off)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subsq off)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subsq off)	F-2	8	2
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subsq)	F-2	8	2
911(b)(1)	Corrupt organizations	F-1	8	3
911(b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	8	3
911(b)(3)	Corrupt organizations-employee participation	F-1	8	3
911(b)(4)	Corrupt organizations-conspire	F-1	8	3
912(b)	Possession of weapon on school property	M-1	4	1
913(a)(1)	Possession of weapon in court facility	M-3	1	m
913(a)(2)	Possession of weapon in court facility (intend for crime)	M-1	3	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2103	Insults to national or Commonwealth flag	M-2	2	m
2102(a)(1)	Desecration of flag (marks or writing)	M-3	1	m
2102(a)(2)	Desecration of flag (public view of defiled flag)	M-3	1	m
2102(a)(3)	Desecration of flag (manufactures for advertisement)	M-3	1	m
2102(a)(4)	Desecration of flag (defile/mutilate)	M-3	1	m
2502(a)	Murder-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2502(a) Inchoate	—Attempt/solicitation/conspiracy to Murder-1st degree (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(a) Inchoate	—Attempt/solicitation/conspiracy to Murder-1st degree (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(a)	Murder-1st degree (offender 15-<18 yrs)	Murder of 1st Degree	18 Pa.C.S. § 1102.1(a)(1)	4
2502(a)	Murder-1st degree (offender <15 yrs)	Murder of 1st Degree	18 Pa.C.S. § 1102.1(a)(2)	4
2502(b)	Murder-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2502(b) Inchoate	—Attempt/solicitation/conspiracy to Murder-2nd degree (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502(b) Inchoate	—Attempt/solicitation/conspiracy to Murder-2nd degree (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(b)	Murder-2nd degree (offender 15-<18 yrs)	Murder of 2nd Degree	18 Pa.C.S. § 1102.1(c)(1)	4
2502(b)	Murder-2nd degree (offender <15 yrs)	Murder of 2nd Degree	18 Pa.C.S. § 1102.1(c)(2)	4
2502(c)	Murder-3rd degree	F-1	14	4
2502(c)	Murder-3rd degree (victim <13 yrs)	F-1	14	4
2503(a)(1)	Voluntary manslaughter (provocation from victim)	F-1	11	4
2503(a)(2)	Voluntary manslaughter (provocation from another)	F-1	11	4
2503(b)	Voluntary manslaughter (believe justified)	F-1	11	4
2504(a)	Involuntary manslaughter (victim <12 yrs)	F-2	8	2
2504(a)*	Involuntary manslaughter (with DUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter (with BUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter	M-1	6	1
2505(a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2505(a)	Suicide, causing (as homicide/murder 3)	F-1	14	4
2505(a)	Suicide, causing (as homicide/vol manslaughter)	F-1	11	4
2505(a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	6	1
2505(a)	Suicide, causing (as homicide/invol. manslaughter-victim <12 yrs)	F-2	8	2
2505(a)	Suicide, causing (as homicide/invol. manslaughter-w/ DUI or BUI conv)	M-1	8	1
2505(b)	Suicide, aiding or soliciting (positive result)	F-2	6	2
2505(b)	Suicide, aiding or soliciting (no result)	M-2	2	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2506(a)	Drug delivery resulting in death	F-1	13	4
2507(a)	Murder of a law enforcement officer-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2507(a) Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer-1st degree (SBI)	18 Pa.C.S. § 1102(c)	14	4
2507(a) Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer-1st degree (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2507(a)	Murder of a law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	18 Pa.C.S. § 1102.1(a)(1)	4
2507(a)	Murder of a law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	18 Pa.C.S. § 1102.1(a)(2)	4
2507(b)	Murder of a law enforcement officer-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2507(b) Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer-2nd degree (SBI)	18 Pa.C.S. § 1102(c)	14	4
2507(b) Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer-2nd degree (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2507(b)	Murder of a law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	18 Pa.C.S. § 1102.1(c)(1)	4
2507(b)	Murder of a law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	18 Pa.C.S. § 1102.1(c)(2)	4
2507(c)(1)(i)	Manslaughter of a law enforcement officer (1st degree/provocation by victim)	F-1	14	4
2507(c)(1)(ii)	Manslaughter of a law enforcement officer (1st degree/provocation by another)	F-1	14	4
2507(c)(2)	Manslaughter of a law enforcement officer (1st degree/believe justified)	F-1	14	4
2507(d)	Manslaughter of a law enforcement officer (2nd degree)	F-2	9	4
2604(a)(1)	Murder of an unborn child-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2604(a)(1) Inchoate	—Attempt/solicitation/conspiracy to Murder of an unborn child-1st degree (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(a)(1) Inchoate	—Attempt/solicitation/conspiracy to Murder of an unborn child-1st degree (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(a)(1)	Murder of an unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	18 Pa.C.S. § 1102.1(a)(2)	4
2604(a)(1)	Murder of an unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	18 Pa.C.S. § 1102.1(a)(1)	4
2604(b)(1)	Murder of an unborn child-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2604(b)(1) Inchoate	—Attempt/solicitation/conspiracy to Murder of an unborn child-2nd degree (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604(b)(1) Inchoate	—Attempt/solicitation/conspiracy to Murder of an unborn child-2nd degree (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(b)(1)	Murder of an unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	18 Pa.C.S. § 1102.1(c)(1)	4
2604(b)(1)	Murder of an unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	18 Pa.C.S. § 1102.1(c)(2)	4
2604(c)(1)	Murder of an unborn child-3rd degree	F-1	14	4
2604(c)(1) Inchoate	—Attempt/solicitation/conspiracy to Murder of an unborn child-3rd degree (SBI)	18 Pa.C.S. § 1102(c)	14	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2604(c)(1) Inchoate	—Attempt/solicitation/conspiracy to Murder of an unborn child-3rd degree (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2605(a)(1)	Voluntary manslaughter of an unborn child (provocation from mother)	F-1	11	4
2605(a)(2)	Voluntary manslaughter of an unborn child (provocation from another)	F-1	11	4
2605(b)	Voluntary manslaughter of an unborn child (believe justified)	F-1	11	4
2606(a)*	Aggravated assault of an unborn child (causes SBI)	F-1	11	4
2606(a)*	Aggravated assault of an unborn child (attempts to cause SBI)	F-1	10	3
2701(a)(1)	Simple assault-attempt/cause BI	M-2	3	m
2701(a)(1)	Simple assault-attempt/cause BI (against child <12 by adult >=21)	M-1	4	1
2701(a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	1	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	3	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=21)	M-1	4	1
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	1	m
2701(a)(3)	Simple assault-cause fear of SBI	M-2	3	m
2701(a)(3)	Simple assault-cause fear of SBI (against child <12 by adult 21+)	M-1	4	1
2701(a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	1	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	3	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=21)	M-1	4	1
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	1	m
2702(a)(1)*	Aggravated assault-cause SBI	F-1	11	4
2702(a)(1)*	Aggravated assault-attempt SBI	F-1	10	3
2702(a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	11	4
2702(a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	10	3
2702(a)(3)	Aggravated assault-cause BI to police/enumerated persons	F-2	6	2
2702(a)(4)	Aggravated assault-cause BI w/ deadly weapon	F-2	8	2
2702(a)(5)	Aggravated assault-cause BI to teacher, etc	F-2	6	2
2702(a)(6)	Aggravated assault-cause fear of SBI	F-2	6	2
2702(a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	6	2
2702.1(a)	Assault of law enforcement officer-discharge firearm (1st degree)	F-1	13	4
2703(a)	Assault by prisoner	F-2	7	2
2703.1	Aggravated harassment by prisoner	F-3	6	1
2704	Assault by life prisoner	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	14	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2705	Recklessly endangering another person	M-2	3	m
2706(a)(1)	Terroristic threats-intent to terrorize	M-1	3	m
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	5	1
2706(a)(2)	Terroristic threats-cause evacuation of building	M-1	3	m
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	5	1
2706(a)(3)	Terroristic threats-serious public inconvenience	M-1	3	m
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	5	1
2707(a)	Propulsion of missiles into an occupied vehicle	M-1	3	m
2707(b)	Propulsion of missiles onto a roadway	M-2	2	m
2707.1(a)	Discharge of firearm into an occupied structure	F-3	10	1
2708(a)	Use of tear gas in labor dispute	M-1	3	m
2709(a)(4)	Harassment-lewd communication	M-3	1	m
2709(a)(5)	Harassment-repeated, anonymous communication	M-3	1	m
2709(a)(6)	Harassment-repeated communication: inconvenient hours	M-3	1	m
2709(a)(7)	Harassment-repeated communication: other	M-3	1	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712(a)	Assault-sports official	M-1	3	m
2713(a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	10	3
2713(a)(1)	Neglect of care-dependent person-no treatment (cause BI)	M-1	4	m
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	10	3
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause BI)	M-1	4	m
2714	Unauthorized administration of intoxicant	F-3	8	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge	M-1	3	m
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	7	2
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement	M-1	3	m
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	7	1
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	11	4
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2716(b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	13	4
2716(b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	13	4
2716(b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	13	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(2)	Terrorism-influence govt (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(2)	Terrorism-influence govt (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2717(a)(2)	Terrorism-influence govt (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2901(a)(1)	Kidnapping-for ransom (victim >=18 yrs)	F-1	10	4
2901(a)(2)	Kidnapping-to facilitate a felony (victim >=18 yrs)	F-1	10	4
2901(a)(3)	Kidnapping-to inflict terror, BI (victim >=18 yrs)	F-1	10	4
2901(a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim >=18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs)	F-1	10	4
2902(a)(1)	Unlawful restraint-risk SBI	M-1	3	m
2902(a)(2)	Unlawful restraint-involuntary servitude	M-1	3	m
2902(b)(1)	Unlawful restraint-risk SBI (victim <18 yrs)	F-2	8	2
2902(b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs)	F-2	8	2
2902(c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs)	F-2	8	2
2902(c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs)	F-2	8	2
2903(a)	False imprisonment (victim >=18 yrs)	M-2	2	m
2903(b)	False imprisonment (victim <18 yrs )	F-2	8	2
2903(c)	False imprisonment by parent (victim<18 yrs)	F-2	7	2
2904(a)	Interfere with custody of children	F-3	6	1
2904(a)	Interfere with custody of children-good cause/time <24 hrs.	M-2	3	m
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	8	2
2905(a)	Interfere with custody of committed person	M-2	4	m
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	2	m
2906(a)(1)	Criminal coercion-threat to commit crime (felony)	M-1	3	m
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	2	m
2906(a)(2)	Criminal coercion-threat to accuse of crime (felony)	M-1	3	m
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	2	m
2906(a)(3)	Criminal coercion-threat to expose secret (felony)	M-1	3	m
2906(a)(4)	Criminal coercion-threaten official act	M-2	2	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2906(a)(4)	Criminal coercion-threaten official act (felony)	M-1	3	m
2907	Disposition of ransom	F-3	5	1
2909(b)(1)	Concealment of whereabouts of a child-in Commonwealth	F-3	4	1
2909(b)(2)	Concealment of whereabouts of a child-parents in Commonwealth	F-3	4	1
2910(a)	Luring child into motor vehicle/structure	M-1	5	1
3002(a)	Trafficking of persons	F-2	9	2
3002(a)	Trafficking of persons (victim <18 yrs)	F-1	10	4
3002(a)	Trafficking of persons-w/ BI	F-1	10	4
3121(a)(1)	Rape-forcible compulsion	F-1	12	4
3121(a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(2)	Rape-threat of forcible compulsion	F-1	12	4
3121(a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(3)	Rape-unconscious victim	F-1	12	4
3121(a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	13	4
3121(a)(4)	Rape-substantially impaired victim	F-1	12	4
3121(a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	13	4
3121(a)(5)	Rape-mentally disabled victim	F-1	12	4
3121(a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	13	4
3121(c)	Rape-child (victim <13 yrs)	F-1	14	4
3121(d)	Rape-child w/ SBI (victim <13 yrs)	F-1	14	4
3122.1(a)(1)	Statutory sexual assault-victim <16 yrs (person 4-<8 yrs older)	F-2	7	2
3122.1(a)(2)	Statutory sexual assault-victim <16 yrs (person 8-<11 yrs older)	F-2	8	2
3122.1(b)	Statutory sexual assault-victim <16 yrs (person >=11 yrs older)	F-1	9	3
3123(a)(1)	IDSI-forcible compulsion	F-1	12	4
3123(a)(2)	IDSI-threat of forcible compulsion	F-1	12	4
3123(a)(3)	IDSI-unconscious victim	F-1	12	4
3123(a)(4)	IDSI-substantially impaired victim	F-1	12	4
3123(a)(5)	IDSI-mentally disabled victim	F-1	12	4
3123(a)(7)	IDSI-victim <16 yrs (person >=4 yrs older)	F-1	12	4
3123(b)	IDSI-child (victim <13 yrs)	F-1	14	4
3123(c)	IDSI-child w/ SBI (victim <13 yrs)	F-1	14	4
3124.1	Sexual assault	F-2	11	4
3124.2(a)	Institutional sexual assault-generally	F-3	6	1
3124.2(a.1)	Institutional sexual assault-minor (victim <18 yrs)	F-3	6	1
3124.2(a.2)	Institutional sexual assault-by school volunteer/employee	F-3	6	1
3124.2(a.3)	Institutional sexual assault-by child care volunteer/employee	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	10	4
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs)	F-1	12	4
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	10	4
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	10	4
3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	10	4
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs)	F-1	12	4
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	10	4
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs)	F-1	12	4
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	10	4
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs)	F-1	12	4
3125(a)(7)	Aggravated indecent assault-victim <13 yrs	F-1	12	4
3125(a)(8)	Aggravated indecent assault-victim <16 yrs (person >=4 yrs older)	F-2	10	4
3126(a)(1)	Indecent assault-w/o consent	M-2	4	m
3126(a)(2)	Indecent assault-forcible compulsion	M-1	5	m
3126(a)(3)	Indecent assault-threat of forcible compulsion	M-1	5	m
3126(a)(4)	Indecent assault-unconscious victim	M-1	5	m
3126(a)(5)	Indecent assault-substantially impaired victim	M-1	5	m
3126(a)(6)	Indecent assault-mentally disabled victim	M-1	5	m
3126(a)(7)	Indecent assault-victim <13 yrs	M-1	5	1
3126(a)(7)	Indecent assault-victim <13 yrs (2nd/subsq)	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/course of conduct	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching victim's sexual parts w/ person's	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching person's sexual parts w/ victim's	F-3	6	1
3126(a)(8)	Indecent assault-victim <16 yrs (person >=4 yrs older)	M-2	4	m
3127(a)	Indecent exposure	M-2	3	m
3127(a)	Indecent exposure-victim <16 yrs	M-1	4	1
3129	Sexual intercourse with animal	M-2	2	m
3130(a)(1)	Conduct relating to sex offenders-withhold information	F-3	5	1
3130(a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	5	1
3130(a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	5	1
3130(a)(4)	Conduct relating to sex offenders-provide false information	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3301(a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	10	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	9	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	10	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	9	4
3301(a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
3301(c)(1)	Arson endangering property-intent to destroy unoccupied bldg	F-2	6	2
3301(c)(2)	Arson endangering property-endangers inhabited building	F-2	6	2
3301(c)(3)	Arson endangering property-intent to collect insurance	F-2	6	2
3301(d)(1)	Arson-reckless burning or exploding (endanger unoccupied bldg)	F-3	5	1
3301(d)(2)	Arson-reckless burning or exploding (endanger property >\$5000)	F-3	5	1
3301(e)(1)	Arson-failure to control/report (duty)	M-1	3	m
3301(e)(2)	Arson-failure to control/report (own property)	M-1	3	m
3301(f)	Arson-possess explosive material (intent to use)	F-3	5	1
3301(g)	Arson-failure to disclose true owner	M-3	1	m
3302(a)	Catastrophe-causing (intentionally)	F-1	10	3
3302(a)	Catastrophe-causing (recklessly)	F-2	6	2
3302(b)	Catastrophe-risking	F-3	4	1
3303(1)	Failure to prevent catastrophe-duty	M-2	2	m
3303(2)	Failure to prevent catastrophe-acted or assented to	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$5,000)	F-3	5	1
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$1,000)	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$500)	M-3	1	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	5	1
3304(a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	2	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$500)	M-3	1	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	5	1
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	2	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$500)	M-3	1	m
3304(a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	5	1
3304(a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	2	m
3304(a)(4)	Criminal mischief-graffiti (>\$150)	M-3	1	m
3304(a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	5	1
3304(a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	2	m
3304(a)(5)	Criminal mischief-damage property (>\$500)	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3304(a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	5	1
3304(a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	2	m
3304(a)(6)	Criminal mischief-paintball (>\$500)	M-3	1	m
3305	Tampering w/ fire apparatus/hydrants	M-3	1	m
3307(a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	5	1
3307(a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	2	m
3307(a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	2	m
3307(a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	2	m
3307(a)(4)	Institutional vandalism-adjacent grounds (>\$5,000 or desecration)	F-3	5	1
3307(a)(4)	Institutional vandalism-adjacent grounds (<=\$5,000)	M-2	2	m
3307(a)(5)	Institutional vandalism-personal property (>\$5,000 or desecration)	F-3	5	1
3307(a)(5)	Institutional vandalism-personal property (<=\$5,000)	M-2	2	m
3307(a.1)	Institutional vandalism-possess marking device on property	M-2	2	m
3309(a)	Agricultural vandalism (>\$5,000)	F-3	5	1
3309(a)	Agricultural vandalism (>\$1,000)	M-1	3	m
3309(a)	Agricultural vandalism (>\$500)	M-2	2	m
3309(a)	Agricultural vandalism (<=\$500)	M-3	1	m
3310(a)	Agricultural crop destruction	F-2	7	2
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-1)	F-1	14	4
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-1)	F-1	14	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-3/ ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-1)	F-1	14	4
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-1)	F-1	14	4
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-3)	M-2	one point higher than object offense	See § 303.7(a)



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3312(a)(2)	Destruction of survey monument-call boundary into question	M-2	3	m
3313(a)	Illegal dumping of methamphetamine waste	F-3	5	1
3502(a)(1)	Burglary-home/person present	F-1	9	4
3502(a)(2)	Burglary-home/no person present	F-1	7	3
3502(a)(3)	Burglary-not a home/person present	F-1	6	3
3502(a)(4)	Burglary-not a home/no person present	F-2	5	2
3503(a)(1)(i)	Criminal trespass-buildings	F-3	3	1
3503(a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	4	2
3503(b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	1	m
3503(b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	1	m
3503(b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	1	m
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	1	m
3503(b)(1)(v)	Criminal trespass-defiant (communication/leave school grounds)	M-1	3	m
3503(b.2)(1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	1	m
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	3	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	1	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	3	m
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	3	m
3504(a)(1)(i)	Railroad vandalism to RR property-by disrupting train operation	M-3	1	m
3504(a)(1)(ii)	Railroad vandalism to RR property-by driving vehicle	M-3	1	m
3504(a)(1)(iii)	Railroad vandalism to RR property-by damaging property/equipment	M-3	1	m
3504(b)	Railroad protection-stowaways prohibited	M-3	1	m
3701(a)(1)(i)	Robbery-inflicts SBI	F-1	12	4
3701(a)(1)(ii)	Robbery-threatens SBI	F-1	10	4
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2	F-1	9	4
3701(a)(1)(iv)	Robbery-inflicts/threatens BI	F-2	7	2
3701(a)(1)(v)	Robbery-takes property by force	F-3	5	1
3701(a)(1)(vi)	Robbery-demand money from financial institution	F-2	7	2
3702(a)*	Robbery of motor vehicle-with SBI	F-1	12	4
3702(a)*	Robbery of motor vehicle-without SBI	F-1	9	4
3921(a)	Theft by unlaw taking-movable property (anhydrous ammonia)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (disaster)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3921(a)	Theft by unlaw taking-movable property (firearm)	F-2	8	2
3921(a)*	Theft by unlaw taking-movable property (>\$100,000)	F-3	8	1
3921(a)*	Theft by unlaw taking-movable property (>\$50,000-\$100,000)	F-3	7	1
3921(a)*	Theft by unlaw taking-movable property (>\$25,000-\$50,000)	F-3	6	1
3921(a)*	Theft by unlaw taking-movable property (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3921(a)	Theft by unlaw taking-movable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$200-\$2,000/no threat)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$50-<\$200/no threat)	M-2	2	m
3921(a)	Theft by unlaw taking-movable property (<\$50/no threat)	M-3	1	m
3921(b)	Theft by unlaw taking-immovable property (anhydrous ammonia)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (disaster)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (firearm)	F-2	8	2
3921(b)*	Theft by unlaw taking-immovable property (>\$100,000)	F-3	8	1
3921(b)*	Theft by unlaw taking-immovable property (>\$50,000-\$100,000)	F-3	7	1
3921(b)*	Theft by unlaw taking-immovable property (>\$25,000-\$50,000)	F-3	6	1
3921(b)*	Theft by unlaw taking-immovable property (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3921(b)	Theft by unlaw taking-immovable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$200-\$2,000/no threat)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$50-<\$200/no threat)	M-2	2	m
3921(b)	Theft by unlaw taking-immovable property (<\$50/no threat)	M-3	1	m
3922(a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	8	2
3922(a)(1)	Theft by deception-false impression (firearm)	F-2	8	2
3922(a)(1)*	Theft by deception-false impression (>\$100,000)	F-3	8	1
3922(a)(1)*	Theft by deception-false impression (>\$50,000-\$100,000)	F-3	7	1
3922(a)(1)*	Theft by deception-false impression (>\$25,000-\$50,000)	F-3	6	1
3922(a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3922(a)(1)	Theft by deception-false impression (<=\$2,000/from indiv./by threat/breach)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3922(a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	2	m
3922(a)(1)	Theft by deception-false impression (<\$50/no threat)	M-3	1	m
3922(a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	8	2
3922(a)(2)	Theft by deception-conceal information (firearm)	F-2	8	2
3922(a)(2)*	Theft by deception-conceal information (>\$100,000)	F-3	8	1
3922(a)(2)*	Theft by deception-conceal information (>\$50,000-\$100,000)	F-3	7	1
3922(a)(2)*	Theft by deception-conceal information (>\$25,000-\$50,000)	F-3	6	1
3922(a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3922(a)(2)	Theft by deception-conceal information (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	2	m
3922(a)(2)	Theft by deception-conceal information (<\$50/no threat)	M-3	1	m
3922(a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	8	2
3922(a)(3)	Theft by deception-fail to correct (firearm)	F-2	8	2
3922(a)(3)*	Theft by deception-fail to correct (>\$100,000)	F-3	8	1
3922(a)(3)*	Theft by deception-fail to correct (>\$50,000-\$100,000)	F-3	7	1
3922(a)(3)*	Theft by deception-fail to correct (>\$25,000-\$50,000)	F-3	6	1
3922(a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3922(a)(3)	Theft by deception-fail to correct (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	2	m
3922(a)(3)	Theft by deception-fail to correct (<\$50/no threat)	M-3	1	m
3923(a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	8	2
3923(a)(1)	Theft by extortion-commit crime (firearm)	F-2	8	2
3923(a)(1)*	Theft by extortion-commit crime (>\$100,000)	F-3	8	1
3923(a)(1)*	Theft by extortion-commit crime (>\$50,000-\$100,000)	F-3	7	1
3923(a)(1)*	Theft by extortion-commit crime (>\$25,000-\$50,000)	F-3	6	1
3923(a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3923(a)(1)	Theft by extortion-commit crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(1)	Theft by extortion-commit crime (<\$50/no threat)	M-3	1	m
3923(a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	8	2
3923(a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	8	2
3923(a)(2)*	Theft by extortion-accuse of crime (>\$100,000)	F-3	8	1
3923(a)(2)*	Theft by extortion-accuse of crime (>\$50,000-\$100,000)	F-3	7	1
3923(a)(2)*	Theft by extortion-accuse of crime (>\$25,000-\$50,000)	F-3	6	1
3923(a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(2)	Theft by extortion-accuse of crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(2)	Theft by extortion-accuse of crime (<\$50/no threat)	M-3	1	m
3923(a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	8	2
3923(a)(3)	Theft by extortion-expose secret (firearm)	F-2	8	2
3923(a)(3)*	Theft by extortion-expose secret (>\$100,000)	F-3	8	1
3923(a)(3)*	Theft by extortion-expose secret (>\$50,000-\$100,000)	F-3	7	1
3923(a)(3)*	Theft by extortion-expose secret (>\$25,000-\$50,000)	F-3	6	1
3923(a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(3)	Theft by extortion-expose secret (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	2	m
3923(a)(3)	Theft by extortion-expose secret (<\$50/no threat)	M-3	1	m
3923(a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	8	2
3923(a)(4)	Theft by extortion-official action (firearm)	F-2	8	2
3923(a)(4)*	Theft by extortion-official action (>\$100,000)	F-3	8	1
3923(a)(4)*	Theft by extortion-official action (>\$50,000-\$100,000)	F-3	7	1
3923(a)(4)*	Theft by extortion-official action (>\$25,000-\$50,000)	F-3	6	1
3923(a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3923(a)(4)	Theft by extortion-official action (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	2	m
3923(a)(4)	Theft by extortion-official action (<\$50/no threat)	M-3	1	m
3923(a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	8	2
3923(a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	8	2
3923(a)(5)*	Theft by extortion-strike/boycott (>\$100,000)	F-3	8	1
3923(a)(5)*	Theft by extortion-strike/boycott (>\$50,000-\$100,000)	F-3	7	1
3923(a)(5)*	Theft by extortion-strike/boycott (>\$25,000-\$50,000)	F-3	6	1
3923(a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(5)	Theft by extortion-strike/boycott (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	2	m
3923(a)(5)	Theft by extortion-strike/boycott (<\$50/no threat)	M-3	1	m
3923(a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	8	2
3923(a)(6)	Theft by extortion-testimony (firearm)	F-2	8	2
3923(a)(6)*	Theft by extortion-testimony (>\$100,000)	F-3	8	1
3923(a)(6)*	Theft by extortion-testimony (>\$50,000-\$100,000)	F-3	7	1
3923(a)(6)*	Theft by extortion-testimony (>\$25,000-\$50,000)	F-3	6	1
3923(a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(6)	Theft by extortion-testimony (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	2	m
3923(a)(6)	Theft by extortion-testimony (<\$50/no threat)	M-3	1	m
3923(a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	8	2
3923(a)(7)	Theft by extortion-inflict harm (firearm)	F-2	8	2
3923(a)(7)*	Theft by extortion-inflict harm (>\$100,000)	F-3	8	1
3923(a)(7)*	Theft by extortion-inflict harm (>\$50,000-\$100,000)	F-3	7	1
3923(a)(7)*	Theft by extortion-inflict harm (>\$25,000-\$50,000)	F-3	6	1
3923(a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(7)	Theft by extortion-inflict harm (<=\$2,000/from indiv./by threat/breach)	M-1	4	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3923(a)(7)	Theft by extortion-inflict harm (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	2	m
3923(a)(7)	Theft by extortion-inflict harm (<\$50/no threat)	M-3	1	m
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	8	2
3924	Theft of property-lost/mislaid (firearm)	F-2	8	2
3924*	Theft of property-lost/mislaid (>\$100,000)	F-3	8	1
3924*	Theft of property-lost/mislaid (>\$50,000-\$100,000)	F-3	7	1
3924*	Theft of property-lost/mislaid (>\$25,000-\$50,000)	F-3	6	1
3924*	Theft of property-lost/mislaid (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3924	Theft of property-lost/mislaid (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3924	Theft of property-lost/mislaid (\$200-\$2,000/no threat)	M-1	3	m
3924	Theft of property-lost/mislaid (\$50-<\$200/no threat)	M-2	2	m
3924	Theft of property-lost/mislaid (<\$50/no threat)	M-3	1	m
3925(a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	8	2
3925(a)	Theft by receiving stolen property (disaster)	F-2	8	2
3925(a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	8	3
3925(a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	8	2
3925(a)*	Theft by receiving stolen property (>\$100,000)	F-3	8	1
3925(a)*	Theft by receiving stolen property (>\$50,000-\$100,000)	F-3	7	1
3925(a)*	Theft by receiving stolen property (>\$25,000-\$50,000)	F-3	6	1
3925(a)*	Theft by receiving stolen property (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3925(a)	Theft by receiving stolen property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	2	m
3925(a)	Theft by receiving stolen property (<\$50/no threat)	M-3	1	m
3926(a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	8	2
3926(a)(1)	Theft of services-obtain service (firearm)	F-2	8	2
3926(a)(1)*	Theft of services-obtain service (>\$100,000)	F-3	8	1
3926(a)(1)*	Theft of services-obtain service (>\$50,000-\$100,000)	F-3	7	1
3926(a)(1)*	Theft of services-obtain service (>\$25,000-\$50,000)	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3926(a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3926(a)(1)	Theft of services-obtain service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1)	Theft of services-obtain service (<\$50/no threat)	M-3	1	m
3926(a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	8	2
3926(a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	8	2
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$100,000)	F-3	8	1
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$50,000-\$100,000)	F-3	7	1
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$25,000-\$50,000)	F-3	6	1
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3926(a)(1.1)	Theft of services-obtain telecommunications (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (anhydrous ammonia)	F-2	8	2
3926(b)	Theft of services-divert service (firearm)	F-2	8	2
3926(b)*	Theft of services-divert service (>\$100,000)	F-3	8	1
3926(b)*	Theft of services-divert service (>\$50,000-\$100,000)	F-3	7	1
3926(b)*	Theft of services-divert service (>\$25,000-\$50,000)	F-3	6	1
3926(b)*	Theft of services-divert service (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3926(b)	Theft of services-divert service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	3	m
3926(b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (<\$50/no threat)	M-3	1	m
3926(e)	Theft of services-transfer device/plan	M-3	1	m
3927(a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	8	2
3927(a)	Theft by failure-req. disposition funds (firearm)	F-2	8	2
3927(a)*	Theft by failure-req. disposition funds (>\$100,000)	F-3	8	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3927(a)*	Theft by failure-req. disposition funds (>\$50,000-\$100,000)	F-3	7	1
3927(a)*	Theft by failure-req. disposition funds (>\$25,000-\$50,000)	F-3	6	1
3927(a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3927(a)	Theft by failure-req. disposition funds (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	2	m
3927(a)	Theft by failure-req. disposition funds (<\$50/no threat)	M-3	1	m
3928(a)	Unauthorized use of auto	M-2	2	m
3928(a)	Unauthorized use of auto (disaster)	F-2	8	2
3929(a)(1)	Retail theft-take merchandise (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(1)	Retail theft-take merchandise (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	2	m
3929(a)(1)	Retail theft-take merchandise (3rd/subsq off)	F-3	3	1
3929(a)(1)	Retail theft-take merchandise (disaster)	F-2	8	2
3929(a)(2)	Retail theft-alter price (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	2	m
3929(a)(2)	Retail theft-alter price (3rd/subsq off)	F-3	3	1
3929(a)(2)	Retail theft-alter price (disaster)	F-2	8	2
3929(a)(3)	Retail theft-transfer container (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	2	m
3929(a)(3)	Retail theft-transfer container (3rd/subsq off)	F-3	3	1
3929(a)(3)	Retail theft-transfer container (disaster)	F-2	8	2
3929(a)(4)	Retail theft-under-rings (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	2	m
3929(a)(4)	Retail theft-under-rings (3rd/subsq off)	F-3	3	1
3929(a)(4)	Retail theft-under-rings (disaster)	F-2	8	2
3929(a)(5)	Retail theft-tamper w/ inventory tag (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (3rd/subsq off)	F-3	3	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	8	2



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3929.1(a)	Library Theft (1st/2nd off & >=\$150)	M-1	3	m
3929.1(a)	Library Theft (2nd off& <\$150)	M-2	2	m
3929.1(a)	Library Theft (3rd/Subsq off)	F-3	5	1
3929.2(a)	Unlawful possession-retail/library theft instruments	M-1	3	m
3929.3(a)	Organized retail theft (>=\$20,000)	F-2	7	2
3929.3(a)	Organized retail theft (\$5,000-\$19,999)	F-3	6	1
3930(a)(1)	Theft of trade secrets-by force	F-2	7	2
3930(a)(2)	Theft of trade secrets-willful entry of building	F-2	7	2
3930(a)(3)	Theft of trade secrets-willful access of computer	F-2	7	2
3930(b)(1)	Theft of trade secrets-unlawful possession	F-3	5	1
3930(b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	5	1
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	5	1
3931	Theft of unpublished drama, etc. (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	2	m
3931	Theft of unpublished drama, etc. (<\$50/no threat)	M-3	1	m
3932(a)	Theft of leased property (anhydrous ammonia)	F-2	8	2
3932(a)	Theft of leased property (firearm)	F-2	8	2
3932(a)*	Theft of leased property (>\$100,000)	F-3	8	1
3932(a)*	Theft of leased property (>\$50,000-\$100,000)	F-3	7	1
3932(a)*	Theft of leased property (>\$25,000-\$50,000)	F-3	6	1
3932(a)*	Theft of leased property (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3932(a)	Theft of leased property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3932(a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	3	m
3932(a)	Theft of leased property (\$50-<\$200/no threat)	M-2	2	m
3932(a)	Theft of leased property (<\$50/no threat)	M-3	1	m
3934(a)	Theft from a motor vehicle (3rd/subsq w/in 5 yrs)	F-3	6	1
3934(a)	Theft from a motor vehicle (>\$200)	M-1	3	m
3934(a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	2	m
3934(a)	Theft from a motor vehicle (<\$50)	M-3	1	m
4101(a)(1)	Forgery-altered writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(1)	Forgery-altered writing (will//deed/other legal doc)	F-3	3	1
4101(a)(1)	Forgery-altered writing (other)	M-1	3	m
4101(a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(2)	Forgery-unauthorized writing (will//deed/other legal doc)	F-3	3	1
4101(a)(2)	Forgery-unauthorized writing (other)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4101(a)(3)	Forgery-utter forged writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(3)	Forgery-utter forged writing (will//deed/other legal doc)	F-3	3	1
4101(a)(3)	Forgery-utter forged writing (other)	M-1	3	m
4102	Simulating objects of antiquity	M-1	3	m
4103	Fraudulent destruction of recordable instruments	F-3	5	1
4104(a)	Tampering w/ records or identification	M-1	3	m
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	5	1
4105(a)(1)	Bad checks-issues/passes check (\$1,000-<\$75,000)	M-1	3	m
4105(a)(1)	Bad checks—issues/passes check (\$500-<\$1,000)	M-2	2	m
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	1	m
4105(a)(1)	Bad checks—issues/passes check (3rd/subsq off & <\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	5	1
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	2	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	1	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (3rd/subsq off & <\$75,000)	M-1	3	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	5	1
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (\$50-<\$500)	M-1	4	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	3	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	5	1
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (\$50-<\$500)	M-1	4	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (<\$50)	M-2	3	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (>=\$500)	F-3	5	1
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (\$50-<\$500)	M-1	4	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	3	m
4106(a)(1)(iv)	Access device fraud-other (>=\$500)	F-3	5	1
4106(a)(1)(iv)	Access device fraud-other (\$50-<\$500)	M-1	4	m
4106(a)(1)(iv)	Access device fraud-other (<\$50)	M-2	3	m
4106(a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	5	1
4106(a)(3)	Access device fraud-knowingly possesses illegal device	M-3	2	m
4106.1(a)(1)	Unlawful device-making equipment (produces/traffics)	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4106.1(a)(2)	Unlawful device-making equipment (possesses)	M-1	4	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000)	M-1	3	m
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk)	M-2	2	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk)	M-2	2	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk)	M-2	2	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk)	M-2	2	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk)	M-2	2	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk)	M-2	2	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk)	M-2	2	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs)	F-2	7	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107.1(a)	Deception relating to kosher food products	M-3	1	m
4107.2(a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	4	1
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	4	1
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	4	1
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	4	1
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	2	m
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	2	m
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	2	m
4109(a)(1)	Rigging publicly exhibited contest-confer benefit/threaten injury	M-1	3	m
4109(a)(2)	Rigging publicly exhibited contest-tamper w/ person/animal/thing	M-1	3	m
4109(b)	Rigging publicly exhibited contest-solicit/accept benefit for rigging	M-1	3	m
4109(c)	Rigging publicly exhibited contest-participate in rigged contest	M-1	3	m
4110	Defrauding secured creditors	M-2	2	m
4111	Fraud in Insolvency	M-2	2	m
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	2	m
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	2	m
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	2	m
4112	Receiving deposits in failing financial institution	M-2	2	m
4113(a)	Misapplication of entrusted property (>\$50)	M-2	2	m
4113(a)	Misapplication of entrusted property (<=\$50)	M-3	1	m
4114	Securing execution of documents by deception	M-2	2	m
4115	Falsely impersonating persons privately employed	M-2	2	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings)	F-3	5	1
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 1st off)	M-1	3	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off)	F-3	5	1
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 1st off)	M-1	3	m
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subsq off)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 1st off)	M-1	3	m
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off)	M-1	3	m
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subsq off)	F-2	7	2
4116(e)	Copying; recording devices-mfr. name on packaging (any other 1st off)	M-1	3	m
4116(e)	Copying; recording devices-mfr. name on packaging (any other 2nd/subsq off)	F-3	5	1
4116.1(a)	Unlawful use of recording device in movie theater (1st off)	M-1	3	m
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	4	1
4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	4	1
4117(a)(2)	Insurance fraud-false insurance claim	F-3	4	1
4117(a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	4	1
4117(a)(4)	Insurance fraud-unlicensed agent activity	F-3	4	1
4117(a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	4	1
4117(a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	4	1
4117(a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	4	1
4117(a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	4	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4117(b)(1)	Insurance fraud-unlawful compensation by attorney	M-1	3	m
4117(b)(2)	Insurance fraud-unlawful compensation by provider	M-1	3	m
4117(b)(3)	Insurance fraud-unlawful compensation for patient referral	M-1	3	m
4117(b)(4)	Insurance fraud-false insurance application	M-1	3	m
4118	Washing vehicle titles	F-3	4	1
4119(a)(1)	Trademark counterfeiting-mfr.	M-1	3	m
4119(a)(1)	Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(1)	Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(2)	Trademark counterfeiting-sells	M-1	3	m
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(3)	Trademark counterfeiting-offers for sale	M-1	3	m
4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(4)	Trademark counterfeiting-displays	M-1	3	m
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(5)	Trademark counterfeiting-advertises	M-1	3	m
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(6)	Trademark counterfeiting-distributes	M-1	3	m
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(7)	Trademark counterfeiting-transport	M-1	3	m
4119(a)(7)	Trademark counterfeiting-transport (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(7)	Trademark counterfeiting-transport (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(c)(1)	Trademark counterfeiting	M-1	3	m
4119(c)(2)	Trademark counterfeiting	F-3	5	1
4119(c)(3)	Trademark counterfeiting	F-2	7	2
4120(a)	Identity theft (>=\$2,000)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4120(a)	Identity theft (<\$2,000)	M-1	3	m
4120(a)	Identity theft (3rd/subsq off)	F-2	7	2
4120(a)	Identity theft (furtherance of conspiracy)	F-3	5	1
4120(a)	Identity theft (>=\$2,000 and victim >=60 yrs/care-dependent)	F-2	7	2
4120(a)	Identity theft (<\$2,000 and victim >=60 yrs/care-dependent)	F-3	5	1
4120(a)	Identity theft (3rd/subsq off and victim >=60 yrs/care-dependent)	F-1	8	3
4120(a)	Identity theft (furtherance of conspiracy and victim >=60 yrs/care-dependent)	F-2	7	2
4301(a)	Bigamy (by married person)	M-2	3	m
4301(b)	Bigamy (knowing other person committing bigamy)	M-2	3	m
4302(a)	Incest (victim >18 yrs.)	F-2	9	4
4302(b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	9	4
4302(b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	9	4
4303(a)	Concealing death of child	M-1	3	m
4304(a)(1)	Endangering welfare of children-violate duty of care	M-1	5	1
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	6	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting	M-1	5	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	6	1
4305	Dealing in infant children	M-1	4	1
4701(a)(1)	Bribery in official & political matters-pecuniary benefit as public servant	F-3	5	1
4701(a)(2)	Bribery in official & political matters-benefit for judicial/admin./legis. proceedings	F-3	5	1
4701(a)(3)	Bribery in official & political matters-benefit for legal duty as public servant	F-3	5	1
4702(a)(1)	Threats-to influence decision as public servant	M-2	2	m
4702(a)(1)	Threats-to influence decision as public servant (threat to commit crime)	F-3	5	1
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	2	m
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings (threat to commit crime)	F-3	5	1
4702(a)(3)	Threats-harm for legal duty as public servant	M-2	2	m
4702(a)(3)	Threats-harm for legal duty as public servant (threat to commit crime)	F-3	5	1
4703	Retaliation for past official action	M-2	2	m
4902(a)	Perjury	F-3	5	1
4903(a)(1)	False swearing in official matters-in official proceeding	M-2	2	m
4903(a)(2)	False swearing in official matters-to mislead public servant	M-2	2	m
4903(b)	False swearing-statement required to be sworn	M-3	1	m



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4904(a)(1)	Unsworn falsification to authorities-written statement	M-2	2	m
4904(a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	2	m
4904(a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	2	m
4904(b)	Unsworn falsification to authorities-statement under penalty	M-3	1	m
4905(a)	False alarms to agency of public safety	M-1	3	m
4905(a)	False alarms to agency of public safety (state of emergency)	F-3	5	1
4906(a)	False reports-falsely incriminate another	M-2	2	m
4906(a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	3	m
4906(a)	False reports-falsely incriminate another (state of emergency)	M-1	3	m
4906(b)(1)	False reports-fictitious report to law enforcement	M-3	1	m
4906(b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	2	m
4906(b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	2	m
4906(b)(2)	False Reports-fictitious report of information	M-3	1	m
4906(b)(2)	False Reports-fictitious report of information (report of theft/loss of firearm)	M-2	2	m
4906(b)(2)	False Reports-fictitious report of information (state of emergency)	M-2	2	m
4909	Witness or informant taking bribe	F-3	5	1
4910(1)	Tampering w/ physical evidence-intent to impair availability	M-2	2	m
4910(2)	Tampering w/ physical evidence-false record etc.	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	4	1
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	2	m
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	4	1
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	2	m
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	4	1
4912	Impersonating a public servant	M-2	2	m
4913(a)	Impersonating a notary public	M-2	2	m
4913(a)	Impersonating a notary public (intent to harm/defraud)	M-1	3	m
4914(a)	False identification to law enforcement authorities	M-3	1	m
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (2nd/subsq off)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-15 yr. registration	F-2	8	2
4915.1(a)(3)	Fail to provide accurate information-25 yr. registration	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-lifetime registration	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-15 yr. registration	F-2	8	2
4915.1(a.1)(3)	Fail to provide accurate info.: transient-25 yr. registration	F-1	10	3

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4915.1(a.1)(3)	Fail to provide accurate info.: transient-lifetime registration	F-1	10	3
4915.1(a.2)(1)	Fail to comply w/ SVP outpatient review/counseling	M-1	5	m
4915.1(a.2)(2)	Fail to comply w/ counseling req. from other jurisdiction	M-1	5	m
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	9	2
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	7	1
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	5	m
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	9	2
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	7	1
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	5	m
4952(a)(3)	Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	9	2
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	7	1
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	5	m
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	9	2
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	7	1
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	5	m
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	9	2
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	7	1
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	5	m
4952(a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	9	2
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	7	1
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	5	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4953(a)	Retaliation against witness/victim-listed factor	F-3	8	1
4953(a)	Retaliation against witness/victim-general	M-2	5	m
4953.1(a)	Retaliation against prosecutor/judicial official-listed factor	F-2	9	2
4953.1(a)	Retaliation against prosecutor/judicial official-general	M-1	6	m
5101	Obstructing admin. of law/other govt. function	M-2	3	m
5102(a)	Obstructing/impeding justice by picketing	M-2	2	m
5103	Unlawfully listening into deliberations of jury	M-3	1	m
5104	Resisting arrest, etc.	M-2	2	m
5104.1(a)	Disarming law enforcement officer	F-3	5	1
5105(a)(1)	Hindering apprehension-harbors/conceals	M-2	2	m
5105(a)(1)	Hindering apprehension-harbors/conceals (charge is F1/F2)	F-3	4	1
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	2	m
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F1/F2)	F-3	4	1
5105(a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	2	m
5105(a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F1/F2)	F-3	4	1
5105(a)(4)	Hindering apprehension-warn of apprehension	M-2	2	m
5105(a)(4)	Hindering apprehension-warn of apprehension (charge is F1/F2)	F-3	4	1
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc.	M-2	2	m
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc. (charge is F1/F2)	F-3	4	1
5107(a)	Aiding consummation of crime	M-2	2	m
5107(a)	Aiding consummation of crime (principal off is F1/F2)	F-3	5	1
5108(a)	Compounding	M-2	2	m
5109	Barratry-vex with unjust/vexatious suits	M-3	1	m
5110	Contempt of General Assembly	M-3	1	m
5111(a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	8	3
5111(a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	8	3
5111(a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	8	3
5112(a)	Obstructing emergency services	M-3	1	m
5121(a)	Permitting/facilitating escape	M-2	3	m
5121(a)	Escape	M-2	3	m
5121(a)*	Escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	1
5121(a)*	Escape (all other specified escapes)	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5121(a)*	Permitting/facilitating escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	1
5121(a)*	Permitting/facilitating escape (all other specified escapes)	F-3	6	1
5122(a)(1)	Weapons/implements for escape-provide to inmate	M-1	8	m
5122(a)(2)	Weapons/implements for escape-possession by inmate	M-1	4	m
5123(a)	Contraband-provide controlled substance to inmate	F-2	7	2
5123(a.2)	Contraband-possession of controlled substance by inmate	F-2	7	2
5123(b)	Contraband-provide money to inmate	M-3	1	m
5123(c)	Contraband-provide other contraband to inmate	M-1	3	m
5123(c.1)	Contraband-provide telecom. device to inmate	M-1	5	m
5123(c.2)	Contraband-possession of telecom. device by inmate	M-1	3	m
5124(a)	Default in required appearance (felony)	F-3	4	1
5124(a)	Default in required appearance (non-felony)	M-2	2	m
5125	Absconding witness	M-3	1	m
5126(a)	Flight to avoid apprehension (felony)	F-3	5	1
5126(a)	Flight to avoid apprehension (misd.)	M-2	2	m
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs)	M-2	2	m
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee <16 yrs)	M-1	3	1
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee >=16 yrs)	M-1	3	1
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs)	F-3	5	1
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs)	F-3	5	1
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee <16 yrs)	F-2	7	2
5301(1)	Official oppression-subjects another to arrest, etc.	M-2	2	m
5301(2)	Official oppression-denies another enjoyment of rights	M-2	2	m
5302(1)	Speculating/wagering on official action-acquires pecuniary interest	M-2	2	m
5302(2)	Speculating/wagering on official action-speculates on information	M-2	2	m
5302(3)	Speculating/wagering on official action-aids another	M-2	2	m
5501(1)	Riot-intent to commit felony/misd.	F-3	4	1
5501(2)	Riot-intent to prevent/coerce official action	F-3	4	1
5501(3)	Riot-actor/other plans to use deadly weapon	F-3	4	1
5502	Failure to disperse upon official order	M-2	2	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5503(a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	1	m
5503(a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	1	m
5503(a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	1	m
5503(a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	1	m
5506	Loitering and prowling at night time	M-3	1	m
5507(a)	Obstructing highway, etc.-after warning	M-3	1	m
5508	Disrupting meetings and processions	M-3	1	m
5509(a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	2	m
5509(a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	2	m
5509(a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	2	m
5509(a.1)	Desecration of venerated objects-historic burial lots	M-1	3	m
5510	Abuse of corpse	M-2	3	m
5511(a)(1)	Cruelty to animals-own dog that injures service dog	M-3	1	m
5511(a)(1)(i)	Cruelty to animals-kill/maim domestic animal	M-2	3	m
5511(a)(1)(ii)	Cruelty to animals-poisons domestic animal	M-2	3	m
5511(a)(1)(iii)	Cruelty to animals-harasses/injure etc. service/guide dog	M-2	3	m
5511(a)(2)(i)	Cruelty to animals-kill/maim zoo animal	F-3	5	1
5511(a)(2)(ii)	Cruelty to animals-poison zoo animal	F-3	5	1
5511(a)(2.1)(i)(a)	Cruelty to animals-kill/maim dog/cat/service dog (1st off)	M-1	3	m
5511(a)(2.1)(i)(a)	Cruelty to animals-kill/maim dog/cat/service dog (2nd/subsq off)	F-3	5	1
5511(a)(2.1)(i)(b)	Cruelty to animals-poison dog/cat (1st off)	M-1	3	m
5511(a)(2.1)(i)(b)	Cruelty to animals-poison dog/cat (2nd/subsq off)	F-3	5	1
5511(c)(1)	Cruelty to animals-neglect/mistreat animal in care (2nd/subsq off)	M-3	1	m
5511(e.1)	Cruelty to animals-transport equines in cruel manner (2nd/subsq off)	M-3	1	m
5511(h.1)(1)	Cruelty to animals-animal fighting (for amusement/gain)	F-3	5	1
5511(h.1)(2)	Cruelty to animals-animal fighting (receives compensation)	F-3	5	1
5511(h.1)(3)	Cruelty to animals-animal fighting (owns fighting animal)	F-3	5	1
5511(h.1)(4)	Cruelty to animals-animal fighting (encourage/aid/assist)	F-3	5	1
5511(h.1)(5)	Cruelty to animals-animal fighting (wagers on fight outcome)	F-3	5	1
5511(h.1)(6)	Cruelty to animals-animal fighting (pays admission)	F-3	5	1
5511(h.1)(7)	Cruelty to animals-animal fighting (permits use of animal for fight)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5511.2(a)	Police animals-illegal to taunt	F-3	5	1
5511.2(b)	Police animals-illegal to torture	F-3	7	1
5511.3	Assault w/ biological agent on animal/fowl/honey bee	F-2	7	2
5512(b)(1)	Lotteries-set up unlawful game	M-1	3	m
5512(b)(2)	Lotteries-manuf./etc. unlawful tickets	M-1	3	m
5512(b)(3)	Lotteries-publish advertisement	M-1	3	m
5513(a)(1)	Gambling devices-intentionally makes gambling device	M-1	3	m
5513(a)(2)	Gambling devices-allows assemble for gambling	M-1	3	m
5513(a)(3)	Gambling devices-solicits/invites person for gambling	M-1	3	m
5513(a)(4)	Gambling devices-allows gambling on premises	M-1	3	m
5514(1)	Pool selling and bookmaking-engage in	M-1	3	m
5514(2)	Pool selling and bookmaking-occupy place	M-1	3	m
5514(3)	Pool selling and bookmaking-receives bet on political outcome	M-1	3	m
5514(4)	Pool selling and bookmaking-custodian of property wagered (for gain)	M-1	3	m
5514(5)	Pool selling and bookmaking-knowingly permit premises to be used	M-1	3	m
5515(b)(1)	Prohibiting of paramilitary training-teaching	M-1	3	m
5515(b)(2)	Prohibiting of paramilitary training-assembles for training	M-1	3	m
5516(a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	5	1
5516(a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. wh/ deals w/ emergency	F-3	5	1
5516(a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	5	1
5516(a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	5	1
5517(a)	Unauthorized school bus entry	M-3	1	m
5703	Interception of wire/oral communication	F-3	5	1
5703(1)	Interception of wire/oral communication-intentionally intercepts	F-3	5	1
5703(2)	Interception of wire/oral communication-discloses contents	F-3	5	1
5703(3)	Interception of wire/oral communication-use contents	F-3	5	1
5705(1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	5	1
5705(2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	5	1
5705(3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	5	1
5705(4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	5	1
5719	Unlawful use of order concerning intercepted communications	M-2	2	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (1st off)	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	2	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (1st off)	M-3	1	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	2	m
5771(a)	Prohibit pen register & trap/trace device	M-3	1	m
5901	Open lewdness	M-3	1	m
5902(a)(1)	Prostitution-business (1st/2nd off)	M-3	1	m
5902(a)(1)	Prostitution-business (3rd off)	M-2	3	m
5902(a)(1)	Prostitution-business (4th/subsq off)	M-1	4	m
5902(a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	7	1
5902(a)(2)	Prostitution (1st/2nd off)	M-3	1	m
5902(a)(2)	Prostitution (3rd off)	M-2	3	m
5902(a)(2)	Prostitution (4th/subsq off)	M-1	4	m
5902(a)(2)	Prostitution (HIV positive/AIDS)	F-3	7	1
5902(b)(1)	Promoting prostitution-own house/business	F-3	5	1
5902(b)(2)	Promoting prostitution-procure prostitute for house	F-3	5	1
5902(b)(3)	Promoting prostitution-encourage prostitution	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron	M-2	3	m
5902(b)(4)	Promoting prostitution-solicit patron (compel)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute	M-2	3	m
5902(b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute	M-2	3	m
5902(b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution	M-2	3	m
5902(b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit	M-2	3	m
5902(b)(8)	Promoting prostitution-receive benefit (compel)	F-3	5	1



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5902(b)(8)	Promoting prostitution-receive benefit (HIV positive/AIDS)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit (spouse/child/ward)	F-3	5	1
5902(b.1)(1)*	Promoting prostitution of minor-business (16-<18 yrs)	F-3	6	1
5902(b.1)(1)*	Promoting prostitution of minor-business (<16 yrs)	F-3	8	1
5902(b.1)(2)*	Promoting prostitution of minor-procure (16-<18 yrs)	F-3	6	1
5902(b.1)(2)*	Promoting prostitution of minor-procure (<16 yrs)	F-3	8	1
5902(b.1)(3)*	Promoting prostitution of minor-induce (16-<18 yrs)	F-3	6	1
5902(b.1)(3)*	Promoting prostitution of minor-induce (<16 yrs)	F-3	8	1
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs)	F-3	6	1
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (<16 yrs)	F-3	8	1
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs)	F-3	6	1
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs)	F-3	8	1
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs)	F-3	6	1
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (<16 yrs)	F-3	8	1
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (16-<18 yrs)	F-3	6	1
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (<16 yrs)	F-3	8	1
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (16-<18 yrs)	F-3	6	1
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (<16 yrs)	F-3	8	1
5902(d)	Living off prostitutes	M-2	3	m
5902(d)	Living off prostitutes (compel)	F-3	5	1
5902(d)	Living off prostitutes (HIV positive/AIDS)	F-3	5	1
5902(d)	Living off prostitutes (spouse/child/ward)	F-3	5	1
5902(e)	Patronizing prostitutes (1st/2nd off)	M-3	1	m
5902(e)	Patronizing prostitutes (3rd off)	M-2	3	m
5902(e)	Patronizing prostitutes (4th/subsq off)	M-1	4	m
5902(e)	Patronizing prostitutes (HIV positive/AIDS)	F-3	7	1
5903(a)(1)	Obscene materials-display (1st off & not for resale)	M-1	3	m
5903(a)(1)	Obscene materials-display (2nd/subsq off or for resale)	F-3	5	1
5903(a.1)	Obscene materials-disseminate via elec. comm. (1st off & not for resale)	M-1	3	m
5903(a.1)	Obscene materials-disseminate via elec. comm: att. evade prosec. (1st) (additional penalty)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5903(a.1)	Obscene materials-disseminate via elec. comm: att. evade prosec. (2nd) (additional penalty)	M-1	3	m
5903(a)(2)	Obscene materials-sell (1st off & not for resale)	M-1	3	m
5903(a)(2)	Obscene materials-sell (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(i)	Obscene materials-design (1st off & not for resale)	M-1	3	m
5903(a)(3)(i)	Obscene materials-design (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	4	m
5903(a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subsq off or for resale)	F-3	6	1
5903(a)(4)(i)	Obscene materials-prepare ad (1st off & not for resale)	M-1	3	m
5903(a)(4)(i)	Obscene materials-prepare ad (2nd/subsq off or for resale)	F-3	5	1
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	4	m
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(5)(i)	Obscene materials-produce performance (1st off & not for resale)	M-1	3	m
5903(a)(5)(i)	Obscene materials-produce performance (2nd/subsq off or for resale)	F-3	5	1
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	4	m
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	4	m
5903(a)(6)	Obscene materials-use minor to assist (2nd/subsq off or for resale)	F-3	6	1
5903(a)(7)	Obscene materials-deliver to correctnl facility (1st off & not for resale)	M-1	3	m
5903(a)(7)	Obscene materials-deliver to correctnl facility (2nd/subsq off or for resale)	F-3	5	1
5903(a)(8)	Obscene materials-inmate possesses (1st off & not for resale)	M-1	3	m
5903(a)(8)	Obscene materials-inmate possesses (2nd/subsq off or for resale)	F-3	5	1
5903(a)(9)	Obscene materials-permit into correctnl inst (1st off & not for resale)	M-1	3	m
5903(a)(9)	Obscene materials-permit into correctnl inst (2nd/subsq off or for resale)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (2nd/subsq off)	F-2	7	2
5903(c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	5	1
5903(c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subsq off)	F-2	7	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5903(d)	Obscene materials-admit minor to show (1st off)	F-3	5	1
5903(d)	Obscene materials-admit minor to show (2nd/subsq off)	F-2	7	2
5903(f)	Obscene materials-require sale	M-1	3	m
5904	Public exhibition of insane/deformed person	M-2	2	m
6106(a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	9	1
6106(a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	7	1
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony (loaded/ammo available) [(a.1)(1)]	F-2	10	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony (unloaded/no ammo available) [(a.1)(1)]	F-2	9	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) [(a.1)(1)]	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) [(a.1)(1)]	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) [(a.1)(2)(i)]	M-3	2	m
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) [(a.1)(2)(i)]	M-3	1	m
6105(a)(1)*	Firearms-persons not to possess: fail to relinquish w/PFA (loaded/ammo available) [(a.1)(2)]	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: fail to relinquish w/PFA (unloaded/no ammo available) [(a.1)(2)]	M-1	4	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) [(a.1)(5)]	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) (a.1)(5)	M-1	5	1
6106(a)(2)*	Firearms-carried w/o license: eligible (loaded/ammo available & crim act.)	F-3	9	1
6106(a)(2)*	Firearms-carried w/o license: eligible (unloaded/no ammo available & crim act.)	F-2	7	2
6106(a)(2)*	Firearms-carried w/o license (loaded/ammo available/no other crim. act.)	M-1	4	1
6106(a)(2)*	Firearms-carried w/o license (unloaded/no ammo available/ no other crim. act.)	M-1	3	1
6107(a)	Firearms-prohibited conduct during emergency	M-1	3	1
6108	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	5	1
6108	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	4	1
6108.5	Penalties for release info (list of any firearm or other weapon or ammunition ordered to be relinquished)	M-3	1	m
6110.1(a)	Firearms-possession by minor	M-1	3	1
6110.1(c)	Firearms-delivery to minor by adult	F-3	7	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6110.2(a)*	Firearms-possession w/ altered mfr. num. (loaded/ammo available)	F-2	10	2
6110.2(a)*	Firearms-possession w/ altered mfr. num. (unloaded/no ammo available)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	2	m
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history)	F-3	5	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check	M-2	2	m
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (2nd/subsq off)	F-2	9	2
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (false statements)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (inappropriate use of crim history)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (sell to ineligible)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (unlawful crim history request)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	2	m
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subsq off)	F-2	9	2
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of crim history)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful crim history request)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	2	m
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	9	2
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of crim history)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful crim history request)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	2	m
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	9	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful crim history request)	F-3	5	1
6112	Firearms-dealer to be licensed	M-1	3	1
6113(a)(1)	Firearms-dealer license: sell in undesignated area	M-1	3	1
6113(a)(2)	Firearms-dealer license: fail to display license	M-1	3	1
6113(a)(3)	Firearms-dealer license: violation of act	M-1	3	1
6113(a)(4)	Firearms-dealer license: w/o knowledge of purchaser	M-1	3	1
6113(a)(5)	Firearms-dealer license: fail to keep record	M-1	3	1
6113(a)(6)	Firearms-dealer license: display firearm in public view	M-1	3	1
6115(a)	Firearms-lending prohibited	M-1	3	1
6116	Firearms-give false info/identity for purchase	M-1	3	1
6117(a)	Firearms-alter mfr. number/ID	F-2	7	2
6121(a)	Firearms-certain bullets prohibited	F-3	5	1
6122	Firearms-proof of license	M-1	3	1
6161(a)	Carrying explosives on conveyances	M-2	3	m
6162(a)	Shipping explosives	M-3	3	m
6301(a)(1)(i)	Corruption of minors	M-1	4	m
6301(a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	6	1
6301(a)(2)	Corruption of minors-encourage 2nd truancy in one year	M-3	1	m
6302(a)	Sale/lease of weapons/explosives (to minor)	M-1	4	m
6303(a)	Sale of starter pistols-to minors	M-1	4	m
6304(a)(1)	Sale/use of air rifles-sale or transfer (to minor)	M-3	1	m
6307(a)	Misrepresentation of age to secure alcohol (2nd/subsq off)	M-3	1	m
6309(a)	Representing that minor is of age	M-3	1	m
6310(a)	Inducement of minors to buy liquor/beer	M-3	1	m
6310.1(a)	Selling/furnishing liquor/beer to minors	M-3	1	m
6310.2(a)	Manufacture/sale of false ID card	M-2	2	m
6310.3(a)	Carrying a false ID card (2nd/subsq off)	M-3	1	m
6311(a)	Tattooing a minor (1st off)	M-3	1	m
6311(a)	Tattooing a minor (2nd/subsq off)	M-2	2	m
6311(b)	Body piercing a minor (1st off)	M-3	1	m
6311(b)	Body piercing a minor (2nd/subsq off)	M-2	2	m
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs)	F-2	8	2
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<13 yrs)	F-2	9	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (1st off)	F-3	6	1
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(c)*	Sexual abuse of children-dissemination (<13 yrs) (1st off)	F-3	7	1
6312(c)*	Sexual abuse of children-dissemination (<13 yrs) (2nd/subsq off)	F-2	9	2
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (1st off)	F-3	6	1
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs) (1st off)	F-3	7	1
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs) (2nd/subsq off)	F-2	9	2
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses [underlying offense <F-3]	F-3	6	1
6318(a)(2)	Unlaw. contact w/ minor-open lewdness [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(2)	Unlaw. contact w/ minor-open lewdness [underlying offense <F-3]	F-3	6	1
6318(a)(3)	Unlaw. contact w/ minor-prostitution [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(3)	Unlaw. contact w/ minor-prostitution [underlying offense <F-3]	F-3	6	1
6318(a)(4)	Unlaw. contact w/ minor-sexual materials [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(4)	Unlaw. contact w/ minor-sexual materials [underlying offense <F-3]	F-3	6	1
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse [underlying offense <F-3]	F-3	6	1
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation [underlying offense <F-3]	F-3	6	1
6319(a)	Solicitation of minors to traffic drugs-general	F-2	9	2
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	10	3
6320	Sexual exploitation of children	F-2	9	2
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim >-12 yrs)	M-3	1	m
6321(c)(1)	Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6321(c)(2)	Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6501(a)(1)	Scattering rubbish-upon land/stream (2nd/subsq off)	M-3	1	m
6501(a)(2)	Scattering rubbish-interferes w/ contents of receptacle (2nd/subsq off)	M-3	1	m
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	3	m
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	2	m
6504	Public nuisances	M-2	2	m
6703	Dealing in military decorations	M-3	1	m
6707	False registration of domestic animals	M-3	1	m
6709(1)	Use of union labels-insignia	M-3	1	m
6709(2)	Use of union labels-nonunion product	M-3	1	m
6709(3)	Use of union labels-not authorized by union	M-3	1	m
6901	Extension of water line-w/o permit	M-3	1	m
6910(a)	Unauthorized sale of tickets	M-3	1	m
7102	Administer drugs to race horses	M-1	3	m
7103(a)	Horse racing	M-3	1	m
7104(a)	Fortune telling-for gain or lucre	M-3	1	m
7107(a)(1)	Unlawf. action by athlete agent-prior to eligibility expired	M-1	3	m
7107(a)(2)	Unlawf. action by athlete agent-give prior to eligibility expired	M-1	3	m
7107(a)(3)	Unlawf. action by athlete agent-agreement w/ univ. employee for referral	M-1	3	m
7302(a)	Sale of solidified alcohol	M-2	2	m
7302(b)	Labeling of solidified alcohol	M-1	3	m
7303(a)	Sale/illegal use of certain solvents-smell/inhale toxic subst	M-3	1	m
7303(c)	Sale/illegal use of certain solvents-possess solvent for toxic vapors	M-3	1	m
7303(d)	Sale/illegal use of certain solvents-sell solvent for toxic vapors	M-3	1	m
7306(a)	Incendiary devices	M-1	3	m
7307	Out-of-state convict made goods-sell/exchange	M-2	2	m
7308(a)	Unlawful advertising of insurance business	M-2	2	m
7309(a)	Unlawful coercion in contracting insurance	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7310(a)	Furnishing free insurance as inducement for purchase	M-3	1	m
7311(a)	Unlawful collection agency practices-assignment of claims	M-3	1	m
7311(b)	Unlawful collection agency practices-appearance for creditor	M-3	1	m
7311(b.1)	Unlawful collection agency practices-unfair/deceptive methods	M-3	1	m
7311(c)	Unlawful collection agency practices-unlaw. furnish legal services	M-3	1	m
7311(d)	Unlawful collection agency practices-unlaw. service for debtor	M-3	1	m
7311(e)	Unlawful collection agency practices-unlaw. solicit job for attorney	M-3	1	m
7311(f)	Unlawful collection agency practices-unlaw. coercion/intimidation	M-3	1	m
7312(a)	Debt pooling	M-3	1	m
7313(a)	Buying/exchanging food stamps (>=\$1,000)	F-3	5	1
7313(a)	Buying/exchanging food stamps (<\$1,000)	M-1	3	m
7314(a)	Fraudulent traffic in food orders (>=\$1,000)	F-3	5	1
7314(a)	Fraudulent traffic in food orders (<\$1,000)	M-1	3	m
7316(a)	Keeping bucket-shop	M-3	1	m
7317(a)	Accessories in conduct of bucket-shop	M-3	1	m
7318(a)	Maintaining premises of bucket-shop	M-3	1	m
7319(b)	Bucket-shop contracts	M-3	1	m
7321(a)	Lie detector tests-require for employment	M-2	2	m
7322	Demanding property/money to secure employment	M-3	1	m
7323	Discrimination on account of U.S. armed forces uniform	M-2	2	m
7324(b)	Unlaw. sale of dissertations/etc.-sale of assistance	M-3	1	m
7324(c)	Unlaw. sale of dissertations/etc.-sale of assignment	M-3	1	m
7324(d)	Unlaw. sale of dissertations/etc.-distribution for sale	M-3	1	m
7326(a)	Disclosure of confidential tax information	M-3	1	m
7328(a)	Operation of unauthorized bottle club	M-3	1	m
7503(a)	Architects/engineers-interest in public works contracts	M-3	1	m
7504(a)	Appointment of special police	M-3	1	m
7507	Breach of privacy-use stress monitor w/o consent	M-2	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (>1 violation)	M-2	3	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	2	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation)	M-2	3	m
7507.1(a)(3)	Invasion of privacy-transfer image (single violation)	M-3	2	m



<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7507.1(a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	3	m
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	8	2
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1000 ft of school)	F-1	9	3
7509(a)	Furnishing drug-free urine: unlaw. sale	M-3	1	m
7509(b)	Furnishing drug-free urine: unlaw. use	M-3	1	m
7510(a)	Municipal housing code avoidance (4th off)	M-2	2	m
7510(a)	Municipal housing code avoidance (5th/subsq off)	M-1	3	m
7512(a)	Criminal use of communication facility	F-3	5	1
7515(a)(1)	Contingent compensation-compensate other	M-3	1	m
7515(a)(2)	Contingent compensation-agree to lobby	M-3	1	m
7516(a)	Greyhound racing-for remuneration	M-1	3	m
7517(b)	Commemorative service demonstration activities	M-3	1	m
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	7	1
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	7	1
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	7	1
7612(a)	Disruption of computer service	F-3	7	1
7613(a)	Computer theft	F-3	7	1
7614(a)	Unlawful duplication (>\$2500)	F-2	7	2
7614(a)	Unlawful duplication (<=\$2500)	F-3	5	1
7615(a)(1)	Computer trespass-remove data/programs	F-3	7	1
7615(a)(2)	Computer trespass-cause malfunction	F-3	7	1
7615(a)(3)	Computer trespass-alter/erase data	F-3	7	1
7615(a)(4)	Computer trespass-transfer funds	F-3	7	1
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	7	1
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	7	1
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	7	1
7622	Duty of internet provider-disable child porn access (1st off)	M-3	1	m
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	2	m
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	5	1
7641(a)	Computer-assisted remote harvesting of animals	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(1)	Unlaw. transmis. email-forge/falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify	M-3	1	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (reckless damage; >=\$2500)	M-1	5	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose	M-3	1	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify	M-3	1	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500)	M-1	5	m
7702(1)	Owning/operating/conducting a chop shop	F-2	7	2
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	7	2
7703	Altered or illegally obtained property-veh ID num	F-3	5	1
7704	Altered or illegally obtained property-disposition	F-3	5	1

\* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

**MISCELLANEOUS OFFENSES  
(Child Abuse Reporting)**

<i>23 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4354(d)(2)	Willful failure to pay child support (special circumstances)	M-3	1	m
6319	Penalties for failure to report or to refer-suspected child abuse (1st violation)	M-3	2	m
6319	Penalties for failure to report or to refer-suspected child abuse (2nd/subsq violation)	M-2	3	m

\* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

**OPERATION OF BOATS**

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off)	M-2	3	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off)	M-1	5	1

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off)	M-1	5	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	m
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	1
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off)	M	1	m
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off)	M	1	1
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	1
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off)	M	1	m
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	1
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	1	m
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	1	m
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	1	m
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	1	m
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	1	m
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (1st off)	M	1	m
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off)	M	1	1
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	5	1
5502.1(a)	Homicide by watercraft while operating under influence	F-2	10	2
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	8	1
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	6	1
5502.3(a)	Aggravated assault by watercraft while operating under influence	F-2	7	2
5507(a)	Duties of operators involved in boating accidents-stop	M-1	3	m
5507(a)	Duties of operators involved in boating accidents-stop (death)	F-3	5	1
5507(b)	Duties of operators involved in boating accidents-give information	M-1	3	m
5507(b)	Duties of operators involved in boating accidents-give information (death)	F-3	5	1
5507(c)	Duties of operators involved in boating accidents-render aid	M-1	3	m
5507(c)	Duties of operators involved in boating accidents-render aid (death)	F-3	5	1

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5507(d)	Duties of operators involved in boating accidents-stay	M-1	3	m
5507(d)	Duties of operators involved in boating accidents-stay (death)	F-3	5	1

\* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

#### DRUG ACT OFFENSES

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	4	m
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	4	m
(a)(3)	False/misleading advertisement (1st off)	M	4	m
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	4	m
(a)(4)	Removal/disposal-detained substance (1st off)	M	5	m
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	5	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	4	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	4	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	5	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (1st off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	5	m
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	4	m
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	4	m
(a)(11)	Illegal pharmacy operations (1st off)	M	5	m
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	5	m
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1000 g)	F	11	3

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (10-<50 g)	F	8	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (2-<5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (<2 g)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (10-<50 g)	F	8	2

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>1000 lbs.)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>5000 plants)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (50-1000 lbs.)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5000 plants)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	5	2

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	3	m
(a)(13)	Dispense drugs to dependent person (1st off)	M	4	m
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	4	m
(a)(14)*	Delivery by practitioner-heroin (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-heroin (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-cocaine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	5	2
(a)(14)*	Delivery by practitioner-methamphetamine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-methamphetamine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	10	3



<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-PCP (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-PCP (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-PCP (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-MDMA (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-MDMA (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-marijuana (>1000 lbs.)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (>5000 plants)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (50-1000 lbs.)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (51-5000 plants)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	3	2
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	3	2
(a)(14)*	Delivery by practitioner-Sched I	F	5	2
(a)(14)*	Delivery by practitioner-Sched II	F	5	2
(a)(14)*	Delivery by practitioner-Sched III	F	5	2
(a)(14)*	Delivery by practitioner-Sched IV	F	5	2
(a)(14)*	Delivery by practitioner-Sched V	M	3	m
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	4	m
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	4	m
(a)(16)	Simple possession (1st off)	M	3	m
(a)(16)	Simple possession (2nd/subsq off)	M	3	m
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	4	m
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	4	m
(a)(18)	Illegal sale container (1st off)	M	4	m
(a)(18)	Illegal sale container (2nd/subsq off)	M	4	m
(a)(19)	Intentional unauthorized purchase (1st off)	M	5	m

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	5	m
(a)(20)	Divulging trade secret (1st off)	M	4	m
(a)(20)	Divulging trade secret (2nd/subsq off)	M	4	m
(a)(21)	Failure to keep records (1st off)	M	2	m
(a)(21)	Failure to keep records (2nd/subsq off)	M	2	m
(a)(22)	Refusal of inspection (1st off)	M	2	m
(a)(22)	Refusal of inspection (2nd/subsq off)	M	2	m
(a)(23)	Unauthorized removal of seals	M	5	m
(a)(24)	Failure to obtain license (1st off)	M	2	m
(a)(24)	Failure to obtain license (2nd/subsq off)	M	2	m
(a)(25)	Manufacture by unauthorized party	M	5	m
(a)(26)	Distribution by registrant of Schedule I or II	M	5	m
(a)(27)	Use of fictitious registration number	M	5	m
(a)(28)	Furnish false application material	M	5	m
(a)(29)	Production of counterfeit trademarks equipment	M	5	m
(a)(30)*	Possession with intent to deliver-heroin (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-heroin (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (>1000 g)	F	13	3

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(30)*	Possession with intent to deliver-cocaine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	5	2
(a)(30)*	Possession with intent to deliver-methamphetamine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-PCP (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-PCP (100-<1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-MDMA (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-MDMA (100-<1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-marijuana (>1000 lbs.)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (>5000 plants)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (50-1000 lbs.)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (51-5000 plants)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	7	2

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	3	2
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	3	2
(a)(30)*	Possession with intent to deliver-Sched I	F	5	2
(a)(30)*	Possession with intent to deliver-Sched II	F	5	2
(a)(30)*	Possession with intent to deliver-Sched III	F	5	2
(a)(30)*	Possession with intent to deliver-Sched IV	F	5	2
(a)(30)*	Possession with intent to deliver-Sched V	M	3	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish)	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale	M	1	m
(a)(32)	Possession-drug paraphernalia	M	1	m
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs or more junior	M-2	4	m
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	3	m
(a)(34)	Place ad for sale of drug paraphernalia	M	1	m
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	5	2
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	5	2
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	5	2
(a)(36)	Possession w/ intent to deliver-designer drugs	F	5	2
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	4	m
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	4	m
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	9	2
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	7	1
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (1st off)	M	2	m
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (2nd/subsq off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	2	m

<i>35 P. S. § 780-113.1</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	3	m
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	3	m
(a)(2)	Possess liquefied ammonia-intent to manuf controlled substance	F	5	2
(a)(3)	Possess red phosphorous-intent to manuf controlled substance	F	5	2
(a)(4)	Possess esters/salts/etc. w/ intent to manuf controlled substance	F	5	2

<i>35 P. S. § 780-113.4</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Operate meth lab-create chemical reaction	F-2	7	2
(a)(3)	Operate meth lab-create chemical reaction (w/in 1000 ft. of school)	F-1	8	3
(b)(1)	Operate meth lab-stores/disposes substance used in manuf.	F-3	5	1

<i>35 P. S.</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6018.101— 6018.1002	Solid Waste Management Act			
	Knowingly transports, etc. hazardous waste without permit	F-1	9	1
	Transports, etc. hazardous waste without permit	F-2	7	2
	Violation of Act, DER Order, etc.	M-3	1	m
691.1—691.1001	Clean Streams Law			
	Violation of Act, DER Order, etc.	M-3	1	m
4001—4015	Air Pollution Control Act			
	Knowingly releases hazardous air pollutant	F-1	9	1
	Violation of Act, DER Order, etc.	M-2	2	m
	Negligently releases hazardous air pollution	M-3	1	m

\* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

#### JUDICIAL CODE

<i>42 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	9	2
(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	7	1
(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4

<i>42 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	9	2
(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	7	1
(a)(3)	Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	9	2
(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	7	1
(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	9	2
(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	7	1

\* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

#### TRADE AND COMMERCE

<i>73 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
517.8(a)(1)	Home improvement fraud-false/misleading statements (>\$2,000)	F-3	5	1
517.8(a)(1)	Home improvement fraud-false/misleading statements (<=\$2,000)	M-1	3	m
517.8(a)(1)	Home improvement fraud-false/misleading statements & victim >=60 yrs (>\$2,000)	F-2	7	2
517.8(a)(1)	Home improvement fraud-false/misleading statements & victim >=60 yrs (<=\$2,000)	F-3	5	1
517.8(a)(1)	Home improvement fraud; false or misleading statements (2nd/subsq off)	F-2	7	2
517.8(a)(2)	Home improvement fraud-adv. payment/fail to perform (>\$2,000)	F-3	5	1
517.8(a)(2)	Home improvement fraud-adv. payment/fail to perform (<=\$2,000)	M-1	3	m
517.8(a)(2)	Home improvement fraud-adv. payment/fail to perform & victim >=60 yrs (>\$2,000)	F-2	7	2
517.8(a)(2)	Home improvement fraud-adv. payment/fail to perform & victim >=60 yrs (<=\$2,000)	F-3	5	1
517.8(a)(2)	Home improvement fraud-adv. payment/fail to perform (2nd/subsq off)	F-2	7	2
517.8(a)(3)	Home improvement fraud-misrepresent/solicit contract (>\$2,000)	F-3	5	1
517.8(a)(3)	Home improvement fraud-misrepresent/solicit contract (<=\$2,000)	M-1	3	m
517.8(a)(3)	Home improvement fraud-misrepresent/solicit contract & victim >=60 yrs (>\$2,000)	F-2	7	2
517.8(a)(3)	Home improvement fraud-misrepresent/solicit contract & victim >=60 yrs (<=\$2,000)	F-3	5	1

<i>73 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
517.8(a)(3)	Home improvement fraud-misrepresent/solicit contract (2nd/subsq off)	F-2	7	2
517.8(a)(4)	Home improvement fraud-damage prop. to solicit contract (>\$2,000)	F-3	5	1
517.8(a)(4)	Home improvement fraud-damage prop. to solicit contract (<=\$2,000)	M-1	3	m
517.8(a)(4)	Home improvement fraud-damage prop. to solicit contract & victim >=60 yrs (>\$2,000)	F-2	7	2
517.8(a)(4)	Home improvement fraud-damage prop. to solicit contract & victim >=60 yrs (<=\$2,000)	F-3	5	1
517.8(a)(4)	Home improvement fraud-damage prop. to solicit contract (2nd/subsq off)	F-2	7	2
517.8(a)(5)	Home improvement fraud-misrepresent as govt. agent (>\$2,000)	F-3	5	1
517.8(a)(5)	Home improvement fraud-misrepresent as govt. agent (<=\$2,000)	M-1	3	m
517.8(a)(5)	Home improvement fraud-misrepresent as govt. agent & victim >=60 yrs (>\$2,000)	F-2	7	2
517.8(a)(5)	Home improvement fraud-misrepresent as govt. agent & victim >=60 yrs (<=\$2,000)	F-3	5	1
517.8(a)(5)	Home improvement fraud-misrepresent as govt. agent (2nd/subsq off)	F-2	7	2
517.8(a)(6)	Home improvement fraud-misrepresent item as special order (>\$2,000)	F-3	5	1
517.8(a)(6)	Home improvement fraud-misrepresent item as special order (<=\$2,000)	M-1	3	m
517.8(a)(6)	Home improvement fraud-misrepresent item as special order & victim >=60 yrs (>\$2,000)	F-2	7	2
517.8(a)(6)	Home improvement fraud-misrepresent item as special order & victim >=60 yrs (<=\$2,000)	F-3	5	1
517.8(a)(6)	Home improvement fraud-misrepresent item as special order (2nd/subsq off)	F-2	7	2
517.8(a)(7)	Home improvement fraud-alter agreement w/o consent (>\$2,000)	F-3	5	1
517.8(a)(7)	Home improvement fraud-alter agreement w/o consent (<=\$2,000)	M-1	3	m
517.8(a)(7)	Home improvement fraud-alter agreement w/o consent & victim >=60 yrs (>\$2,000)	F-2	7	2
517.8(a)(7)	Home improvement fraud-alter agreement w/o consent & victim >=60 yrs (<=\$2,000)	F-3	5	1
517.8(a)(7)	Home improvement fraud-alter agreement w/o consent (2nd/subsq off)	F-2	7	2
517.8(a)(8)	Home improvement fraud-deceptive advertisement (>\$2,000)	F-3	5	1
517.8(a)(8)	Home improvement fraud-deceptive advertisement (<=\$2,000)	M-1	3	m
517.8(a)(8)	Home improvement fraud-deceptive advertisement & victim >=60 yrs (>\$2,000)	F-2	7	2
517.8(a)(8)	Home improvement fraud-deceptive advertisement & victim >=60 yrs (<=\$2,000)	F-3	5	1
517.8(a)(8)	Home improvement fraud-deceptive advertisement (2nd/subsq off)	F-2	7	2
2330.3(2)	Computer spyware-collect personally identifiable info thru deception	F-2	7	2

<i>73 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2330.4(1)(i)	Computer spyware-take control of computer (transmit from users computer)	F-2	7	2
2330.4(1)(ii)	Computer spyware-take control of computer (cause damage to user's computer)	F-2	7	2
2330.4(1)(iii)	Computer spyware-take control of computer (use computer to damage another)	F-2	7	2
2330.4(2)	Computer spyware-modify settings related to computer access	F-2	7	2

\* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

#### VEHICLE LAW OFFENSES

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
1543(a)	Drive w/ susp. lic. (2nd/subsq off)	M	1	m
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC $\geq$ 0.02% /or under influence of controlled subst. (2nd off)	M-3	1	m
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC $\geq$ 0.02% /or under influence of controlled subst. (3rd/subsq off)	M-1	3	m
1571(a.1)	Violations concerning licenses-agents issuing altered driver's license	F-3	5	1
1571(a)(5)	Violations concerning licenses-exhibit fictitious driver's license	M-1	3	m
3105(g)(2)	Unauth. operation of preemptive device	M-3	1	m
3367	Racing on highways (2nd/subsq off)	M	1	m
3712(a)	Abandonment of vehicles-on highway (3rd/subsq off)	M-3	1	m
3712(b)	Abandonment of vehicles-public/private property (3rd/subsq off)	M-3	1	m
3712.2(a)	Stripping abandoned vehicles (2nd/subsq off)	F-3	5	1
3712.2(a)	Stripping abandoned vehicles (1st off)	M-3	1	m
3732(a)*	Homicide by vehicle-w/DUI conviction & active work zone	F-3 <sup>1</sup>	10	1
3732(a)*	Homicide by vehicle-w/DUI conviction & conviction for 75-3325/75-3327	F-3 <sup>1</sup>	10	1
3732(a)*	Homicide by vehicle-w/ DUI conviction	F-3	8	1
3732(a)*	Homicide by vehicle-active work zone	F-3 <sup>1</sup>	8	1
3732(a)*	Homicide by vehicle-w/ conviction for 75-3325/75-3327	F-3 <sup>1</sup>	8	1
3732(a)*	Homicide by vehicle	F-3	6	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction & active work zone	F-3 <sup>2</sup>	9	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction & conviction for 75-3325/75-3327	F-3 <sup>2</sup>	9	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction	F-3	7	1
3732.1(a)*	Aggravated assault by vehicle-active work zone	F-3 <sup>2</sup>	7	1
3732.1(a)*	Aggravated assault by vehicle-w/ conviction for 75-3325/75-3327	F-3 <sup>2</sup>	7	1
3732.1(a)*	Aggravated assault by vehicle	F-3	5	1



<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3733(a)	Fleeing or eluding police officer	M-2	2	m
3733(a)	Fleeing or eluding police officer-with DUI/cross state line/high-speed chase	F-3	5	1
3735(a)	Homicide by vehicle while DUI	F-2	10	2
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	9	2
3742(a)	Accident involving death/personal injury-failure to stop (death)	F-2	8	1
3742(a)	Accident involving death/personal injury-failure to stop (SBI)	F-3	5	1
3742(a)	Accident involving death/personal injury-failure to stop (injury)	M-1	3	m
3742.1(a)	Accident involving death/personal injury-not properly licensed (death)	F-3	6	1
3742.1(a)	Accident involving death/personal injury-not properly licensed (SBI)	F-3	5	1
3742.1(a)	Accident involving death/personal injury-not properly licensed	M-2	2	m
3743(a)	Accident involving damage to attended vehicle or property	M-3	1	m
3802	Driving under the influence of alcohol or controlled substance (DUI) (See mandatory provisions § 303.9(i))			§ 303.7(a)
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	1	m
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	1	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd/subsq off)	M-2	3	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (4th/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/B/SBI/death (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	1	1

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant)	M-1	5	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	1	m
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	1	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	m
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off)	M	1	m
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off)	M	1	m
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd/subsq off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (minor occupant)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	1	m
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (minor occupant)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off)	M	1	m
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd/subsq off)	M-1	5	1

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(d)(2)	DUI-controlled substances & incapable of safe driving (minor occupant)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off)	M	1	m
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd/subsq off)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (minor occupant)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off)	M	1	m
3802(d)(4)	DUI-controlled substances: solvent, etc. ( 2nd off)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (minor occupant)	M-1	5	1
3802(e)	DUI-minor driver (1st off)	M	1	m
3802(e)	DUI-minor driver (2nd off)	M	1	1
3802(e)	DUI-minor driver (3rd off)	M-1	5	1
3802(e)	DUI-minor driver (4th/subsq off)	M-1	5	1
3802(e)	DUI-minor driver (minor occupant)	M-1	5	1
3802(f)(1)(i)	DUI-commercial vehicles (1st off)	M	1	m
3802(f)(1)(i)	DUI-commercial vehicles (2nd off)	M	1	1
3802(f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	6	1
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	M-1	7	1
3802(f)(1)(i)	DUI-commercial vehicles (minor occupant)	M-1	5	1
3802(f)(1)(ii)	DUI-school vehicles (1st off)	M	1	m
3802(f)(1)(ii)	DUI-school vehicles (2nd off)	M	1	1
3802(f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	6	1
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off)	M-1	7	1
3802(f)(1)(ii)	DUI-school vehicles (minor occupant)	M-1	5	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	1	m
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	1	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	M-1	7	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant)	M-1	5	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	1	m
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	1	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq)	M-1	7	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant)	M-1	5	1

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	1	m
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	1	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	M-1	7	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant)	M-1	5	1
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	1	m
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025)	M-3	1	m
3808(b)	Tampering with ignition interlock system-using/providing breath sample	M	1	m
6308(d)	Investigation by police officers-records	M-3	1	m
6503.1	Habitual offenders	M-2	2	m
7111	Deal in titles/plates for stolen vehicles	M-1	3	m
7112	False report of theft or conversion of vehicle	M-3	1	m
7121	False application for title or registration	M-1	3	m
7122	Altered/forged/counterfeit title/plates	M-1	3	m
8306(b)	Willful violation-hazardous materials transportation regs (1st off)	M-3	1	m
8306(c)	Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs)	M-2	2	m

<sup>1</sup> statutory maximum increased by 5 years if offense occurred in active work zone (maximum=12 years)  
 statutory maximum increased by 5 years if also convicted of 75 § 3325 or 75 § 3327 (maximum=12 years)

<sup>2</sup> statutory maximum increased by 2 years if offense occurred in active work zone (maximum=9 years)  
 statutory maximum increased by 2 years if also convicted of 75 § 3325 or 75 § 3327 (maximum=9 years)

\* = Subcategorized Offenses. See 303.3(b).  
 m = Other Misdemeanor Offenses. See 303.7(a)(5).

**OMNIBUS ASSIGNMENTS**

<i>OMNIBUS ASSIGNMENTS</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
Offenses not otherwise listed and new offenses:	F-1	8	3
	F-2	7	2
	F-3	5	1
	Felony Not Classified	5	1
	M-1	3	m
	M-2	2	m
	M-3	1	m
	Misdemeanor Not Classified	1	m

\* = Subcategorized Offenses. See 303.3(b).  
 m = Other Misdemeanor Offenses. See 303.7(a)(5).

§ [ 303.16 ] 303.16(a). Basic Sentencing Matrix.

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder/SBI Rape (child <13 years)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	~/-12
	13	Inchoate Murder/no SBI Weapons (mass destr./injury) PWID Cocaine, etc. (>1,000 gms)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape IDSI Robbery (SBI)	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Asslt (SBI) Voluntary Manslaughter Sexual Assault PWID Cocaine, etc. (100-1,000 gms)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg. Indecent. Asslt Agg Asslt (att. SBI) Arson (person inside) Hom. by veh. (DUI & work zone) PWID Cocaine, etc. (50-<100 gms)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual exploitation of children Robbery (F1/F2) Burglary (home/person) Arson (no person inside)	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar/ RIP trade	8 (F1)	Agg Asslt (BI w/DW) Theft (firearm) Identity theft (60 yrs., 3rd off.) Hom. by veh. (DUI or work zone) Theft (>\$100,000) PWID Cocaine, etc. (10-<50 gms)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
LEVEL 3 State/ Cnty Incar RIP trade	7 (F2)	Robbery (inflicts/threatens BI) Burglary (home/no person) Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identity theft (3rd off.) PWID Cocaine, etc. (5-<10 gms)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA	+/- 6
	6	Agg Asslt (physical menace) Hom. by vehicle Burglary (not home/person) Theft (>\$25,000-\$50,000) Arson (property) PWID Cocaine, etc. (2<5 gms)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary (not home/no person) Theft (>\$2000-\$25,000) Bribery PWID (1-<10 lb of marij)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent assault M2 Forgery (money, stocks) Weapon on school property Crim Trespass (breaks in)	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 (M1)	Simple Assault Theft (\$200-\$2000) Carrying explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
LEVEL 1 RS	2 (M2)	Theft (\$50-<\$200) Retail Theft (1st, 2nd ) Bad Checks (\$500-<\$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA	+/- 3
	1 (M3)	Most Misd. 3's; Theft (<\$50) DUI (M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

1. Designated areas of the matrix indicate restrictive intermediate punishments may be imposed as a substitute for incarceration.
2. When restrictive intermediate punishments are appropriate, the duration of the restrictive intermediate punishment programs are recommended not to exceed the guideline ranges.
3. When the range is RS through a number of months (e.g. RS-6), RIP may be appropriate.
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. 9755(b) and 9756(b).
5. Statutory classification (e.g., F1, F2, etc.) in brackets reflect the omnibus OGS assignment for the given grade.

Key:

BC	=	boot camp	RIP	=	restrictive intermediate punishments
CNTY	=	county	RS	=	restorative sanctions
INCAR	=	incarceration	SBI	=	serious bodily injury
PWID	=	possession with intent to deliver	SL	=	statutory limit (longest minimum sentence)
REVOC	=	repeat violent offender category	~	=	no recommendation (aggravated sentence would exceed statutory limit)
RFEL	=	repeat felony 1 and felony 2 offender category	< ; >	=	less than; greater than

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 303.16(b). Basic Sentencing Matrix for Juveniles Convicted of 1st or 2nd Degree Murder.

Sentencing Guideline Recommendations for Murder of 1st or 2nd Degree If

Defendant is Younger than Age 18 at the Time of the Offense and the Conviction Occurred After June 24, 2012

	Prior Record Score								Agg / Mit	
	0	1	2	3	4	5	RFEL	REVOC		
Murder of 1st Degree*										
Offender Age 15 to < 18	420-Life	480-Life	540-Life	600-Life	660-Life	720-Life	780-Life	LWOP	+/-60**	
Offender Age <15	300-Life	348-Life	396-Life	444-Life	492-Life	540-Life	588-Life	LWOP	+/-48**	
Murder of 2nd Degree										
Offender Age 15 to < 18	360-624	396-624	432-624	468-624	504-624	540-624	576-624	612-624	+/-36**	
Offender Age <15	240-588	264-588	288-588	312-588	336-588	360-588	384-588	408-588	+/-24**	

Murder of the 1st Degree also includes 1st Degree Murder of an Unborn Child and 1st Degree Murder of Law Enforcement Officer

Murder of the 2nd Degree also includes 2nd Degree Murder of an Unborn Child and 2nd Degree Murder of Law Enforcement Officer

LWOP = Life without Parole

\*Commonwealth must provide reasonable notice to defendant of its intention to seek a sentence of life imprisonment without parole for Murder of 1st Degree (18 Pa.C.S. § 1102.1(b)).

\*\*A mitigated sentence cannot be less than the mandatory minimum sentence established in statute (18 Pa.C.S. § 1102.1)

§ [ 303.17. DWE ] 303.17(a). Deadly Weapon Enhancement/Possessed Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Possessed	81-SL	93-SL	105-SL	129-SL	177-SL	201-SL	213-SL	240	~- 12
	13	Possessed	69-87	75-93	81-99	87-105	93-111	105-123	117-135	240	+/-12
	12	Possessed	57-75	63-81	69-87	75-93	81-99	93-111	105-123	120	+/-12
	11	Possessed	45-63	51-69	57-75	63-81	69-87	81-99	93-111	120	+/-12
	10	Possessed	31-45	39-51	45-57	51-63	57-69	69-81	81-93	120	+/-12
	9	Possessed	21-33	27-39	33-45	39-51	45-57	57-69	69-81	120	+/-12
Level 4	8	Possessed	15-22	18-24	21-27	24-30	27-33	33-39	46-58	NA	+/-9
	7	Possessed	12-20	15-22	18-24	21-27	24-30	30-36	41-51	NA	+/-6
	6	Possessed	9-18	12-20	15-22	18-24	21-27	27-33	33-46	NA	+/-6
Level 3	5	Possessed	6-15	7-18	9-20	12-22	15-22	18-24	30-42	NA	+/-3
	4	Possessed	3-6	3-12	3-<15	6-17	9-19	12-19	24-33	NA	+/-3
	3	Possessed	3-4	3-9	3-12	3-<15	6-17	9-19	15-21	NA	+/-3
	2	Possessed	3-3	3-5	3-6	3-7	3-9	4-12	9-<15	NA	+/-3
	1	Possessed	3-3	3-4	3-5	3-6	3-7	3-9	6-9	NA	+/-3

§ [ 303.18. DWE ] 303.17(b). Deadly Weapon Enhancement/Used Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Used	90-SL	102-SL	114-SL	138-SL	186-SL	210-SL	222-SL	SL	~- 12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 3	4	Used	6-9	6-15	6-<18	9-20	12-22	15-22	27-36	NA	+/-3
	3	Used	6-7	6-12	6-15	6-<18	9-20	12-22	18-24	NA	+/-3
	2	Used	6-6	6-8	6-9	6-10	6-12	7-15	12-<18	NA	+/-3
	1	Used	6-6	6-7	6-8	6-9	6-10	6-12	9-12	NA	+/-3

§ [ 303.19. Youth/School Enhancement Matrices ] 303.18a. Youth Enhancement Matrix.

[ Basic Sentencing Matrix with Youth/School Enhancement: Youth Enhancement. ]

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	66-90	72-96	78-102	84-108	90-114	102-126	114-138	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	42-66	48-72	54-78	60-84	66-90	78-102	90-114	120	+/-12
	10	28-48	36-54	42-60	48-66	54-72	66-84	78-96	120	+/-12
	9	18-36	24-42	30-48	36-54	42-60	54-72	66-84	120	+/-12
4	8	15-28	18-30	21-33	24-36	27-39	33-45	46-64	NA	+/-9
	7	12-26	15-28	18-30	21-33	24-36	30-42	41-57	NA	+/-6
3	6	9-24	12-26	15-28	18-30	21-33	27-39	33-52	NA	+/-6
	5	6-21	7-24	9-26	12-28	15-28	18-30	30-48	NA	+/-3
	4	6-15	6-21	6-<24	9-26	12-28	15-28	27-42	NA	+/-3
	3	6-13	6-18	6-21	6-<24	9-26	12-28	18-30	NA	+/-3

§ 303.18(b). School Enhancement Matrix.

[ Basic Sentencing Matrix with Youth/School Enhancement. ]

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	72-102	78-108	84-114	90-120	96-126	108-138	120-150	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	48-78	54-84	60-90	66-96	72-102	84-114	96-120	120	+/-12
	10	34-60	42-66	48-72	54-78	60-84	72-96	84-108	120	+/-12
	9	24-48	30-54	36-60	42-66	48-72	60-84	72-96	120	+/-12



Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
4	8	21-40	24-42	27-45	30-48	33-51	39-57	52-76	NA	+/-9
	7	18-38	21-40	24-42	27-45	30-48	36-54	47-69	NA	+/-6
	6	15-36	18-38	21-40	24-42	27-45	33-51	39-64	NA	+/-6
	5	12-33	13-36	15-38	18-40	21-40	24-42	36-60	NA	+/-3
	4	12-27	12-33	12-<36	15-38	18-40	21-40	33-54	NA	+/-3
	3	12-25	12-30	12-33	12-<36	15-38	18-40	24-42	NA	+/-3

§ 303.18(c). Youth and School Enhancement Matrix.

[ Basic Sentencing Matrix with Youth/School Enhancement. ]

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	78-114	84-120	90-126	96-132	102-138	114-150	126-162	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	54-90	60-96	66-102	72-108	78-114	90-120	102-120	120	+/-12
	10	40-72	48-78	54-84	60-90	66-96	78-108	90-120	120	+/-12
	9	30-60	36-66	42-72	48-78	54-84	66-96	78-108	120	+/-12
4	8	27-52	30-54	33-57	36-60	39-63	45-69	58-88	NA	+/-9
	7	24-50	27-52	30-54	33-57	36-60	42-66	53-81	NA	+/-6
	6	21-48	24-50	27-52	30-54	33-57	39-63	45-76	NA	+/-6
	5	18-45	19-48	21-50	24-52	27-52	30-54	42-72	NA	+/-3
	4	18-39	18-45	18-<48	21-50	24-52	27 -52	39-66	NA	+/-3
	3	18-37	18-42	18-45	18-<48	21-50	24-52	30-54	NA	+/-3

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 303.19. Criminal Gang Enhancement Matrix.

Level	OGS	PRS								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	84-SL	96-SL	108-SL	132-SL	180-SL	204-SL	216-SL	SL	~/-12
	13	72-90	78-96	84-102	90-108	96-114	108-126	120-138	SL	+/-12
	12	60-78	66-84	72-90	78-96	84-102	96-114	108-126	SL	+/-12
	11	48-66	54-72	60-78	66-84	72-90	84-102	96-114	SL	+/-12
	10	34-48	42-54	48-60	54-66	60-72	72-84	84-96	SL	+/-12
	9	24-36	30-42	36-48	42-54	48-60	60-72	72-84	SL	+/-12

<i>Level</i>	<i>OGS</i>	<i>PRS</i>								<i>Agg/Mit</i>
		<i>0</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>RFEL</i>	<i>REVOC</i>	
4	8	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
	5	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
	4	12-15	12-21	12-<24	15-26	18-28	21-28	33-42	NA	+/-3
	3	12-13	12-18	12-21	12-<24	15-26	18-28	24-30	NA	+/-3

[Pa.B. Doc. No. 13-129. Filed for public inspection January 25, 2013, 9:00 a.m.]

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES

[ 210 PA. CODE CH. 63 ]

#### Amendment of the Internal Operating Procedures of the Supreme Court; No. 395 Judicial Adminis- tration Doc.

#### Order

*Per Curiam*

And Now, this 9th day of January, 2013, *It Is Ordered* that the Internal Operating Procedures of the Supreme Court are amended as set forth in the following form. The amendments shall be effective in 30 days.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

##### § 63.1. Introduction.

[ This manual of internal operating procedures is ] **The Internal Operating Procedures** are intended to implement Article V of the Constitution of Pennsylvania, statutory provisions, the Pennsylvania Rules of Appellate Procedure and the customs and traditions of this Court. No substantive or procedural rights are created, nor are any such rights diminished.

##### § 63.2. Preamble.

A. In the discharge of judicial duties, every [ **justice** ] **Justice** is responsible to the Court.

B. In its discharge of judicial functions, the Court is the responsibility of every [ **justice** ] **Justice**.

C. All [ **justices** ] **Justices** bear an equal responsibility for the proper disposition of every matter before the Court.

D. The assignment of a given matter to a single [ **justice** ] **Justice** is solely for the efficiency of the Court, and neither enhances the power of the assigned [ **justice** ] **Justice** nor diminishes the duty of the remaining [ **justices** ] **Justices** as to its proper disposition.

In furtherance of the duties expressed in the preamble, the following procedures, which may be amended without notice as circumstances require, have been adopted by the Court:

##### § 63.3. Decisional Procedures: Argued and Submitted Cases.

#### [ A. Argument Sessions

1. *Schedule.* Unless otherwise ordered by the Court, argument sessions shall be scheduled for one week periods during the months of January, March, April, May, September, October and December. Argument sessions shall begin at 9:30 a.m. unless otherwise designated.

#### 2. *Argued Cases.*

a. Death penalty cases are automatically assigned to an oral argument list immediately upon completion of the briefing schedule.

b. Cases in which allowance of appeal (“allocatur”) has been granted and cases which have been designated as suitable for oral argument shall be assigned to an argument list upon completion of the briefing schedule.

#### 3. *Direct Appeals.*

Because they would, under a differently structured judicial system, have gone to intermediate appellate courts for evaluation, direct appeals shall be submitted for screening rather than automatically accepted for oral argument. Therefore, as soon as briefs are received, all direct appeals other than death penalty cases will be assigned by the prothonotary to a justice on a rotating basis by seniority for preparation of a Disposition Memorandum, which will contain a short recitation of the facts, a brief discussion of the issues, and a recommendation of whether the case should be resolved by 1) a per curiam order; 2) affirmance on the opinion of the court below, plus, where possible/necessary a brief statement of matters not covered by that opinion; 3) submission on briefs; or 4) should be listed for oral argument. Each Disposition Memorandum shall be circulated to the Court within sixty (60) days of assignment, with contemporaneous notice to the prothonotary. It shall then be placed on a supplemental list for consideration and vote at the same time as opinions. (See IV. Opinions. A. Circulation schedule 3. Voting). Disposition Memoranda must be circulated to the Court ten (10) days prior to the list date to be placed on the vote list. The case shall thereafter be disposed of or listed for oral argument in accordance with the vote of the majority. If no clear majority emerges, the case will be listed for oral argument.

4. *Post Conviction Hearing Cases.* These appeals are treated in accordance with Rule 2311(b), Pa.R.A.P.

#### B. *Assignments*

1. *Conference.* Each day following oral argument the Court shall meet in conference to discuss the cases argued that day. The Chief Justice shall preside at the conference, lead the Court’s discussion, and call for a tentative vote on the decision of each case. The justices shall vote in an inverse order of seniority.

2. *Death Penalty Cases.* Cases in which the death penalty has been ordered shall be assigned in a separate rotation based on seniority to assure equal distribution of assignments among the members of the Court.

3. *Civil and Criminal Appeals.* Cases shall be assigned by the senior member of the majority in such a manner as to achieve equal distribution of assignments, and to avoid delay in deciding cases. If it appears that due to illness of a justice or for some other reason this purpose is not being served, the Chief Justice may, as a matter of his or her discretion, alter the assignment order.

In the event a justice to whom a case has been assigned subsequently decides to change his or her vote on the decision of the case and ceases to be among the majority, he or she shall provide a draft opinion along with a cover letter explaining the reason for the change of position.

Where appeals other than direct appeals have been submitted, the prothonotary shall direct the case to the Court for disposition after completion of the briefing schedule. The Chief Justice will assign the case for preparation of a draft opinion to an individual justice in the rotation established by seniority.

4. *Direct Appeals.* An argued direct appeal will be assigned to the justice who prepared the Disposition Memorandum, unless after preliminary vote his or her position is not that of the majority. In such an instance, the assignment shall be made by the senior member of the majority.

A direct appeal which the Court has determined shall be decided by opinion on the submitted briefs shall be assigned to the justice who prepared the Disposition Memorandum.

#### 5. *Per Curiam Orders*

1) A per curiam order may be used when the Court's decision:

- a) does not establish a new rule of law;
- b) does not alter, modify, criticize or clarify an existing rule of law;
- c) does not apply an established rule of law to a novel fact situation;
- d) does not constitute the only, or only recent binding precedent on a particular point of law;
- e) does not involve a legal issue of continuing public interest; or
- f) whenever the Court decides such an order is appropriate.

2) A per curiam order reversing an order of the lower court, must cite to controlling legal authority or give a full explanation as to the reasons for reversal. ]

#### A. *Argued Cases.*

1. *Argument Session Schedule.* Unless otherwise ordered by the Court, argument sessions shall be scheduled for one-week periods during the months of March, April, May, September, October and December. Daily arguments shall begin at 9:30 a.m. unless otherwise designated.

2. *Listing of Cases.* The following cases shall be listed for oral argument upon completion of the briefing schedule or as soon as practicable:

- a. Direct appeals from a judgment of sentence of death ("capital direct appeals").
- b. Cases in which allowance of appeal ("allocatur") has been granted, unless the Court has ordered that the appeal be submitted on the briefs.
- c. All other cases that have been designated by the Court as suitable for oral argument, including but not limited to non-capital direct appeals and Post Conviction Relief Act ("PCRA") appeals.

3. *Assignments.* Each day following oral argument the Court shall meet in conference to discuss the

cases argued that day. The Chief Justice shall preside at the conference, lead the Court's discussion, and call for a tentative vote on the decision of each case. The Justices shall vote in an inverse order of seniority.

Argued cases, except for non-capital direct appeals, shall be assigned at conference by the senior Justice in the majority position in such a manner as to achieve equal distribution of assignments and to avoid delay in deciding cases. If it appears that due to illness of a Justice or for some other reason this purpose is not being served, the Chief Justice may, as a matter of his or her discretion, alter the assignment order.

An argued non-capital direct appeal will be assigned to the Justice who prepared the disposition memorandum, unless after conference vote his or her position is not aligned with that of the majority, in which case the assignment shall be made by the senior member of the majority.

If a Justice to whom a case has been assigned subsequently decides to change his or her position on the proper decision of the case and ceases to be aligned with the conference majority view, he or she shall provide a draft opinion or proposed order along with an explanation of the change of position.

#### B. *Submitted Cases.*

When the Court has determined, either upon motion of the parties in advance of oral argument or sua sponte, that a case shall be decided on the submitted briefs, the Prothonotary shall direct the case to the Court for disposition upon completion of the briefing schedule or as soon as practicable. PCRA appeals shall be submitted on the briefs unless otherwise directed by the Court on its own motion or upon application, in accordance with Pa.R.A.P. 2311(b).

The Chief Justice will assign submitted cases in a rotation schedule by seniority, except for non-capital direct appeals, which shall be assigned to the Justice who authored the disposition memorandum. Capital PCRA appeals shall be assigned in a separate rotation, to ensure an even distribution of responsibility in those appeals. If it appears that there is an unequal distribution of cases or a delay in deciding cases, the Chief Justice may, as a matter of his or her discretion, alter the assignment order.

#### C. *Per Curiam Orders.*

1. A per curiam order may be issued

a. when the Court's decision:

- (1) does not establish a new rule of law;
- (2) does not alter, modify, criticize or clarify an existing rule of law;
- (3) does not apply an established rule of law to a novel fact situation;
- (4) does not constitute the only binding precedent on a particular point of law;
- (5) does not involve a legal issue of continuing public interest; or

b. whenever the Court decides such an order is appropriate.

2. A per curiam order reversing an order of the lower court must cite to controlling legal authority or provide a full explanation of the reasons for reversal.

3. In cases involving discretionary appeals, the Court may enter a per curiam order dismissing the appeal as improvidently granted.

4. A Justice may request that a per curiam order record that he or she voted for a different disposition.

5. A per curiam order shall indicate if a Justice did not participate in the consideration or decision of the matter.

#### 6. *Reconsideration Applications.*

a. *Assignment.* The Prothonotary shall assign applications for reconsideration to the Justice who authored the per curiam order.

b. *Circulation and Disposition.* The assigned Justice shall circulate to all members of the Court a recommended disposition within fourteen (14) days of the assignment or within seven (7) days of the date of assignment in Children's Fast Track appeals.\* A Justice who disagrees with the recommended disposition shall circulate a counter-recommendation within fourteen (14) days of the original recommendation or seven (7) days in Children's Fast Track appeals. A vote of the majority is required to grant reconsideration. In any case in which reconsideration is denied, a Justice may request that the order record that he or she voted to grant reconsideration. The order shall indicate if a Justice did not participate in the consideration or decision of the matter.

\* "Children's Fast Track appeal" is defined in Pa.R.A.P. 102. A "Children's Fast Track case" is any case involving an order regarding dependency, termination of parental rights, adoptions, custody or paternity. See 42 Pa.C.S. §§ 6301 et seq.; 23 Pa.C.S. §§ 2511 et seq.; 23 Pa.C.S. §§ 2101 et seq.; 23 Pa.C.S. §§ 5321 et seq.; 23 Pa.C.S. §§ 5102 et seq.

#### D. *Oral Argument.*

##### 1. *Guidelines for Oral Argument.*

a. No fixed amount of time is reserved for each argument. Oral argument is at the discretion of the Court and proceeds to the extent necessary to answer any questions the Justices may have on the issue(s).

b. Since the Court does not use a clock or light system, counsel should be alert to indications from the Chief Justice that the Court is satisfied that all questions have been addressed.

c. The Court does not ordinarily permit rebuttal. Counsel are advised not to request rebuttal. However, when necessary and appropriate, the Court may in its discretion request to hear further from counsel.

d. The Court is familiar with the cases to be heard at oral argument. Accordingly, counsel should avoid a recitation of the facts and procedural history and focus on the issue(s) to be argued.

e. The Court recognizes that oral argument is only one part of appellate advocacy. Counsel for the appellant should be selective in the issues to be

argued and may rely on their briefs for the remainder of the issues. Nothing is waived by this process. The appellee's counsel should generally respond only to the issues argued by the appellant's counsel.

f. In cases involving multiple parties represented by separate counsel, counsel should strive to avoid repetitive presentations.

g. If a party's counsel fails to appear for argument, opposing counsel may be asked to submit the case on the briefs.

h. Counsel are advised not to use graphs and charts on easels. Instead, copies of such matters should be provided to the court crier for distribution to the Court. Counsel must also provide advance copies to opposing counsel.

2. *Requests by Amicus Curiae.* In cases where amicus curiae has filed a brief, requests by amicus to present oral argument shall be made by application and will be granted only in extraordinary circumstances. Applications to present oral argument are assigned to the Chief Justice, who will circulate a recommendation to the Court. A vote of the majority is required to grant the request.

#### § 63.4. *Opinions.*

##### [ A. *Circulation Schedule.*

1. *Preparation of Opinions.* Preparation of opinions and responses to circulating opinions shall be given the highest priority. The justice to whom the drafting of an opinion has been assigned shall, absent extraordinary circumstances, circulate a proposed opinion to all members of the Court, with contemporaneous notice to the prothonotary's office, within ninety (90) days of the assignment or within forty-five (45) days of the assignment of a Children's Fast Track appeal.

2. *Concurrences and Dissents.* Concurrences and dissents shall be circulated to all members of the Court within forty (40) days of the date on which votes on the proposed majority opinions are due. For Children's Fast Track appeals, concurrences and dissents shall be circulated to all members of the Court within twenty (20) days of the date on which votes on the proposed majority opinions are due. Such concurrences and dissents shall be placed on the next available voting list following their circulation to the Court. The prothonotary's office shall receive contemporaneous notice of concurrences or dissents.

3. *Voting.* Consideration of proposed opinions shall occur at a regularly scheduled opinion conference, either by written vote, or via telephone conference call. Lists of circulating opinions shall be supplied to the members of the Court and the prothonotary by the office of the Chief Justice on a regularly scheduled list date. The list date shall be set for the first Monday of every month, or, if that date is a holiday, on the Tuesday following the Monday holiday. The cases listed shall include all opinions submitted for the Court's consideration as of ten (10) days prior to the list date.

a. *Written Votes.* Written votes on listed cases shall be returned to the Chief Justice's office on the fifth business day following publication of the list. Within two (2) business days following submission of written votes, the office of the Chief Justice will circulate to all justices a compilation of all votes

received. Within two (2) days after receipt of the compilation, the office of the Chief Justice must be advised of any correction to the voting list results. On the next business day, the fifth day following the voting conference, the office of the Chief Justice shall issue a confidential list to the prothonotary of all cases which are ready to be filed together with the votes of the justices. No case will appear on the confidential list unless all votes are recorded. Notice of the forthcoming filings shall be posted, by case name and number only, in the office(s) of the prothonotary, and the prothonotary will docket opinions consistent with the information received.

*(Court Note:* For the purpose of this section, the office of the prothonotary shall include all three district offices.)

**b. Telephone Conferences.** Any justice may request that any case be held for telephone conference by making such request in writing to the office of the Chief Justice with notice to all other justices and the prothonotary after receipt of the monthly voting list. The list will also indicate a date certain on which a telephone conference will be held for any cases so designated. Cases may be held for discussion to take place at the next scheduled court conference following oral argument by a vote of three justices.

**c. Holds.** Cases may be placed on Hold for twenty (20) day periods, or ten (10) day periods for Children's Fast Track appeals, following circulation of a letter to the members of the Court and to the prothonotary explaining the reasons for the hold, e.g., a forthcoming opinion in a pending case, or preparation of dissent or concurrence. In instances where the hold relates to preparation of a dissent or concurrence, the hold period shall commence on the original due date for the dissent or concurrence, that is, the fortieth day after votes are due on vote listed cases or the twentieth day for Children's Fast Track appeals. In no event shall circulation of a dissent or concurrence occur beyond sixty (60) days from the date votes are due on vote listed cases or thirty (30) days for Children's Fast Track appeals. If, within thirty (30) days for Children's Fast Track appeals or sixty (60) days for all other cases of the date votes are due on majority opinions no dissent or concurrence has been placed in circulation, the case will be put down, and the dissenting or concurring justice will be noted as not having participated in the decision of the case.

**d. Reassignment.** When a concurrence or dissent garners a majority of votes, the case shall be reassigned to the author of the concurrence or dissent, whose majority opinion shall then be forthcoming within thirty (30) days of the reassignment, or, for Children's Fast Track appeals, within fifteen (15) days.

**4. Monitoring.** The prothonotary shall provide the Court with a monthly table, or for Children's Fast Track appeals a semimonthly table, showing the name, docket number, journal number, assignment, assignment date and circulation date of all argued and submitted cases. All argued and submitted cases which are open for more than one hundred fifty (150) days, or for Children's Fast Track appeals which are open for more than seventy-five (75) days, and all petitions for reargument which are

open for a period of more than forty-five (45) days or, for Children's Fast Track appeals that are open for a period of more than twenty-one (21) days, shall be separately listed.

5. Notwithstanding any contrary procedures set forth above, justices shall give priority in both circulation of and voting on proposed decisions in Children's Fast Track appeals.

#### **B. Labeling.**

1. **Majority.** An opinion will be labeled "Opinion" when a majority of the Court joins the opinion.

Proposed majority opinions that involve multiple, complex issues which the Justice believes may garner disparate votes should be divided into sections. See, e.g., *Phillips v. Cricket Lighters*, 841 A.2d 1000 (Pa. 2003). If there is a split on an opinion that has been divided into sections, the author of the lead opinion will be responsible for preparing a short introductory explanatory statement regarding the breakdown of votes.

2. **Concurrences and Dissents.** An opinion is a "concurring opinion" when it agrees with the result of the lead opinion. A Justice who agrees with the result of the lead opinion, but does not agree with the rationale supporting the lead opinion, in whole or in part, may write a separate "concurring opinion." An opinion is a "dissenting opinion" when it disagrees with the result of the lead opinion. An opinion is "concurring and dissenting opinion" only when there is more than one result and the Justice agrees with one or more of the results, but not the other(s). Alternatively, a Justice may choose to "concur in result" or "dissent" without writing a separate opinion.

#### **C. Reargument Petitions.**

1. **Assignment.** Upon receipt of a petition for reargument of an order of the Court disposing of an appeal, the prothonotary shall direct the petition to the author of the majority opinion. If the appeal was resolved without opinion, the petition will be directed to the office of the Chief Justice to be assigned to the most senior member of the majority. In the event that the appeal was resolved by an equally divided Court, the petition shall be assigned to the author of the opinion in support of affirmance.

2. **Circulation.** The justice to whom the reargument petition was assigned shall circulate to all members of the Court a recommended disposition of the petition within fourteen (14) days of the assignment or within seven (7) days of the date of assignment for Children's Fast Track appeals. A justice who disagrees with the recommended disposition shall circulate a counter recommendation within fourteen (14) days of the original recommendation or seven (7) days for Children's Fast Track appeals. A vote of the majority is required to grant reargument. ]

#### **A. Circulation Schedule; Voting; Hold; Reassignment.**

1. **Preparation of Opinions.** Preparation of opinions and responses to circulating opinions shall be given the highest priority.

a. **Majority.** The assigned Justice shall, absent extraordinary circumstances, circulate a proposed

majority opinion to all members of the Court within ninety (90) days of the assignment in single-issue cases and serial capital PCRA appeals, within one hundred and twenty (120) days in multiple-issue cases, within one hundred and fifty (150) days in capital direct appeals, within one hundred and eighty (180) days in first capital PCRA appeals, or within forty-five (45) days of the assignment of a Children's Fast Track appeal. The Court should make every effort to decide cases by clear majority disposition.

b. *Concurrences and Dissents.* Justices who are aligned as to the result should collaborate as much as possible to achieve a unified position in responsive opinions. Concurrences and dissents shall be circulated to all members of the Court within forty (40) days of the date on which votes on the proposed majority opinions were due in single-issue cases and serial capital PCRA appeals, within sixty (60) days in multiple-issue cases, within seventy-five (75) days in capital direct appeals, and within ninety (90) days in first capital PCRA cases. Matters may also be held for additional review by a Justice during these time periods. In Children's Fast Track appeals, concurrences and dissents shall be circulated to all members of the Court within twenty (20) days of the date on which votes on the proposed majority opinion were due.

2. *Monthly Vote Lists.* Circulating proposed opinions are voted upon each month according to the schedule provided by the Chief Justice for use in that calendar year. Each monthly vote list shall be circulated by the Chief Justice the first Monday of the month, or, if that date is a holiday, on the first Tuesday of the month; the dates to circulate the vote lists may be adjusted. The cases listed shall include all proposed majority opinions, per curiam opinions and dispositive per curiam orders in appeal cases submitted for the Court's consideration as of ten (10) days prior to the circulation of the vote list. Responsive opinions to majority opinions on a vote list shall be circulated by 5:00 p.m. on the Friday before the vote list is circulated; responsive opinions circulated after that time shall move the case to the next vote list. Responsive opinions to majority opinions not already on a vote list shall be placed on the next available vote list following their circulation to the Court.

3. *Entry of Votes.* Votes on listed cases shall be entered according to the schedule provided by the Chief Justice. Generally speaking, votes are due on the fifth business day following circulation of the vote list. However, that time frame is adjusted to account for holidays, court sessions and other anticipated conflicts. The vote schedule for the calendar year distributed to the Court by the Chief Justice specifies the vote day for each month. Within two (2) business days following entry of the votes, the Chief Justice will circulate to all Justices a disposition, listing the votes for each case. Within two (2) days after circulation of the disposition, the Chief Justice must be advised of any correction. On the next business day (the fifth business day following the entry of votes) the Chief Justice shall circulate to the Court and to the Prothonotary a confidential list of all cases ready to be filed together with the votes of the Justices. No case will appear on the confidential list unless all votes are

recorded. The Prothonotary will docket opinions consistent with the information received.

a. Permissible votes include "join majority opinion"; "join majority opinion/author concurring opinion"; "author revised majority opinion"; "author concurring opinion"; "author revised concurring opinion"; "hold for concurring opinion"; "join concurring opinion"; "author dissenting opinion"; "author revised dissenting opinion"; "hold for dissenting opinion"; "join dissenting opinion"; "author concurring/dissenting opinion"; "hold for concurring/dissenting opinion"; "join concurring/dissenting opinion"; "hold for further review"; "do not participate"; or "other." A Justice may also "concur in the result" or "dissent without opinion," but these options should not be employed if the vote is dispositive.

b. *Telephone Conferences and Administrative Agenda.* After receipt of the monthly vote list, any Justice may request that any case be held for telephone conference by making such request in writing or electronically to the Chief Justice with notice to all other Justices. The list will also indicate a date certain on which a telephone conference will be held for any cases so designated. At the request of any Justice, and upon approval by the Chief Justice, cases may be held for discussion to take place at the next scheduled administrative agenda.

c. *Holds.* Upon entry of any hold vote, the period required for response shall correspond to the time periods allowed for circulation of concurrences and dissents. A Justice may request additional leeway upon circulation of an internal letter explaining the reasons for the delay and estimating the time for completion of the review or responsive opinion. If the review or responsive opinion is not completed by the designated time, additional status information shall be provided every twenty (20) days thereafter, except when the matter has been placed on hold for another pending case; in that event, the matter shall be resolved upon the resolution of the pending case. Once a matter has been voted upon and the time period initially allowed for circulation of concurrences and dissents has passed, holds upon subsequent listings are strongly discouraged. Held opinions are to be resolved expeditiously. In a Children's Fast Track appeal, in no event shall circulation of a responsive opinion occur beyond thirty (30) days from the date the vote was initially due.

Upon appropriate notice to a "holding" Justice and an opportunity to respond, the Chief Justice in his or her discretion may direct the filing of an opinion with a "holding" Justice noted as not participating in the decision of the matter, dissenting without opinion, concurring in the result, or with an opinion to follow, as the case may be. In Children's Fast Track appeals, if, within thirty (30) days of the date votes are due on majority opinions no dissent or concurrence has been placed in circulation, the case will be filed, and the dissenting or concurring Justice will be noted as not having participated in the decision of the matter.

d. *Reassignment.* When a concurrence or dissent garners a majority of votes, the author of the proposed majority opinion may withdraw the opinion to revise to accommodate the new majority, or

the case shall be reassigned to the author of the concurrence or dissent. Upon reassignment, and absent extraordinary circumstances, the new majority opinion shall be circulated within thirty (30) days in single-issue cases and serial capital PCRA appeals, sixty (60) days in multiple-issue cases, seventy-five (75) days in capital direct appeals, ninety (90) days in first capital PCRA appeals, and, in Children's Fast Track appeals, within fifteen (15) days.

Notwithstanding any contrary procedures set forth above, Justices shall give priority in both circulation of and voting on proposed opinions in Children's Fast Track appeals.

### B. Labeling of Opinions.

1. *Majority Opinion.* An opinion will be labeled "Opinion" when a majority joins the rationale and result of the opinion. Majority opinions shall list the composition of the Court hearing the appeal, and shall indicate when a Justice did not participate in the consideration or decision of the matter. Proposed majority opinions that involve multiple, complex issues which the authoring Justice believes may garner disparate votes should be divided into sections. If there is a split in votes in an opinion that has been divided into sections, the authoring Justice will be responsible for preparing a short introductory statement summarizing the resulting votes.

2. *Concurrences and Dissents.* An opinion is a "concurring opinion" when the Justice agrees with the result of the proposed majority opinion. A Justice who agrees with the result of the proposed majority opinion, but does not agree with the rationale supporting the proposed majority opinion, in whole or in part, may write a separate "concurring opinion." An opinion is a "dissenting opinion" when the Justice disagrees with the result of the proposed majority opinion.

As a general rule, an opinion is a "concurring and dissenting opinion" when there is more than one issue and the Justice agrees with the majority's disposition of some but not all issues, and is in disagreement with the mandate. There may be occasions, however, in which a Justice may agree with the outcome but may disagree with a principle enunciated by a majority of the Court which will govern the outcome of other cases. In such instances, Justices are not strictly bound to concur outright; rather, they retain the discretion to label responses as concurring and dissenting.

Alternatively, a Justice may choose to "concur in the result" or "dissent" without writing a separate opinion, although both options are strongly disfavored if the vote is dispositive.

3. *Other designations.* An opinion shall be designated as the "Opinion Announcing the Judgment of the Court" when it reflects only the mandate, and not the rationale, of a majority of Justices. When the votes are equally divided, any resulting opinions shall be designated as the "Opinion in Support of Affirmance" or "Opinion in Support of Reversal," as the case may be. In all such opinions, the name of any Justice not participating in the consideration or decision of the matter shall be noted.

### C. Reconsideration Applications.

1. *Assignment.* The Prothonotary shall assign applications for reconsideration to the author of the majority opinion or the opinion announcing the judgment of the Court. If the appeal was resolved by an equally divided Court, the petition shall be assigned to the author of the opinion in support of affirmance.

2. *Circulation and Disposition.* The assigned Justice shall circulate to all members of the Court a recommended disposition within fourteen (14) days of the assignment or within seven (7) days of the assignment in Children's Fast Track appeals. A Justice who disagrees with the recommended disposition shall circulate a counter-recommendation within fourteen (14) days of the original recommendation or seven (7) days in Children's Fast Track appeals. A vote of the majority is required to grant reconsideration. In any case in which reconsideration has been denied, a Justice may request that the order record that he or she voted to grant reconsideration. All orders shall indicate if a Justice did not participate in the consideration or decision of the matter.

*(Editor's Note: The following rule is new and printed in regular type to enhance readability.)*

#### § 63.5. Non-Capital Direct Appeals.

A. *Assignment.* All non-capital direct appeals shall be reviewed by the Court to determine their suitability for oral argument. As soon as all briefs have been received, the non-capital direct appeal will be assigned by the Prothonotary to a Justice on a rotating basis by seniority for preparation of a disposition memorandum, which will contain a short recitation of the facts, a brief discussion of the issues, and a recommendation as to whether the case should be (1) listed for oral argument; (2) submitted on the briefs; (3) resolved by affirmance on the opinion of the court below, including when necessary a brief statement of matters not covered by that opinion; or (4) resolved by per curiam order.

A per curiam order may be issued

1. when the Court's decision:
  - a. does not establish a new rule of law;
  - b. does not alter, modify, criticize or clarify an existing rule of law;
  - c. does not apply an established rule of law to a novel fact situation;
  - d. does not constitute the only binding precedent on a particular point of law;
  - e. does not involve a legal issue of continuing public interest; or
2. whenever the Court decides such an order is appropriate.

A per curiam order reversing an order of the lower court must cite to controlling legal authority or provide a full explanation of the reasons for reversal.

B. *Circulation and Disposition:* Each disposition memorandum shall be circulated to the Court within sixty (60) days of assignment. It shall then be placed on a supplemental list for consideration and vote at the same time as opinions. Disposition Memoranda must be circulated to the Court at least ten (10) days prior to circulation of the vote list to be placed on that vote list. A hold for the purpose of preparing a counter-recommendation shall not



exceed thirty (30) days; only by vote of the majority may a hold be extended beyond thirty (30) days, but in no event shall a hold exceed ninety (90) days.

The case shall thereafter be resolved in accordance with the vote of the majority. If no clear majority emerges, the case will be listed for oral argument. A Justice may request that the order record that he or she voted for a different disposition. All orders resolving a non-capital direct appeal shall indicate if a Justice did not participate in the consideration or decision of the matter.

*C. Reconsideration Applications.*

1. *Assignment.* The Prothonotary shall direct the application for reconsideration to the Justice who prepared and filed the order.

2. *Circulation and Disposition.* The assigned Justice shall circulate to all members of the Court a recommended disposition within fourteen (14) days of the assignment. A Justice who disagrees with the recommended disposition shall circulate a counter-recommendation within fourteen (14) days of the original recommendation. A vote of the majority is required to grant reconsideration. In any case in which reconsideration has been denied, a Justice may request that the order record that he or she voted to grant reconsideration. All orders shall indicate if a Justice did not participate in the consideration or decision of the matter.

§ [ 63.5 ] 63.6. Allocaturs.

A. *Standards.* Petitions for allowance of appeal (“allocaturs”) may be granted for any of the following reasons:

1. [ **that** ] the holding of the intermediate appellate court conflicts with another intermediate appellate court opinion;
2. [ **that** ] the holding of the intermediate appellate court conflicts with a holding of this Court or the United States Supreme Court on the same legal question;
3. [ **that** ] the question presented is one of first impression;
4. [ **that** ] the question presented is one of such substantial public importance as to require prompt and definitive resolution by this Court;
5. [ **that** ] the issue involves the constitutionality of a statute of this Commonwealth;
6. [ **that** ] the intermediate appellate court has so far departed from accepted judicial practices or so abused its discretion as to call for the exercise of this Court’s supervisory authority; or
7. [ **that** ] the intermediate appellate court has erroneously entered an order quashing or dismissing an appeal.

B. *Assignment.* **The Prothonotary shall initially screen allocatur petitions for compliance with the applicable appellate rules. Untimely petitions may be refused for filing by the Prothonotary without further action of the Court.**

Petitions for allowance of appeal shall be assigned to individual [ **justices** ] **Justices** by the [ **prothonotary’s office** ] **Prothonotary** on a rotating basis **by seniority** for preparation of an allocatur report. **Petitions from the same district presenting the same question shall be consolidated; petitions from different districts that present the same question may be consolidated at the discretion of the Court.**

*C. Circulation and Disposition.* Allocatur reports [ **are to** ] shall be circulated within [ **sixty (60)** ] **ninety (90)** days of the receipt of such an assignment [ **with notice to the prothonotary’s office that the report is in circulation** ]. The proposed disposition date shall not be greater than sixty (60) days from the date of circulation. Holds may be placed on **allocatur** petitions [ **for allowance of appeal** ] only upon written notice to the members of the Court [ **and the prothonotary** ] as to the reasons for the hold, e.g., the existence of another petition from another district presenting the same question. No hold may be placed on a petition without the existence of a terminus, e.g., the issuance of an opinion on a petition presenting the same question. [ **A hold for the purpose of preparing a counter report shall not exceed thirty (30) days; only by vote of the majority can a hold be extended beyond thirty (30) days, but in no event shall a hold exceed ninety (90) days. Petitions from the same district presenting the same question shall be consolidated; petitions from different districts presenting the same question may be consolidated at the discretion of the Court.** ] Where a hold results from the existence of another petition presenting the same issue, the parties shall be notified of the hold and the case [ **which** ] that will determine the issue. A hold for the purpose of preparing a counter-report shall not exceed thirty (30) days; only by vote of the majority may a hold be extended beyond thirty (30) days, but in no event shall a hold for such purpose exceed ninety (90) days.

Notwithstanding any contrary procedures set forth above, allocatur reports in Children’s Fast Track appeals are to be circulated within thirty (30) days of the receipt of the assignment [ **with notice to the prothonotary’s office that the report is in circulation** ], and the proposed disposition date shall not be greater than thirty (30) days from the date of circulation. A hold for purposes of preparing a [ **counter report** ] **counter-report** in a Children’s Fast Track appeal shall not exceed fifteen (15) days; only by vote of the majority [ **can** ] **may** a hold be extended beyond fifteen (15) days, but in no event shall a hold exceed forty-five (45) days.

[ *C. Disposition.* **A petition for allocatur is granted upon** ] Upon the affirmative vote of three or more [ **members of the Court. Orders granting allocatur** ] **Justices, allocatur will be granted and the case will be listed for oral argument, unless the order indicates that the matter will be submitted on the briefs. An order granting an allocatur petition shall specify the issues upon which allocatur was granted[ , and whether the case is to be submitted on briefs or designated by the Court to be heard at the argument session. The order shall also contain the names of any justices not participating in the decision. In any case in which allocatur has been denied, a justice may request that the order of denial record that he or she voted to grant the petition ]**.

A per curiam order granting allocatur and reversing an order of the lower court must cite to controlling legal authority or provide a full explanation of the reasons for reversal.

A Justice may request that the order resolving the allocatur petition record that he or she voted for a different disposition. All orders shall indicate if a Justice did not participate in the consideration or decision of the matter.

D. *Reconsideration Applications*. [A vote of the majority is required to grant reconsideration.

E. *Monitoring*.

1. The prothonotary shall issue to the Court a confidential monthly report showing the name and docket number, assignment, assignment date and circulation date of all allocatur reports. Assignments open for more than sixty (60) days shall be separately listed. Monthly reports showing the filing date, and the votes for and against the granting of each allocatur petition shall also be provided by the prothonotary's office to each justice.

2. Cases shall be screened by the prothonotary for compliance with applicable appellate rules. Untimely filed petitions may be dismissed by the prothonotary without further action of the Court. ]

1. *Assignment*. The Prothonotary shall direct applications for reconsideration to the Justice who authored the allocatur report.

2. *Circulation and Disposition*. The assigned Justice shall circulate to the Court a recommended disposition within fourteen (14) days of the date of the assignment, or within seven (7) days of the date of assignment in Children's Fast Track appeals. A Justice who disagrees with the recommended disposition shall circulate a counter-recommendation within fourteen (14) days of the original recommendation, or within seven (7) days of the date of the original recommendation in Children's Fast Track appeals. A vote of the majority is required to grant reconsideration. In any case in which reconsideration

has been denied, a Justice may request that the order record that he or she voted to grant reconsideration. All orders shall indicate if a Justice did not participate in the consideration or decision of the matter.

§ [ 63.6 ] 63.7. Motions, Miscellaneous Petitions, and Applications for Relief.

A. [ *Assignments*. All assignments of applications for relief ] *Duties of Prothonotary*. All assignments of motions, miscellaneous petitions and applications for relief, including emergency motions and those requesting the exercise of King's Bench powers, extraordinary jurisdiction and original jurisdiction, shall originate in the [ *prothonotary's* ] *Prothonotary's* office. No motions, petitions or applications will be considered which were not first filed in the [ *office of the prothonotary* ] *Prothonotary's* office and thence assigned [ *unless a Rule of Appellate Procedure specifies otherwise* ]. Documents may be filed in paper format, or by electronic or facsimile transmission. Once received, motions, petitions and applications will be monitored by the [ *deputy prothonotary* ] *Prothonotary's* office for compliance with applicable appellate rules. [ *Motions, etc., which* ] *Proposed filings* that are not in compliance will not be docketed. [ *Matters which* ] *Proposed filings* that are in compliance will be docketed and a response will be [ *sought* ] *allowed*. At the expiration of the response period the documents will be forwarded to the Court.

*Procedural motions* (e.g., requests for extension of time, requests to exceed page limits, and requests to proceed in forma pauperis) may be resolved by the Prothonotary without further action of the Court.

(Court Note: Time periods for responses\*)

<i>Filing</i>	<i>Rule</i>	<i>Response Period</i>
Application for Relief (Extensions)	123	14 Days [ * ]
Jurisdictional Statement	909(b)	14 Days
Petition for Allocatur	1116	14 Days
<b>Petition for Allocatur—Children's Fast Track Cases</b>	<b>1116(b)</b>	<b>10 Days</b>
Reconsideration	1123	No Answer Permitted
Petition for Perm. To Appeal	1314	14 Days
Petition for Review	1516(c)	30 Days [ * ]
N.B. No Answer Required Unless Petition Contains Notice to Plead Application for Release (Bail)	1762	14 Days
Reargument	2545	14 Days
Original Process (e.g., Habeas, Mandamus)	3307	14 Days [ * ]
Extraordinary Relief	3309	14 Days [ * ]

\* [ *Could* ] *May* be shorter in stay or supersedeas applications when circumstances require, or by court order.)

B. *Assignment, Circulation and Disposition*. [ *The* ] *All* motions, petitions and applications will be assigned to the Chief Justice, except for emergency motions, motions addressed to a single Justice, and applications for stay of execution in capital cases.

*In matters assigned to the Chief Justice*, the Chief Justice will prepare [ *memoranda* ] *a memorandum* setting forth the positions of the parties [ , ] and a recommended disposition. [ *Vote proposals shall* ] *Recommendations* should be circulated within [ *thirty* (30) ] *sixty* (60) days from the date [ *of assignment, and shall* ] *the answer is filed or is due to be filed,*

whichever occurs first, and should contain a proposed disposition date no greater than thirty (30) days from the date of circulation, except [ for ] in Children's Fast Track cases, in which [ vote proposals must ] recommendations shall be circulated within fifteen (15) days from the date the answer is filed or due to be filed, whichever occurs first, and the proposed disposition date shall be no greater than fifteen (15) days from the date of circulation. [ \* ] A vote of the majority [ of those participating ] is required to implement the proposed disposition.

[ \* For purposes of this section, a "Children's Fast Track case" is any case involving an order regarding dependency, termination of parental rights, adoptions, custody or paternity. See 42 Pa.C.S. §§ 6301 et seq.; 23 Pa.C.S. §§ 2511 et seq.; 23 Pa.C.S. §§ 2101 et seq.; 23 Pa.C.S. §§ 5301 et seq.; 23 Pa.C.S. §§ 5102 et seq. ]

Every motion, petition or application shall be decided within sixty (60) days, or within thirty (30) days [ for ] in Children's Fast Track cases. A Justice may request that the order record that he or she voted for a different disposition. Orders disposing of motions [ shall include the names of any justices who ], petitions and applications shall indicate if a Justice did not participate in the consideration or decision of the matter. [ Procedural motions, e.g., requests for extension of time, requests to exceed page limits, and to proceed in forma pauperis, are to be disposed of by the prothonotary's office after screening by the deputy prothonotary. ]

[ (Court Note: Deputy prothonotaries are to be attorneys. )

#### C. Emergency Motions.

1. **Assignment.** On or before the first Monday in January, the Chief Justice shall publish a calendar of duty assignments for the handling of emergency [ petitions ] motions. Two [ justices, one from the eastern district and one from the western district ] Justices will be assigned by the Chief [ justice ] Justice on a monthly rotating basis to review emergency [ petitions ] motions for the Eastern and Western Districts. Cases filed in the [ middle district ] Middle District will be assigned alternately between the [ Philadelphia and Pittsburgh duty justices ] Eastern and Western District duty Justices.

2. **Circulation and Disposition.** Any motion assigned to the duty [ justice ] Justice may at the discretion of that [ justice ] Justice be referred to the full Court for consideration, with or without the entry of an interim order. [ Moreover, emergency applications for stay of execution in death penalty cases may only be denied by a majority vote of the Court.

2. Emergency motions may be filed by fax with the prothonotary, who will forward the papers to the duty justice, or a substitute. No other filing by fax will be permitted. ]

D. **Motions Directed to a Single Justice [ Motions ].** A [ duty justice ] Justice may entertain and may grant or deny [ \* ] any request for relief which may [ , ] under [ Pa.R.App.P. ] Pa.R.A.P. 123 [ , ] or 3315 properly be

sought by motion, except that a single [ justice ] Justice may not dismiss or otherwise determine an appeal or other proceeding.

[ \* See exception under C. Emergency Motions. ]

#### E. Applications for Stay of Execution in a Capital Case.

1. **Contents of application.** The applicant shall set forth the procedural history of the case, certify that the matter involves an emergency, and specify any other applications for stay of execution that have been or will be filed, including those in federal courts. The application shall include any relevant orders and trial court docket entries. Whenever possible, applicants shall give the Prothonotary advance notice of the anticipated filing of an application for a stay of execution.

2. **Assignment.** The application for stay of execution will be assigned to the duty Justice.

3. **Circulation and Disposition.** The assigned Justice shall promptly circulate a proposed disposition and the application shall be resolved according to the vote of the majority.

#### F. Reconsideration Applications.

1. **Assignment.** The Prothonotary shall direct applications for reconsideration to the Justice who entered the order resolving the application.

2. **Circulation and Disposition.** The assigned Justice shall circulate to the Court a recommended disposition within fourteen (14) days of the date of the assignment, within seven (7) days of the date of assignment in Children's Fast Track appeals, or as soon as practicable in emergency and stay of execution matters. A Justice who disagrees with the recommended disposition shall circulate a counter-recommendation within fourteen (14) days of the original recommendation, within seven (7) days of the date of the original recommendation in Children's Fast Track appeals, or as soon as practicable in emergency and stay of execution matters. A vote of the majority is required to grant reconsideration. In any case in which reconsideration has been denied, a Justice may request that the order record that he or she voted to grant reconsideration. All orders shall indicate if a Justice did not participate in the consideration or decision of the matter.

§ 63.7. [ Communications from Counsel in Pending Cases ] (Rescinded).

[ Whenever any matter is pending before the Court, all communications to the Court from counsel are to be addressed to the prothonotary's office with copies to all other counsel. ]

§ 63.8. [ Quorum ] (Rescinded).

[ A majority of the Court shall be a quorum of the Court. ]

§ 63.9. [ Suspension of Procedures ] (Rescinded).

[ Whenever exceptional or emergency conditions require speedy action, or whenever there is other good cause for special action regarding any matter, the operation of these procedures may be suspended by affirmative vote of four members of the Court.

(*Court Note:* For example, whenever in these rules an action day falls on a holiday, the action shall occur on the next business day after the holiday.)

The Chief Justice may extend any applicable time limit on written request by a justice stating good cause and the date by which he or she expects to comply.]

§ [ 63.10 ] 63.8. Certification of Questions of Law.

[A. *Court limitation.* This Court will accept Certification Petitions from any of the following courts:

1. The United States Supreme Court; or
2. United States Courts of Appeal.

B. *Standards.* Like granting allocatur, acceptance of certification is a matter of judicial discretion. This Court may accept certification of a question of Pennsylvania law only where there are special and important reasons therefore, including, but not limited to, any of the following:

1. The question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by this Court;
2. The question of law is one with respect to which there are conflicting decisions in other courts; or
3. The question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth.
4. This Court shall not accept certification unless all facts material to the question of law to be determined are undisputed, and the question of law is one that the petitioning court has not previously decided.
5. This Court shall decide whether to accept or refuse certification without hearing oral argument.

C. *Assignment and Disposition.* The prothonotary shall refer Certification Petitions to the Chief Justice. The Chief Justice will prepare memoranda setting forth the positions of the parties and a recommended disposition. Vote proposals shall be circulated within thirty days from the date of assignment, and shall contain a proposed disposition date no greater than thirty days from the date of circulation. A vote of the majority of those participating is required to implement the proposed disposition.

Every Certification Petition shall be decided within sixty days. Orders disposing of Certification Petitions shall include the names of any justices who did not participate in the consideration or decision of the matter.

Upon acceptance of certification, the prothonotary shall:

1. Issue an order accepting certification, which shall specify the questions of law for which certification was accepted, and whether the case is to be submitted on briefs or designated by the Court to be heard at the argument session;

2. Establish a briefing schedule;
3. If oral argument is granted, list the matter for oral argument; and
4. Take such further action as this Court directs.

After certification is accepted, an *amicus curiae* brief may be submitted without prior leave of Court. Such briefs shall be filed and served in the manner and within the time directed by the Prothonotary.

D. *Reconsideration.* A vote of the majority is required to grant reconsideration.

#### Rules Regarding Certification of Questions of Pennsylvania Law

The Pennsylvania Supreme Court, by Order of Jan. 12, 2000, 30 Pa.B. 519, provided that:

1. Any of the following courts may file a Certification Petition with this Court:

- a. The United States Supreme Court; or
- b. Any United States Court of Appeals.

2. A court may file a Certification Petition either on the motion of a party or sua sponte.

3. A Certification Petition shall contain the following:

- a. A brief statement of the nature and stage of the proceedings in the petitioning court;
- b. A brief statement of the material facts of the case;
- c. A statement of the question or questions of Pennsylvania law to be determined;
- d. A statement of the particular reasons why this Court should accept certification; and
- e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.

f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.]

A. *Court Limitation.* This Court will accept Certification Petitions from the United States Supreme Court or any United States Court of Appeals.

B. *Contents of Certification Petition.* A court may file a Certification Petition either on the motion of a party or sua sponte. A Certification Petition shall contain the following:

1. A brief statement of the nature and stage of the proceedings in the petitioning court;
2. A brief statement of the material facts of the case;
3. A statement of the question or questions of Pennsylvania law to be determined;
4. A statement of the particular reasons why this Court should accept certification; and
5. A recommendation as to which party should be designated as the appellant and which should be designated as the appellee in subsequent pleadings filed with this Court.

The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a response thereto and a Stipulation of Facts.

**C. Standards for Acceptance.** Acceptance of certification is a matter of judicial discretion. The Court may accept certification of a question of Pennsylvania law only when there are special and important reasons therefore, including, but not limited to, any of the following:

1. The question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by this Court;

2. The question of law is one with respect to which there are conflicting decisions in other courts; or

3. The question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth.

The Court shall not accept certification unless all facts material to the question of law to be determined are undisputed, and the question of law is one that the petitioning court has not previously decided.

The Court shall decide whether to accept or decline certification without hearing oral argument.

**D. Assignment, Circulation and Disposition.** The Prothonotary shall refer Certification Petitions to the Chief Justice, who will prepare a memorandum setting forth the positions of the parties and a recommended disposition. The recommendation should be circulated within thirty (30) days from the date of assignment, and should contain a proposed disposition date no greater than thirty (30) days from the date of circulation. Every Certification Petition should be decided within sixty (60) days. A vote of the majority is required to implement the proposed disposition. A Justice may request that the order record that he or she voted for a different disposition. Orders disposing of Certification Petitions shall indicate if a Justice did not participate in the consideration or decision of the matter.

Upon acceptance of certification by the Court, the Prothonotary shall

(1) issue an order accepting certification, which shall specify the questions of law for which certification was accepted, and whether the case is to be submitted on the briefs or heard at an argument session; (2) establish a briefing schedule; (3) list the matter for oral argument if oral argument has been granted; and (4) take such further action as the Court directs.

**E. Amicus curiae briefs.** After the Court accepts certification, amicus curiae briefs may be submitted without prior leave of Court. Such briefs shall be filed and served in the manner and within the time directed by the Prothonotary.

**F. Reconsideration Applications.**

1. **Assignment.** Upon receipt of an application for reconsideration following an order resolving a Cer-

tification Petition, the Prothonotary shall direct the reconsideration application to the Chief Justice for assignment.

2. **Circulation and Disposition.** The assigned Justice shall circulate to the Court a recommended disposition within fourteen (14) days of the date of the assignment. A Justice who disagrees with the recommended disposition shall circulate a counter-recommendation within fourteen (14) days of the original recommendation. A vote of the majority is required to grant reconsideration. In any case in which reconsideration has been denied, a Justice may request that the order record that he or she voted to grant reconsideration. All orders shall indicate if a Justice did not participate in the consideration or decision of the matter.

§ [ 63.11 ] 63.9. Photographing, Recording and Broadcasting of Supreme Court Proceedings by the Pennsylvania Cable Network (PCN).

**A. General Provisions.**

(1) The recording by the Pennsylvania Cable Network ("PCN") of a proceeding before the Supreme Court for future broadcast on PCN is permissible only in accordance with this section.

(2) A request to be present to record a scheduled proceeding electronically for future broadcast on PCN must be made at least three business days before the proceeding. Such requests must be submitted to the Executive Administrator of the Supreme Court of Pennsylvania or his or her designee ("Executive Administrator") for approval by the Chief Justice. The Supreme Court shall maintain discretion to prohibit camera coverage of any proceeding, or any part thereof, due to the nature of the issues or the sensitivity of the subject matter of a proceeding.

(3) There shall be no coverage of a proceeding involving any case that has been designated as "sealed."

(4) There shall be no audio pickup or broadcast of conferences between co-counsel or among the Justices.

(5) The Supreme Court may limit or terminate coverage, or direct the removal of camera coverage personnel, when necessary to protect the rights of the parties or to assure the orderly conduct of the proceedings.

(6) The Supreme Court shall not incur any expense for equipment, wiring or personnel necessary to provide coverage by PCN.

(7) Introductory commentary, if any, shall be supplied by members in good standing of the Pennsylvania Bar approved by the Supreme Court.

(8) All coverage must be "gavel-to-gavel," including rebroadcasts, with the exceptions in A.(3)—(5).

(9) All copyrights to the broadcasts are the possession of the Supreme Court and may not be used without its approval. PCN shall provide the Supreme Court with DVD or videotape recordings of all sessions covered by PCN, whether or not broadcast or aired.

**(10) Broadcasts are not permitted until a minimum of 48 hours after recording.**

**B. Equipment and Personnel.**

(1) Only robotic cameras will be permitted in the courtroom. PCN personnel shall consult with the Executive Administrator to determine the location in the courtroom for the camera equipment and operators.

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

### Damages for Delay

## PART I. GENERAL

### CHAPTER 200. BUSINESS OF COURTS

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

\* \* \* \* \*

#### Addendum to Explanatory Comment (2013)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 2, 2013	3 1/4
January 3, 2012	3 1/4
January 3, 2011	3 1/4
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

**Official Note:** The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

*By the Civil Procedural Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 13-131. Filed for public inspection January 25, 2013, 9:00 a.m.]

(2) Equipment shall not produce distracting sound or light. Signal lights or devices to show when the equipment is operating shall not be visible.

(3) Except as otherwise approved by the Executive Administrator, existing courtroom sound and light systems shall be used without modification. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, or from a camera's built-in microphone. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance by the Executive Administrator.

(4) All equipment must be in place prior to the opening of the court session and shall not be removed until after the conclusion of the day's proceedings. Video recording equipment which is not a component part of a camera shall be located in an area remote from the courtroom. PCN personnel shall not enter or exit the courtroom once the proceedings are in session except during a recess or adjournment. PCN personnel shall wear appropriate attire in the courtroom.

(5) PCN personnel shall adhere to the direction of the Executive Administrator in matters such as security, parking, noise avoidance and other related issues.

*C. Impermissible Use of Material.*

None of the film, videotape, video discs, still photographs or audio reproductions developed during or by virtue of coverage of a proceeding shall be admissible as evidence in the proceeding from which it arose, in any proceeding subsequent or collateral thereto, or upon any appeal of such proceedings.

*(Editor's Note:* Rules 63.10—63.12 are new and printed in regular type to enhance readability.)

**§ 63.10. Communications to the Court in Pending Cases.**

Whenever any matter is pending before the Court, all communications to the Court from counsel or from a party, if unrepresented, are to be addressed to the Prothonotary's office with copies to all other counsel and unrepresented parties.

**§ 63.11. Quorum.**

A majority of the Court shall be a quorum of the Court.

**§ 63.12. Suspension of Procedures.**

Whenever exceptional or emergency conditions require speedy action, or whenever there is other good cause for special action regarding any matter, the operation of these procedures may be suspended by affirmative vote of a majority of the Court.

The Chief Justice may alter any applicable time limit in extraordinary circumstances (e.g., when the Court lacks a full complement of members), or on written request by a Justice stating good cause for the extension and the date by which he or she expects to comply.

[Pa.B. Doc. No. 13-130. Filed for public inspection January 25, 2013, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 78 ]

#### Emergency Response Planning at Unconventional Well Sites

The Environmental Quality Board (Board) amends §§ 78.1 and 78.55 (relating to definitions; and control and disposal planning; emergency response for unconventional well sites) to read as set forth in Annex A.

Notice of proposed rulemaking is omitted as provided under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Section 204(3) of the CDL provides that an agency may omit notice of proposed rulemaking if the agency finds for good cause that the notice is contrary to the public interest. The proposed rulemaking procedure for this rulemaking is contrary to the public interest for the following reasons.

In addition, this is an emergency-certified regulation as provided under section 6(d) of the Regulatory Review Act (71 P. S. § 745.6(d)). Section 745.6(d) of the Regulatory Review Act provides for issuance of emergency regulations based on, among other things, a certification by the Governor that a final-omitted rulemaking is required to protect the public health, safety and welfare. In this case, the Governor issued a Certification of Need for Emergency Regulation on December 27, 2012, that this final-omitted rulemaking is required to protect the public health, safety and welfare. In addition, that Certification of Need for Emergency Regulation is consistent with the statute authorizing the regulation.

This order was adopted by the Board at its meeting of November 20, 2012.

##### A. *Effective Date*

This final-omitted rulemaking is effective upon publication, with the exception of § 78.55(f)(3)—(5). Section 78.55(f)(3) will be effective on February 25, 2013. Section 78.55(f)(4) will be on effective July 25, 2013. Section 78.55(f)(5) will be effective on April 26, 2013.

##### B. *Contact Persons*

For further information contact, Kurt Klappkowski, Director, Bureau of Oil and Gas Planning and Program Management, Rachel Carson State Office Building, 15th Floor, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199; or Douglas Brennan, Director, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th Floor, 400 Market Street, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

##### C. *Statutory Authority*

This final-omitted rulemaking is being made under the authority of act of February 2, 2012 (P. L. 67, No. 9) (Act 9), codified at 35 Pa.C.S. § 7321 (relating to unconventional well 911 emergency response information), which

requires the Department and the Pennsylvania Emergency Management Agency (PEMA) to adopt emergency regulations directing the operators of all unconventional wells within this Commonwealth to take certain actions for emergency response. The final-omitted rulemaking is also adopted under section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes the Board to adopt regulations necessary for the proper performance of the work of the Department.

##### D. *Background of the Final-Omitted Rulemaking*

Governor Tom Corbett called the Marcellus Shale natural gas play an "economic cornerstone" of this Commonwealth's recovery from the recession, which has impacted the Nation over the past 4 years. The development of vast natural gas resources trapped beneath more than half of this Commonwealth has created tens of thousands of new jobs, generated billions of dollars in tax and lease revenues for the Commonwealth and its citizens, infused billions of additional dollars in bonus lease and royalty payments to landowners and significantly expanded access to clean, affordable energy sources for residential, commercial and industrial customers.

Along with the economic and energy independence and security potential of the Marcellus Shale natural gas reserve comes a heightened awareness of and concern for the activity's impact on local communities within the shale development regions. While this Commonwealth has an extensive history of oil and natural gas development, particularly in its western region, natural gas development is relatively new to regions such as the Northern Tier and northeastern Pennsylvania. Additionally, the size, scale and accelerated pace of development of the Marcellus Shale natural gas reserve is a new phenomenon for this Commonwealth.

In 2011, Governor Corbett issued Executive Order 2011-01, codified at 4 Pa. Code Chapter 6, Subchapter II, to establish the Marcellus Shale Advisory Commission (Commission). The Governor charged it to identify, prioritize and craft recommendations regarding the safe, efficient and environmentally responsible extraction and use of unconventional natural gas reserves in this Commonwealth.

As outlined in Executive Order 2011-01, the Commission undertook a broad review of a multitude of issues regarding Marcellus Shale natural gas development. As part of this, the Commission formed a Local Impact & Emergency Response Work Group (Work Group). The Work Group closely examined emergency response issues, which included meeting with various experts and local government officials.

In the final Commission report to the Governor, the Commission noted that

... municipalities have a legal responsibility for planning for and responding to all types of emergencies. Drilling activity leads to the potential for many types of incidents for which response may be necessary including: fires, well blowouts, chemical and fuel spills, and traffic accidents attributed to an overall increase in vehicular traffic. Emergencies at drilling locations have occurred and until emergency specialists retained by drilling companies arrive on site, volunteer fire companies and other local first responders must secure a site and take appropriate action. . . . Responding to natural gas incidents re-

quires additional emergency management planning at the local, county, and regional levels and appropriate equipment and training, particularly with respect to natural gas well operations.

The Commission made two recommendations that relate to this final-omitted rulemaking:

9.3.1: Oil and gas well pads and related facilities should be assigned a 9-1-1 address for emergency response purposes, and oil and gas operators should be required to provide GPS coordinates for access roads and well pad sites, and post this information, along with appropriate emergency response contact information, in a conspicuous manner at the well pad site.

9.3.2: In coordination with PEMA and [the Department], emergency plans for responding to incidents on well development sites should be standardized across the Commonwealth to ensure an acceptable level of expectation for safety and response coordination. The emergency plan should be distributed to the county emergency management coordinator.

On February 2, 2012, Governor Corbett signed into law Act 9, which adopted these recommendations from the Commission. Act 9 provides that the Department and PEMA “shall adopt emergency regulations directing the operators of all unconventional wells within this Commonwealth” to register street and GPS addresses, post signs and develop and implement emergency response plans. The Department and PEMA have worked closely in developing this final-omitted rulemaking.

The Department presented this final-omitted rulemaking to its Oil and Gas Technical Advisory Board (TAB) at meetings on August 15 and September 17, 2012. Changes were made to this final-omitted rulemaking to reflect concerns raised by TAB.

#### *E. Summary of Final-Omitted Rulemaking*

This final-omitted rulemaking adds two definitions to § 78.1 and adds § 78.55(f). The Department is currently developing other changes to Chapter 78 (relating to oil and gas wells) to address a variety of topics, including changes needed to implement 58 Pa.C.S. §§ 3201—3274 (relating to development). As part of that effort, the Department expects that subsection (e) will be integrated into a more comprehensive § 78.55 in the future.

The new definitions in § 78.1 are for “unconventional formation” and “unconventional well,” which are taken verbatim from 58 Pa.C.S. § 3203 (relating to definitions).

Section 78.55(f)(2) contains definitions of terms used in Act 9 and others that are needed to clarify the requirements of the regulation. These definitions only apply to subsection (f). The definitions include several terms to ensure clarity of the requirements for signs (“access road,” “entrance,” “private road” and “public road”).

Section 78.55(f)(3) requires registration of street addresses and GPS coordinate addresses that are needed to assist emergency responders in locating well sites. This paragraph provides details on how those requirements apply in different scenarios.

Section 78.55(f)(4) contains signage requirements for the same purpose. The standards are largely borrowed from Department of Transportation regulations. An example sign is provided in Figure 1.

Section 78.55(f)(5) contains requirements for emergency response planning. Emergency response planning is a central part of ensuring that the impacts of emergencies

are minimized. The plan must utilize the concepts of the National Incident Management System to the maximum extent practicable. The key elements are described in this paragraph. The plan must contain a description of the procedure used to provide current information to emergency responders in the event of an emergency, including current Material Safety Data Sheets for materials located at the well site.

Emergency response plans may consist of a base plan common to all of an operator’s well sites, along with site-specific plans for each well site with information relevant to that site. The initial emergency response plan shall be submitted to PEMA, the Department, the county emergency management agency and the Public Safety Answering Point prior to drilling operations. Updates shall be submitted annually. If changes are not needed to the plan, the operator shall submit a statement to that effect.

Act 9 explicitly applies to both new and existing unconventional wells within this Commonwealth. In recognition of that fact, § 78.55(f)(6) contains a transition to allow for existing operations, and others, to meet the new requirements within a reasonable time period after the effective date of the final-omitted rulemaking. The transition allows for delayed effective dates for well sites containing a well that is being drilled or has been drilled, well sites for which a well permit has been issued but wells have not started drilling and well sites for which an administratively complete well permit application is pending.

#### *G. Benefits and Costs*

##### *Benefits*

The public will benefit from this final-omitted rulemaking because it enhances emergency response at unconventional well sites. This has a direct benefit to public health, safety and welfare. This is particularly beneficial to first responders and employees at the well sites, who are the people most vulnerable to injury when there is an emergency.

Local governments will benefit because this final-omitted rulemaking will enhance their ability to manage emergency response. They will have emergency response plans that meet a Statewide standard in hand when an emergency occurs. In addition, there will be signs that meet the same standard to direct their response personnel to the well site as quickly as possible.

The regulated community will also benefit because there will be clear and uniform Statewide requirements for emergency response planning and the use of signs and addresses to direct emergency responders to the well site.

##### *Costs*

This final-omitted rulemaking will not impose additional costs on the Department.

Industry will incur costs in preparing the emergency response plans and posting signs. However, responsible operators already do both. Therefore, the expense should not be significant. The Department estimates that for existing unconventional well sites the cost to industry to provide the required signage may run between \$250,000 and \$1.1 million, depending on the material used to manufacture the sign (\$150 per sign for fiberboard and \$600 per sign for aluminum).

##### *Compliance assistance plan*

A compliance assistance plan will be implemented, including regional training sessions by the Department



and PEMA on the new requirements. The training will be targeted to Department and PEMA staff, local governments, first responders and unconventional well operators.

#### *Paperwork requirements*

This final-omitted rulemaking will require operators to prepare written emergency response plans. They will also need to submit annual updates, although for the vast majority of well sites this will simply involve notification that the plans are still current.

#### *H. Sunset Review*

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

#### *I. Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on November 29, 2012, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

#### *J. Findings*

The Board finds that:

(1) Use of the final-omitted rulemaking procedure is appropriate because the proposed rulemaking procedure specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is, under the circumstances, contrary to the public interest.

(2) Use of proposed rulemaking procedures is contrary to the public interest because the subject of the regulations, emergency response, has a direct and immediate impact on human health and safety at unconventional well sites.

(3) Use of the emergency certified rulemaking procedure provided in section 6(d) of the Regulatory Review Act is appropriate because it is required to protect the public health, safety and welfare.

(4) Use of the emergency certified rulemaking procedure is required to protect the public health, safety and welfare based on the Governor's Certification of Need for Emergency Regulation dated December 27, 2012. This is also indicated by the underlying statute in which the General Assembly directed the Department and PEMA to issue an emergency regulation containing the explicit provisions in the regulations.

(5) The regulations are necessary and appropriate for administration of the authorizing acts identified in Section C of this preamble and in the public interest.

#### *K. Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 78, are amended by amending §§ 78.1 and 78.55 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately, with the exception of § 78.55(f)(3)—(5). Section 78.55(f)(3) shall take effect February 25, 2013. Section 78.55(f)(4) shall take effect July 25, 2013. Section 78.55(f)(5) shall take effect April 26, 2013.

MICHAEL L. KRANCER,  
*Chairperson*

**Fiscal Note:** 7-479. No fiscal impact; (8) recommends adoption.

### PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

#### **Certification**

As Director of the Pennsylvania Emergency Management Agency (PEMA), I fully endorse the regulation entitled "Emergency Response Planning at Unconventional Well Sites," amending 25 Pa. Code 78, which was approved by the Environmental Quality Board (EQB) on November 20, 2012. I attended the EQB meeting and jointly presented the regulation to the EQB along with Scott Perry, the Deputy Secretary for Oil and Gas Management at the Department of Environmental Protection (DEP).

I am aware of the statutory provision authorizing the regulation, contained in the Act of February 2, 2012, P. L. 67, Act 9 (Act 9), which provides that "[PEMA] and the Department of Environmental Protection shall adopt emergency regulations" such as the regulation approved by the EQB on November 20, 2012. PEMA and DEP worked together in concert to develop the regulation. I agree that the EQB should adopt the regulation because DEP inspectors will be responsible to enforce the well site requirements of the regulation.

November 29, 2012

GLENN M. CANNON, Esq.,  
*Director*

### GOVERNOR'S OFFICE

#### **Certification of Need for Emergency Regulation**

*Whereas*, the Commonwealth Department of Environmental Protection engages in the permitting, regulation and inspection of all unconventional well sites within this Commonwealth; and

*Whereas*, the Commonwealth Department of Environmental Protection, the Pennsylvania Emergency Management Agency and local political subdivisions engage in emergency response activities at unconventional well sites; and

*Whereas*, timely emergency response is fundamental to the safety of the public, unconventional well site employees, and emergency responders as well as to the protection of the environmental resources throughout Pennsylvania; and

*Whereas*, local first responders and emergency management officials have cited concerns that it may be difficult to find unconventional well sites should an emergency occur particularly in the vast, undeveloped regions of the

Commonwealth and that unconventional well site activities may pose unforeseen risks and hazards to response efforts; and

Whereas, many unconventional well sites lack adequate addressing and signage, which has the potential to delay emergency response, threatening the public, unconventional well site employees, and emergency responders in the event of an emergency; and

Whereas, no existing regulations of the Department of Environmental Protection or the Pennsylvania Emergency Management Agency require that unconventional well operators report their latitude and longitude or street address to the Department of Environmental Protection, the Pennsylvania Emergency Management Agency or local county Emergency Management Agencies; and

Whereas, the Act of February 2, 2012, P. L. 67, No. 9 requires the Department of Environmental Protection and the Pennsylvania Emergency Management Agency to adopt emergency regulations related to the emergency response at all unconventional well sites across this Commonwealth; and

Whereas, without immediate amendment of the regulations, emergency response activities may be severely hampered to the detriment of the safety of the public, unconventional well site workers, and emergency responders, and to the protection of the environmental resources of the Commonwealth; and

Now Therefore, I do hereby certify that the regulatory amendments to 25 Pa. Code, Chapter 78, following hereto as ANNEX A are required to meet the emergency conditions enumerated in the recitals above and to safeguard the public health, safety and welfare as described therein.

Further, I hereby authorize the Secretary of the Department of Environmental Protection to publish these amendments in the Pennsylvania Bulletin as an Emergency Final-Omitted Rulemaking consistent with the provisions of Section 6(d) of the Regulatory Review Act, as amended, 71 P. S. § 745.6(d).

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this 27th day of December in the year of our Lord two thousand and twelve, and of the Commonwealth the two hundred and thirty seventh.



Governor

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 78. OIL AND GAS WELLS

Subchapter A. GENERAL PROVISIONS

§ 78.1. Definitions.

\* \* \* \* \*

(b) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise, or as otherwise provided in this chapter:

\* \* \* \* \*

Tour—A workshift in drilling of a well.

Unconventional formation—A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

Unconventional well—A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

Vertical well—A well with a single vertical well bore.

\* \* \* \* \*

Subchapter C. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 78.55. Control and disposal planning; emergency response for unconventional well sites.

(a) Preparation and implementation of plan. Prior to generation of waste, the well operator shall prepare and implement a plan under § 91.34 (relating to activities utilizing pollutants) for the control and disposal of fluids, residual waste and drill cuttings, including tophole water, brines, drilling fluids, additives, drilling muds, stimulation fluids, well servicing fluids, oil, production fluids and drill cuttings from the drilling, alteration, production, plugging or other activity associated with oil and gas wells.

(b) Requirements. The plan must identify the control and disposal methods and practices utilized by the well operator and be consistent with the act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and §§ 78.54, 78.56—78.58 and 78.60—78.63. The plan must also include a pressure barrier policy that identifies barriers to be used during identified operations.

(c) Revisions. The operator shall revise the plan prior to implementing a change to the practices identified in the plan.

(d) Copies. A copy of the plan shall be provided to the Department upon request and shall be available at the well site during drilling and completion activities for review.

(e) Emergency contacts. A list of emergency contact phone numbers for the area in which the well site is located must be included in the plan and be prominently displayed at the well site during drilling, completion or alteration activities.

(f) Emergency response for unconventional well sites.

(1) Applicability. This subsection applies to unconventional wells.

(2) Definitions. For the purposes of this subsection, the following definitions apply:

Access road—A road connecting a well site to the nearest public road, private named road, administrative road with a name and address range, or private unnamed road with an address range.

*Address*—A location, by reference to a road or a landmark, made by a county or municipality responsible for assigning addresses within its jurisdiction.

*Administrative road*—A road owned and maintained by the Commonwealth open to the public at the discretion of the Commonwealth that may or may not have a name and address range.

*Emergency responder*—Police, firefighters, emergency medical technicians, paramedics, emergency management personnel, public health personnel, State certified hazardous materials response teams, Department emergency personnel and other personnel authorized in the course of their occupations or duties, or as an authorized volunteer, to respond to an emergency.

*Entrance*—The point where the access road to a well site connects to the nearest public road, private named road, administrative road with a name and address range, or a private unnamed road with an address range.

*GPS coordinates*—The coordinates in latitude and longitude as expressed in degrees decimal to at least six digits after the decimal point based upon the World Geodetic System 1984 Datum or any other datum approved by the Department.

*PEMA*—The Pennsylvania Emergency Management Agency.

*Private named road*—A private road with a name and address range.

*Private road*—A road that is not a public road.

*Private unnamed road*—A private road that is not a private named road.

*Public road*—A road owned and maintained by the Commonwealth, a county within this Commonwealth, a municipality within the Commonwealth or any combination thereof that is open to the public.

*Public safety answering point*—An entity operating in cooperation with local municipalities and counties to receive 9-1-1 calls for a defined geographic area and process calls according to a specific operational policy.

*Well site name*—The name used to designate the well site by the operator on the well permit application submitted to the Department.

(3) *Registration of addresses.*

(i) Prior to construction of an access road to a well site, the operator of an unconventional well shall request a street address for the well site from the county or municipality responsible for assigning street addresses.

(ii) The operator shall determine the GPS coordinates for both the well site and the entrance to the well site. The GPS coordinates must have a horizontal accuracy of plus or minus 6.67 feet or better. If there is more than one well on a well site, one set of GPS coordinates must be used for the well site.

(iii) The operator shall register the following with PEMA, the Department, the Public Safety Answering Point and the county emergency management organization within the county where the well site is located:

- (A) The well site name.
- (B) The well site address.
- (C) The GPS coordinates for the entrance and the well site.

(iv) When there is a change of well site address, the operator shall register the new address as provided in subparagraph (iii).

(v) When there is a change of the entrance due to a change in the well site address or otherwise, the operator shall register the GPS coordinates for the entrance as provided in subparagraph (iii).

(vi) The following shall be retained at the well site for reference when contacting emergency responders:

- (A) The well site name.
- (B) The well site address.
- (C) The GPS coordinates for the entrance and the well site.
- (4) *Signage.*

(i) Prior to construction of the access road, the operator of an unconventional well shall display a reflective sign at the entrance.

(ii) The sign must meet the following requirements:

(A) The sign must be fabricated with approved retroreflective sheeting material meeting ASTM 4956 Type III.

(B) The sign must have a white background with a 2-inch red border and black numbers and letters. Signs for entrances on administrative roads may use other colors provided that the signs use contrasting colors between the background, border, numbers and letters.

(C) The sign must be of sufficient size to accommodate the required information described in this section. The minimum size of a sign must be 36 inches in height and 48 inches in width.

(D) The sign must follow the format of Figure 1 and contain:

(I) The address number for the well site displayed horizontally on the first line of the sign in text no smaller than 4 inches in height.

(II) The full address of the entrance, including the county and municipality in which the entrance is located.

(III) The well operator's company name.

(IV) The 24-hour contact telephone information for the operator of the well site.

(V) The GPS coordinates for the entrance.

(VI) The well site name.

(VII) The wording "In Case of Emergency Call 9-1-1."

(iii) The sign must be mounted independently from other signage.

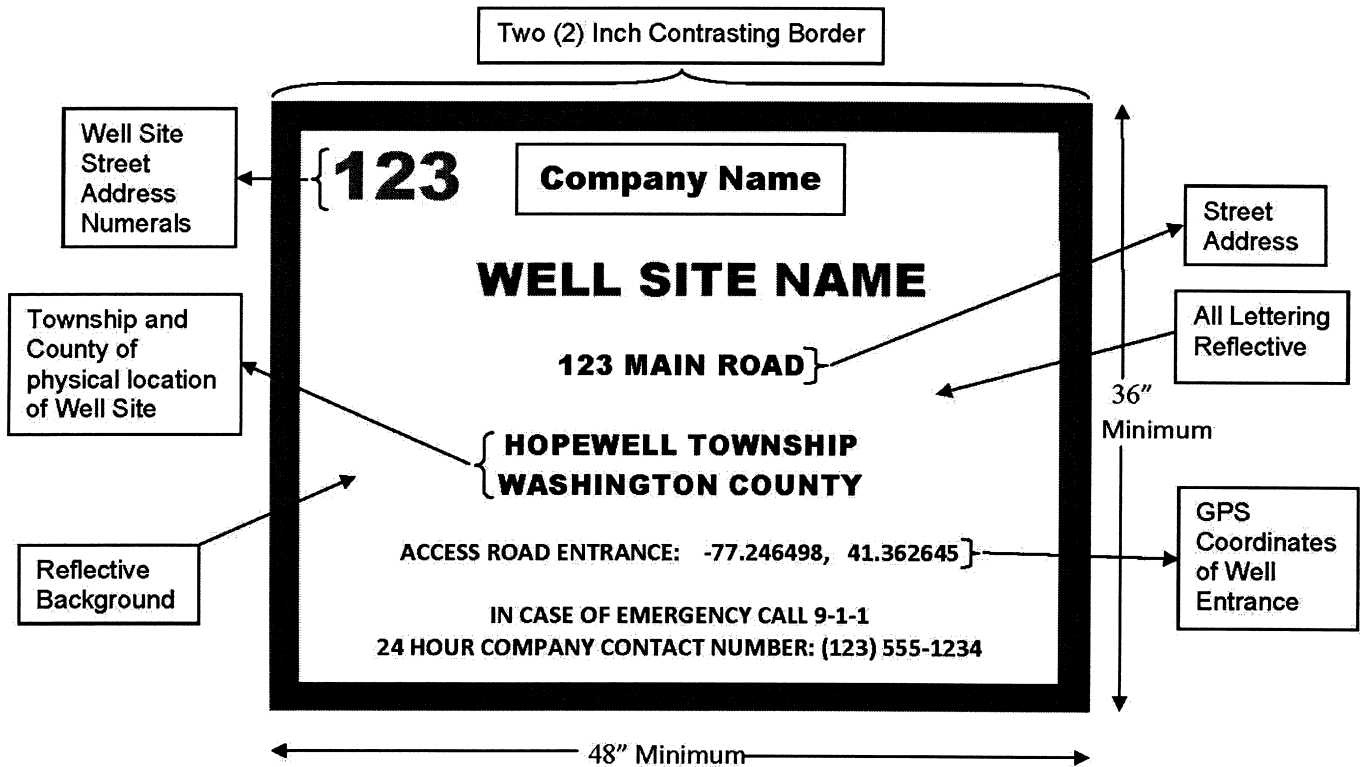
(iv) The bottom of the sign must be positioned a minimum of 3 feet above ground level.

(v) The sign may not contain other markings.

(vi) A sign, as viewed from the applicable road, may not be obstructed from view by vegetation, equipment, vehicles or other obstruction.

(vii) During drilling operations, the American Petroleum Institute (API) permit numbers of the wells at the site may be posted on a nonreflective sign below the principal sign. The API sign may be removed after the well is completed, provided that it is not otherwise required to be posted.

Figure 1. Sample Site Entrance Signage



(Not to scale)

(5) *Emergency response planning.*

(i) The operator of an unconventional well shall develop and implement an emergency response plan that provides for equipment, procedures, training and documentation to properly respond to emergencies that threaten human health and safety for each well site. The plan shall incorporate National Incident Management System planning standards, including the use of the Incident Command System, Incident Action Planning and Common Communications Plans. The plan must include:

(A) The emergency contact information, including phone numbers, for the well operator's local representative for the well site and the well operator's 24-hour emergency phone number.

(B) The emergency notification procedures that the operator shall utilize to contact emergency responders during an emergency.

(C) A description of the well site personnel's response to the following well site emergencies:

- (I) Fire.
- (II) Medical emergency.
- (III) Explosion or similar event.
- (IV) Spill.
- (V) Security breach or other security event.
- (VI) Any other incident that necessitates the presence of emergency responders.

(D) A description of the procedure to be used to provide the most current information to emergency responders in the event of an emergency, including the following:

- (I) The current Material Safety Data Sheet (MSDS) required under law to be present at the well site.
- (II) The location of the MSDSs at the well site.
- (III) The name of the position in the operator's organization responsible for providing the information in subclauses (I) and (II).

(E) A list containing the location of any fire suppression and spill control equipment maintained by the well operator at the well site.

(F) A description of any emergency equipment available to the operator that is located off of the well site.

(G) A summary of the risks and hazards to the public within 1/2 mile of the well site and the associated planning assumptions.

(H) An outline of the emergency response training plan that the operator has established.

(ii) The emergency response plan in subparagraph (i) may consist of two parts:

(A) A base plan common to all of the operator's well sites containing some of the elements described in subparagraph (i).

(B) A site-specific plan containing the remaining elements described in subparagraph (i).

(iii) The operator shall submit a copy of the current emergency response plan for that well site unless the permit provides otherwise. For plans using the approach in subparagraph (ii), the operator may submit one base plan provided that the site-specific plans are submitted for each well site.

(iv) The operator shall review the plan and submit an update annually on or before March 1 each year. In the event that updates are not made to the plan for that review period, the operator shall submit a statement indicating the review was completed and updates to the plan were not necessary.

(v) The plan and subsequent updates shall be submitted to:

- (A) PEMA.
- (B) The Department.
- (C) The county emergency management agency.

(D) The Public Safety Answering Point with jurisdiction over the well site.

(vi) A copy of the plan shall be available at the well site during all phases of operation.

(vii) The emergency response plan must address response actions for the following stages of operation at the well site:

- (A) Preparation of the access road and well site.
- (B) Drilling of the well.
- (C) Hydraulic fracturing and stimulation of the well.
- (D) Production.
- (E) Well site restoration.
- (F) Plugging of the well.

(viii) The requirements in subparagraphs (i)—(vii) may be met by implementing guidance issued by the Department in coordination with PEMA.

(6) *Transition.*

(i) This subsection is effective January 26, 2013, except as provided in subparagraph (ii).

(ii) For a well site containing a well that is being drilled or has been drilled as of January 26, 2013, or a well site for which a well permit has been issued but wells have not started drilling as of January 26, 2013, or a well site for which an administratively complete application is pending as of January 26, 2013, as provided in subparagraph (i), the following applies:

- (A) Paragraph (3) is effective on February 25, 2013.
- (B) Paragraph (4) is effective on July 25, 2013.
- (C) Paragraph (5) is effective on April 26, 2013.

[Pa.B. Doc. No. 13-132. Filed for public inspection January 25, 2013, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### [ 61 PA. CODE CHS. 7 AND 901 ]

#### Board of Appeals; Small Games of Chance

The Department of Revenue (Department), under authority in section 6 of The Fiscal Code (72 P.S. § 6) and section 306 of the Local Option Small Games of Chance Act (10 P.S. § 328.306), amends Chapters 7 and 901 (relating to Board of Appeals; and local option small games of chance).

#### *Purpose of Final-Form Rulemaking*

This final-form rulemaking consolidates administrative appeals under the jurisdiction of the Department's Board of Appeals (Board). Additionally, the final-form rulemaking streamlines the administrative appeals process by creating a uniform set of procedures for administrative appeals within the Department. The final-form rulemaking preserves the Board's jurisdiction over tax appeals.

#### *Explanation of Regulatory Requirements*

Sections 7.1—7.7 are rescinded.

Section 7.11 (relating to definitions) contains definitions of “administrative proceeding,” “appeal” and “Board,” which were previously defined in § 7.1.

Section 7.12 (relating to jurisdiction) explains that the Board's jurisdiction includes appeals and administrative proceedings as defined in § 7.11.

Section 7.13 (relating to manner of proceeding before the Board) explains that proceedings before the Board are initiated by the filing of a petition.

Section 7.14 (relating to petitions) contains the text formerly in § 7.3 with some minor modifications explained as follows.

Subsection (a) contains language in former § 7.3(a) stating that petitions should be filed with the Board.

Subsection (b) is an expansion of former § 7.3(a) regarding the time limits for filing a petition.

Subsection (c) is an expansion of former § 7.3(a) regarding receipt of a petition.

Subsection (d) is language that was formerly in § 7.3(b) and is expanded to include electronically filed petitions.

Subsection (e) contains language in former § 7.3(b)(1). This subsection explains the general requirements and contents of a petition and also additional requirements for an appeal petition.

Subsection (f) contains language that was in former § 7.3(c). It has been revised to explain the process of docketing petitions.

Subsection (g) contains language in former § 7.3(b)(1)(ix) regarding additional information.

Subsection (h) is new language and includes electronic signatures.

Section 7.15 (relating to Board practice and procedure) contains the language in former § 7.5 with minor modifications explained as follows.

Subsection (a)(1), which explains the burden of proof before the Board, is identical to former § 7.5(c)(2).

Subsection (a)(2) is nearly identical to former § 7.5(b) with minor rewording and describes the petitioner's right to have representation.

Subsection (a)(3) explains the Board's discretion to consolidate or sever multiple proceedings.

Subsection (a)(4) is made up primarily of the language in former § 7.5(c) and (d) regarding the conduct and procedures of hearings.

Subsection (a)(5) contains identical language in former § 7.5(e) regarding evidence.

Subsection (a)(6) is language from former § 7.5(f) regarding subpoenas with minor rewording.

Subsection (a)(7) is language from former § 7.5(h) regarding additional hearings and evidence.

Subsection (a)(8) contains language from former § 7.6 regarding the Board's decision and order.

Subsection (a)(9) is generally the language from former § 7.7 revised to clarify the Board's ability to issue corrected orders for clerical and computational errors.

Subsection (b) contains language from former §§ 7.3(b)(2)(ii), 7.5(c)(5) and (7) and 7.6(c).

Subsection (c) explains additional practices and procedures for administrative proceedings before the Board.

Section 7.16 (relating to security upon petition for review) outlines the requirements and procedures for taxpayers to file appropriate security with their petition for review filed in Commonwealth Court.

Section 901.1 (relating to definitions) is amended to change the definition of "Board" to mean the Board rather than the Small Games of Chance Board.

The last sentence of § 901.161 (relating to jurisdiction and purpose), regarding the Board's recommendation to the Secretary, is deleted to maintain consistency with other changes in this final-form rulemaking.

Sections 901.162 and 901.163 are rescinded.

Section 901.164 (relating to petitions) is amended to clarify the time frame for filing a petition challenging a decision of the Department. Subsections (b)—(e) have been deleted.

Section 901.165 (relating to Board practice and procedure) is amended by deleting former language and adding language that the regulations that govern the practice and procedures before the Board.

Sections 901.166 and 901.167 are rescinded.

Section 901.168(a) and (b) (relating to stay of appeal) is amended by updating language to be consistent with other changes in this final-form rulemaking.

*Affected Parties*

Pennsylvania taxpayers and tax practitioners may be affected by the final-form rulemaking.

*Comment and Response Summary*

Notice of proposed rulemaking was published at 42 Pa.B. 1222 (March 10, 2012). The Department did not receive comments from the public during the public comment period. Comments were not received from the House Finance Committee or the Senate Finance Committee. Due to content, the Department also served the proposed rulemaking on the House Gaming Oversight Committee, which did not comment. The only comments received on the proposed rulemaking were from the Independent Regulatory Review Commission (IRRC).

Explanations and amendments to the proposed rulemaking in response to IRRC's comments are as follows.

In response to IRRC's request to specifically and consistently identify the Department's statutory authority, the Department revised the citation in this preamble to reflect the specific statutory section that gives the Department regulatory authority. Further, the Department revised the response to Question 8 of the Regulatory Analysis Form (RAF) to mirror the citation in this preamble.

IRRC expressed concern regarding references to "statutes," "prescribed by statute" and "required by statute" in §§ 7.14 and 7.15. These references are general in nature and not intended to refer to a specific statute. There are too many applicable statutory sections to reference in this final-form rulemaking. Therefore, a change has not been made.

In response to IRRC's request for additional information on Question 10 of the RAF regarding how many people will benefit from the changes and quantify those benefits, the Department revised its response to Question 10 in the final-form RAF.

Section 7.14(b) is not intended to provide guidance on all possible filing deadlines. Other statutes and regulations also provide deadlines. The Department does not believe it is necessary to provide a cross reference in this subsection.

The Department revised §§ 7.14(b)(3) and 901.164 in this final-form rulemaking to provide that an appeal shall be filed within a specific time frame from the date of the Department's notice. This eliminates the need for determining when a taxpayer or person receives the notice and provides a definite time frame for filing.

In regard to § 7.14(c) and (d), IRRC suggested that the Department define "electronic." It is intended that this term has the general and common usage meaning and does not need to be defined in the final-form rulemaking. The term references any electronic method of filing permitted by the Department. Other Department publications and resources provide taxpayer guidance as to the available electronic filing methods accepted by the Department. Further, subsection (d) already provides that electronic filing can include "facsimile transmittal or through the Department's web site."

IRRC suggested that statutory language be added to § 7.14(c)(2). This subsection merely provides a cross reference. It would be redundant to reiterate an existing statute here. Reiterating the cross referenced statute would require a regulatory change if the cross referenced statute ever changes. Therefore, a change has not been made.

IRRC suggested that § 7.14(d) should specify how forms can be obtained or located. All Department forms are available to the public. The manners in which forms are available are subject to change based upon availability, budgetary constraints and technology. The Department believes the public understands that Department forms are available from the Department and that they obtain them by contacting the Department by writing, telephone or fax or from the Department's web site. It is not necessary for this subsection to describe the methods for contacting the Department.

In response to IRRC's comment that the last sentence of § 7.14(e)(2)(i) was ambiguous, the Department deleted it in this final-form rulemaking.

In this final-form rulemaking, the Department revised § 901.165 in response to IRRC's comment. The use of the phrase "this section" was incorrect. The Department corrected this mistake and changed the phrase to read "The provisions of this part regarding Board procedures."

#### *Fiscal Impact*

The Department determined that the final-form rulemaking will not have fiscal impact on the Commonwealth.

#### *Paperwork*

The final-form rulemaking will not create additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of publication. A sunset date has not been assigned.

#### *Contact Person*

The contact person for an explanation of this final-form rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 25, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 1222, to IRRC and the Chairpersons of the House Committee on Finance and the Senate Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 30, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 13, 2012, and approved the final-form rulemaking.

#### *Findings*

The Department finds that:

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

(2) The amendments are necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapters 7 and 901, are amended by adding §§ 7.11—7.13, 7.15 and 7.16, deleting §§ 7.1—7.7, 901.162, 901.163, 901.166 and 901.167 and amending §§ 901.1, 901.161 and 901.168 to read as set forth at 42 Pa.B. 1222; and by adding § 7.14 and amending §§ 901.164 and 901.165 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order, 42 Pa.B. 1222 and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary shall certify this order, 42 Pa.B. 1222 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DANIEL MEUSER,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7877 (December 29, 2012).)*

**Fiscal Note:** Fiscal Note 15-454 remains valid for the final adoption of the subject regulations.

### **Annex A**

#### **TITLE 61. REVENUE**

#### **PART I. DEPARTMENT OF REVENUE**

#### **Subpart A. GENERAL PROVISIONS**

#### **CHAPTER 7. BOARD OF APPEALS**

#### **§ 7.14. Petitions.**

(a) *Place.* Petitions shall be filed with the Board.

(b) *Time.*

(1) Petitions shall be filed within the time limits prescribed by statute, this title or other regulation. The burden is on the petitioner to present evidence sufficient to prove that a petition is timely filed.

(2) In the absence of a specific time limit for filing as prescribed in paragraph (1), a petition shall be filed no later than 90 days after the date of the Department's decision or action that is the subject of the petition.

(3) The date of a Department decision or action for purposes of the filing of a petition is the date of the notice of the decision or action.

(c) *Receipt.*

(1) *General rule.* A petition is filed with the Board on the date the Board receives it. A petition that is received by electronic means after the close of business is received on the date of transmission as long as the Board receives the transmission by 12 midnight.

(2) *Appeals.* Section 1102.1 of the FC (72 P. S. § 1102.1) and section 3003.6 of the TRC (72 P. S. § 10003.6) apply to appeals that are transmitted to the Department by mail.

(3) *Department personnel.* A petition that the Board receives after the date prescribed by statute or this title that is presented to other Department personnel prior to or on the date prescribed by statute or this title is deemed filed as of the date the other Department personnel receives it.

(d) *Manner and form.* A petition may be delivered to and filed with the Board by hand delivery, mail or electronically, including facsimile transmittal or through the Department's web site. A petition shall be in writing. A writing includes an electronic petition submitted through the Department's web site. The Department will prescribe the form for a petition.

(e) *Contents.* A petition must contain the information, documentation and attachments required by statute and the following:

(1) *General.* Petitions must contain the following:

(i) The petitioner's name, address and telephone number.

(ii) The name, address and telephone number of the petitioner's authorized representative, if any.

(iii) The petitioner's signature. If the petitioner is a corporation or association, an officer of the corporation or association shall sign the petition. If an authorized representative files the petition for the petitioner, the authorized representative may sign the petition on behalf of the petitioner.

(iv) A detailed statement in separate numbered paragraphs of the facts and grounds relied upon. If based upon a written document, a copy of the document, or material part thereof, shall be attached.

(v) A statement specifying the relief requested.

(vi) A statement indicating whether or not a hearing is requested.

(vii) A signed statement certifying that the facts in the petition are true and correct to the petitioner's knowledge and belief and that the petition is not made for purposes of delay.

(2) *Appeal petitions.* In addition to the requirements of paragraph (1), an appeal petition must contain the following:

(i) Designation of the tax, including the year or other period, and the amount involved.

(ii) The petitioner's license number, account number, employer identification number, Social Security number, claim number, file number, corporate box number or other appropriate identifying designation.

(iii) In the case of an Inheritance and Estate Tax protest, the petition must contain the decedent's name, last known address, the file number and the assessment control number, if applicable.

(f) *Docketing of petitions.*

(1) The Department will docket upon receipt a filing that purports to be a petition or which otherwise claims relief that may be sought through the filing of a petition. If a filing fails to satisfy any statutory requirement for the filing of a petition, the Board will notify the petitioner of the deficiency in the filing and give the petitioner an opportunity to correct the deficiency. The petitioner shall remedy the deficiency within 30 days of the Board's notice. If the petitioner fails to remedy the deficiencies, the Board will summarily dismiss the petition.

(2) For purposes of section 806.1(a)(4) of the FC (72 P. S. § 806.1(a)(4)), the administrative review procedure will be deemed to be initiated on the date the Board docketed the petition.

(g) *Additional information.* Upon written request, the Board may require a petitioner to furnish additional information that may be necessary to define the issues or to determine the case.

(h) *Signatures.* A signature includes an electronic signature issued by the Department to the petitioner.

**PART VII. LOCAL OPTION SMALL GAMES OF CHANCE**

**CHAPTER 901. LOCAL OPTION SMALL GAMES OF CHANCE**

**Subchapter B. LICENSING AND REGISTRATION BOARD PROCEDURES**

**§ 901.164. Petitions.**

A person challenging a Department decision shall file a petition within 15 days after the issue date of notice of the Department's decision.

**§ 901.165. Board practice and procedure.**

The provisions of this part regarding Board procedures and Chapter 7 (relating to Board of Appeals) govern practice and procedure before the Board.

[Pa.B. Doc. No. 13-133. Filed for public inspection January 25, 2013, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**[ 61 PA. CODE CH. 117, 119 AND 121 ]**

**Personal Income Tax; Amended Returns**

The Department of Revenue (Department), under authority in section 354 of the Tax Reform Code of 1971 (72 P. S. § 7354), amends Chapters 117, 119 and 121 (relating to return and payment of tax; liabilities and assessment—procedure and administration; and final returns).

*Purpose of Final-Form Rulemaking*

This final-form rulemaking clarifies the Department's policy on amended returns for Pennsylvania Personal Income Tax and replaces outdated language. In addition, the final-form rulemaking provides clear instructions for taxpayers regarding petitions for refunds.

*Explanation of Regulatory Requirements*

Amendments to §§ 117.1 and 117.7 (relating to general requirements of a return; and time for filing returns and paying tax) delete out-of-date language and add clarifying language.

Amendments to § 119.13 (relating to restrictions on refunds) delete outdated references to the Board of Finance and Revenue and replace them with an updated reference to Chapter 7 (relating to Board of Appeals). Amendments to subsection (b) delete minor language. Paragraphs (3)—(5) are added for more details on exceptions. Subsection (c) is deleted. The text in subsection (c)(3) is adopted in new § 119.13a (relating to refund claim filed by a legal representative or other fiduciary). The text in subsection (c)(4) is adopted in new § 119.13b (relating to checks in payment of claims).

Amendments to § 119.18 (relating to limitations on refund or credit) delete outdated references to the Board of Finance and Revenue and replace them with an updated reference to Chapter 7.

Section 121.1(g) (relating to filing tax return) is added. This language was formerly in § 121.25(b) (relating to amended return).

Amendments to § 121.25 delete outdated language, amend subsection (b) and add subsections (e)—(g) to provide uniformity and guidance on amended returns to Pennsylvania taxpayers. It is important to note the amendments to subsection (b)(1) explain that a Personal



Income Tax amended return may be filed within 3 years from the original or extended due date of the return. This marks a change in current policy and practice. The policy change will benefit taxpayers by giving additional time to file an amended return in cases when a taxpayer has been granted an extension to file the original return.

#### *Affected Parties*

Pennsylvania taxpayers and tax practitioners may be affected by this final-form rulemaking.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 42 Pa.B. 2381 (May 5, 2012). The Department did not receive comments from the public during the public comment period. The Independent Regulatory Review Commission (IRRC) submitted a letter to the Department advising that objections, comments or recommendations were not offered on the proposed rulemaking. Comments were not received from the House Finance Committee or the Senate Finance Committee. Therefore, this final-form rulemaking is adopted as proposed.

#### *Fiscal Impact*

The Department determined that the final-form rulemaking will have minimal fiscal impact on the Commonwealth.

#### *Paperwork*

The final-form rulemaking will not create additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of publication. A sunset date has not been assigned.

#### *Contact Person*

The contact person for an explanation of this final-form rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 25, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2381, to IRRC and the Chairpersons of the House Committee on Finance and the Senate Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public

comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 30, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective November 30, 2012.

#### *Findings*

The Department finds that:

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

(2) The amendments are necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapters 117, 119 and 121, are amended by adding §§ 119.13a and 119.13b and amending §§ 117.1, 117.7, 119.13, 119.18, 121.1 and 121.25 to read as set forth at 42 Pa.B. 2381.

(b) The Secretary of the Department shall submit this order and 42 Pa.B. 2381 to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary shall certify this order and 42 Pa.B. 2381 and deposit them with the Legislative Reference Bureau as required by law.

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

DANIEL MEUSER,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7877 (December 29, 2012).)*

**Fiscal Note:** Fiscal Note 15-456 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 13-134. Filed for public inspection January 25, 2013, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Exemption from Requirements

A study to determine if the Department of Agriculture's (Department) buildings located at the Pennsylvania Farm Show Complex, Harrisburg should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P. S. § 650) will be performed within the next 90 days. The result from this study may result in the

demolition of the Department's coal-fired heating system or conversion to a fuel other than coal.

For additional information, contact Patrick Kerwin, Executive Director, Bureau of Farm Show, Department of Agriculture, 2300 North Cameron Street, Harrisburg, PA 17110, (717) 783-0588, fax (717) 783-8710, pakerwin@pa.gov.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 13-135. Filed for public inspection January 25, 2013, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), 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 and Securities 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 January 8, 2013.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-7-2013	Bank of Bird-in-Hand Bird-in-Hand Lancaster County  Corresponding Agent John K. Black Bybel Rutledge, LLP 1017 Mumma Road, Suite 302 Lemoyne, PA 17043	Filed

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-2-2013	S&T Bank Indiana Indiana County  Application for approval to merge Gateway Bank, McMurray, with and into S&T Bank, Indiana.	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-31-2012	Peoples Neighborhood Bank Hallstead Susquehanna County	275 Main Street Binghamton Broome County, NY	Opened
1-3-2013	CNB Bank Clearfield Clearfield County	665 Philadelphia Street Indiana Indiana County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-8-2013	Union Bank and Trust Company Pottsville Schuylkill County	<i>To:</i> 100 Hollywood Boulevard Orwigsburg Schuylkill County  <i>From:</i> 1168 Centre Turnpike Orwigsburg Schuylkill County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-28-2012	Northwest Savings Bank Warren Warren County	499 River Road Weedville Elk County	Closed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

The Department's web site at [www.dobs.state.pa.us](http://www.dobs.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-136. Filed for public inspection January 25, 2013, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Request for Bids**

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

*FDC-020-7550.1—Structure Replacement—Bridge No. 20-0050, Little Bear over Red Run, Forest District 20, Loyalsock State Forest, Plunketts Creek Township, Lycoming County.* Work included under this contract consists of demolition of the existing structure and installation of a new precast reinforced concrete box culvert (11' span and a 4'-6" underclearance). Replacement shall include driving surface aggregate, rip-rap and architectural surface treatment. Bid documents will be available on or after January 31, 2013. The bid opening will be held on February 28, 2013.

*FDC-100-7857.1—Replace Three Pool Liners, State Parks Engineering Region 1, Sizerville State Park, Portage Township, Cameron County, Bendigo State Park, Jones Township, Elk County and Hyner Run State Park, Chapman Township, Clinton County.* Work included under this contract consists of, but is not limited to, removal and disposal of complete liner assemblies in both the main and wading pools located at Sizerville, Hyner Run and Bendigo State Parks. Bid documents will be available on or after January 31, 2013. The bid opening will be held on February 28, 2013.

*FDC-132-7830.1—Replace Pool Liner, Mt. Pisgah State Park, West Burlington Township, Bradford County.* Work included under this contract consists of, but is not limited to, removal and disposal of the existing liner assemblies in and installation of a new complete pvc liner system at Mt. Pisgah State Park. Bid documents will be available on or after January 31, 2013. The bid opening will be held on February 28, 2013.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 13-137. Filed for public inspection January 25, 2013, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Applications, Actions and Special Notices****APPLICATIONS**

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage

waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

## **I. NPDES Renewal Applications**

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0070491 (Sewage)	Mahoning Valley Nursing and Rehabilitation Center Wastewater Treatment Facility 397 Hemlock Drive Lehigh, PA 18235	Carbon County Mahoning Township	Stewart Creek (02B)	Y
PA0043915 (Sewage)	River Road Utilities STP 3300 River Road Mount Bethel, PA 18343-6122	Northampton County Upper Mount Bethel Township	Unnamed Tributary to Delaware River (1-F)	Y
PA0062154 (Sewage)	Mountain View School WWTP 11748 State Route 106 Kingsley, PA 18826	Susquehanna County Harford Township	Millard Creek (04F)	Y
PA0060321 (Sewage)	Village of Mountain Heights WWTP 139 Gardeners Lane Dalton, PA 18414	Wyoming County Overfield Township	Unnamed Tributary to South Branch Tunkhannock Creek (04F)	Y

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087041 (Sew—Transfer)	Lake-in-Wood RV Resort 27777 Franklin Road Suite 200 Southfield, MI 48034	Lancaster County Brecknock Township	UNT Black Creek / 7-J	Y
PA0247464 (Sew—Transfer)	East Hanover Township Municipal Authority 8848 Jonestown Road Grantville, PA 17028-8650	Dauphin County East Hanover Township	Bow Creek / 7-D	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0034380 (Sewage)	Emlenton Service Plaza I-80 Ext 43, Emlenton, PA 16373	Venango County Scrubgrass Township	Unnamed Tributary to the Allegheny River (16-G0)	Y
PA0222381 (Sewage)	Dubois Region Airport State Route 830 Reynoldsville, PA 15851	Jefferson County Washington Township	Keys Run (17-C)	Y
PA0025607 (Sewage)	Barkeyville Sewage WWTP Stevenson Road Barkeyville, PA 16127	Venango County Barkeyville Borough	Unnamed tributary to North Branch Slippery Rock Creek	Y

## **II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**PA0058670**, Industrial Storm Water, SIC Code 3273, **Eureka Stone Quarry, Inc. d/b/a J.D.M. Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. Facility Name: JDM Norristown Batch Plant. This existing facility is located in Plymouth Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of stormwater from a ready mix concrete manufacturing facility.

The receiving stream(s), Diamond Run, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of an average storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50	100	100
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions:

- Necessary property rights
- Proper sludge disposal
- Change of ownership
- BAT reopener
- Dry stream discharge
- Laboratory certification
- Stormwater requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0244317**, Storm Water, SIC Code 5015, 5093, **Wilcox Auto Salvage, Inc.**, 241 Old Mill Road, Sellersville, PA 18960. Facility Name: Wilcox Auto Salvage Facility. This existing facility is located in West Rockhill Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of stormwater runoff from an auto and scrap metal salvage yard. There are two stormwater outfalls, Outfall 001 discharges at the southwest corner of the site and Outfall 002 discharges at the northwest corner of the site.

The receiving stream(s), Threemile Run, is located in State Water Plan watershed 2-D and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and Outfall 002 are based on a design flow of an average storm event.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Daily Maximum	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	XXX	XXX
Total Mercury	XXX	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Necessary property rights
- Proper sludge disposal
- Change of ownership
- Laboratory Certification
- Remedial measures if public nuisance
- Dry stream discharge
- Stormwater requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**PA0070394**, Industrial Waste, SIC Code 4953, **PA Department of Environmental Protection—NERO HSCA**, 2 Public Square, Wilkes-Barre, PA 18701-1915. Facility Name: Herceg Landfill HSCA Site. This existing facility is located in Bushkill Township, **Northampton County**.

Description of Existing Activity: The application is for a renewal and transfer of an NPDES permit for an existing discharge of treated industrial waste (treated leachate from a closed sanitary landfill).

The receiving stream, Unnamed Tributary of East Branch Monocacy Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.052 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum		Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	Report	Report	37	140	XXX	XXX
Total Suspended Solids	Report	Report	27	88	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	Report	Report	4.9	Geo Mean 10	XXX	12
Total Iron						
(Interim)	Report	Report	Report	Report	XXX	XXX
(Final)	Report	Report	4.7	7.3	XXX	11.7
Total Zinc	Report	Report	0.11	0.20	XXX	0.28
Phenol	Report	Report	0.015	0.026	XXX	0.038
a-Terpineol	Report	Report	0.016	0.033	XXX	0.040
Benzoic Acid	Report	Report	0.071	0.12	XXX	0.18
p-Cresol	Report	Report	0.014	0.025	XXX	0.035

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**PAS232214**, Storm Water, SIC Code 5169, **American Rock Salt Co. LLC**, PO Box 190, Mt Morris, NY 14510. Facility Name: American Rock Salt Co. LLC. This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Storm Water from a rock salt storage and distribution stockpile.

The receiving stream(s), Lackawanna River, is located in State Water Plan watershed 5-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.140 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
FLOW MGD	Report	Report	XXX	Report	Report	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Chlorides	Report	Report	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Free Available Cyanide	XXX	XXX	XXX	Report	Report	XXX

In addition, the permit contains the following major special conditions:

- Stormwater
- Discharge Flow

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**PA0065404**, SIC Code 4952, **Stair Fred C**, 3536 Jacksonville Road, Bethlehem, PA 18017-9301. Facility Name: Lands of Fred Stair. This proposed facility is located in Moore Township, **Northampton County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a single family residence at 2059 Bushkill Center Road, Moore Township, PA 18042.

The receiving stream(s), is located in State Water Plan watershed and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

In addition, the permit contains the following major special conditions:

- none

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**PA0062219**, Sewage, SIC Code 4952, **Frackville Area Municipal Authority Schuylkill County**, 42 South Center Street, Frackville, PA 17931-1423. Facility Name: Frackville Area Municipal Authority. This existing facility is located in Butler Township, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Little Mahanoy Creek, is located in State Water Plan watershed 6-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>	117	175	XXX	10.0	15.0	20.0
BOD <sub>5</sub> Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	350	525	XXX	30.0	45.0	60.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	29.2	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	87.6	XXX	XXX	7.5	XXX	15.0
Total Phosphorus	11.7	XXX	XXX	1.0	XXX	2.0
Nitrate-Nitrite as N	128	XXX	XXX	11.0	XXX	22.0
Total Aluminum	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Iron	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Magnesium	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	25570			
Net Total Phosphorus	Report	3409			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- Whole Effluent Toxicity Testing, Chesapeake Bay Nutrient Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**PA0084417**, Sewage, SIC Code 4952, **Brunner Robert L**, PO Box 310, Shermans Dale, PA 17090-0310. Facility Name: Village Square STP. This existing facility is located in Carroll Township, **Perry County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Sherman Creek, is located in State Water Plan watershed 7-A and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.



The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Geo Mean						
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	11	XXX	22

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0248452**, SIC Code 6514, **Paul W. Gettel**, 1107 Enola Road, Carlisle, PA 17013. Facility Name: Gettel Res. This existing facility is located in North Middleton Township, **Cumberland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), unnamed tributary to Wertz Run, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Geo Mean						

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**Application No. PA0247146**, Concentrated Animal Feeding Operation (CAFO), **Wanners Pride-N-Joy Farm, LLC (Wanners Pride-N-Joy Farms Home Farm)**, 5800 Wannan Road, Narvon, PA 17555-9646.

Wanners Pride-N-Joy Farm, LLC has submitted an application for an Individual NPDES permit for an existing CAFO known as Wanners Pride-N-Joy Farms Home Farm, located in Salisbury Township, **Lancaster County**.

The CAFO is situated near White Horse Run in Watershed 7-K, which is classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes. The CAFO is designed to maintain an animal population of approximately 1428.13 animal equivalent units (AEUs) consisting of 800 dairy cows and 615 heifers/calves. Manure is collected, treated in an anaerobic digester and stored in an HDPE-lined manure storage lagoon except for the calves which are on penpack. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717.705.4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

**PA0219177**, SIC Code 4952, **Dana Mining Company of PA, LLC**, 308 Dents Run Road, Morgantown, WV 26501. Facility Name: Titus Deep Mine STP. This existing facility is located in Dunkard Township, **Greene County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), UNT of Dunkard Creek, is located in State Water Plan watershed 19-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	0.001	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	9.0	XXX	18.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

**PA0219347**, **Patricia L. Iams**, 4124 Finley—Elrama Road, Finleyville, PA 15332. Facility Name: Iams Property STP. This existing facility is located in Union Township, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sanitary sewage from Iams Property STP.

The receiving stream, Lobbs Run, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	0.0008	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine				Monitor and Report		
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0

The EPA Waiver is in effect.

**PA0218197**, **Michael P. Baycura**, 131 Cardinal Drive, New Brighton, PA 15066. Facility Name: Steven's Trail STP. This existing facility is located in Daugherty Township, **Beaver County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Drainage Swale tributary to an Unnamed Tributary of Blockhouse Run, is located in State Water Plan watershed 20-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0015 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly	Maximum	
Flow (MGD)	0.0015	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0

The EPA Waiver is in effect.

**PA0098957**, Sewage, SIC Code 4952, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401-2214. Facility Name: Village of Outcrop STP. This existing facility is located in Springhill Township, **Fayette County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Georges Creek, is located in State Water Plan watershed 19-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0263 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly	Maximum	
Flow (MGD)	0.0263	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	15	XXX	30
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

**PA0264016**, SIC Code 4952, 8811, **DJH Inc.**, 513 Marwood Road, Cabot, PA 16023. Facility Name: Star Grill. This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream is an unnamed tributary to Rough Run, located in State Water Plan watershed 18-F and classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0012 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
UV Intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	XXX	Report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0238741**, Sewage, SIC Code 4952, 8811, **Neff Don W**, 111 Beach Road, Chicora, PA 16025-4101. Facility Name: Don W Neff SFTF. This proposed facility is located in Concord Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream is an unnamed tributary to Connoquenessing Creek, located in State Water Plan watershed 20-C and classified for High Quality Waters—Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**WQM Permit No. WQG012227**, SIC Code 4952, **Stair Fred C**, 3536 Jacksonville Road, Bethlehem, PA 18017-9301.

This proposed facility is located in Moore Township, **Northampton County**.

Description of Proposed Action/Activity: installation of a single family residence sewage treatment system to replace a malfunctioning on-lot system.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 6780406 13-1**, Sewerage, **DLA Installation Support at Susquehanna**, DS-FSE, 3rd Street & S Avenue, Building 750-1, New Cumberland, PA 17070. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Plant upgrade to replace aged treatment unit and associated buildings of WWTP.

**WQM Permit No. 0610202 13-1**, Industrial Waste, **Exide Technologies**, Spring Valley Road and Nolan Street, PO Box 14294, Reading, PA 19612-4294.

This proposed facility is located in Muhlenberg Township and Laureldale Borough, **Berks County**.

Description of Proposed Action/Activity: Proposed installation of a third stormwater storage and equalization tank.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. WQG01101301**, Sewerage, **Diane M. Spiece**, 105 Lions Road, Butler, PA 16001.

This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG01251301**, Sewerage, **James A Wardrop**, 6075 Old State Road, Edinboro, PA 16412.

This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

#### IV. NPDES Applications for Stormwater Discharges from MS4

#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

#### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912030	Rudy Amelio Devonshire Properties, LLC 1348 Hamilton St. Allentown, PA 18102	Lehigh	South Whitehall Twp.	Cedar Creek, HQ-CWF, MF

*Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024812015	PHI d/b/a Presbyterian Senior Living One Trinity Drive East Suite 201 Dillsburg, PA 17019	Northampton	City of Easton	Bushkill Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036706001R(1)	Timothy E. Pasch 2645 Carnegie Road York, PA 17402	York	Dover Township	Fox Run (TSF)
PAI034409001R	Pennsylvania Electric Company 2800 Pottsville Pike PO Box 16001 Reading, PA 19612	Mifflin	Oliver Township	UNT to Musser Run (HQ-CWF)

#### VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12            CAFOs

### STATE CONSERVATION COMMISSION

#### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should

include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application</i>
Glenville Farms 2391 Glenville Road Cochranville, PA 19330	Chester	3,111.3	4,537.4	Dairy Cows, Heifers, Bulls	HQ	Amendment
Sexing Technologies Dairy LLC 1141 State Road Lincoln University, PA 19352	Chester	165.3	1,288	Dairy Cows, Calves, Heifers	HQ	New

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Curtis Lehman 514 Bricker Road Bernville, PA 19506	Berks	158.7	438.58	Poultry Broilers	NA	New

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 6112504**, Public Water Supply

Applicant	<b>Brandon Maintenance Repair, Inc.</b>
Township or Borough	Rockland Township
County	<b>Venango</b>
Responsible Official	Brian Seger
Type of Facility	Public Water Supply
Consulting Engineer	Jeffrey L. Kordes, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received Date	December 17, 2012
Description of Action	Addition of raw water storage tanks and treatment facilities.

**Permit No. 3712505**, Public Water Supply

Applicant	<b>Brent Community Cooperative Water Association, Inc.</b>
Township or Borough	Plain Grove Township
County	<b>Lawrence</b>
Responsible Official	Carl D. Casteel, Jr.
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412

Application Received Date November 30, 2012  
 Description of Action Modification of treatment to provide for removal of iron and manganese by manganese greensand filtration, addition of storage, and modification of disinfection to comply with Groundwater Rule.

**Permit No. 3712505**, Public Water Supply

Applicant **Barkeyville Municipal Authority**  
 Township or Borough Barkeyville Borough  
 County **Venango**  
 Responsible Official James Coursen  
 Type of Facility Public Water Supply  
 Consulting Engineer Joseph P. Pacchoni, P.E.  
 Herbert, Rowland & Grubic, Inc.  
 3755 East State Street  
 Hermitage, PA 16148  
 Application Received Date November 30, 2012  
 Description of Action Modifications to Well No. 2.

**Permit No. 4313501**, Public Water Supply

Applicant **Borough of Stoneboro**  
 Township or Borough Stoneboro Borough  
 County **Mercer**  
 Responsible Official Chris Ewing  
 Type of Facility Public Water Supply  
 Consulting Engineer Olgierd K. Wodzianski, P.E.  
 Wodzianski Engineering, Inc.  
 1322 Elk Street  
 Franklin, PA 16323  
 Application Received Date January 8, 2013  
 Description of Action Reconstruct existing pump station, rehabilitate existing 300,000 gal. reservoir, construct another reservoir identical to that existing, construct dome roof over existing and proposed reservoirs.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Application No. 2640050**

Applicant **Pocono Waterworks Company, Inc.**  
 [Township or Borough] Lake Township  
**Wayne County**  
 Responsible Official Joseph B. Bonamico, Sr.,  
 President  
 Pocono Waterworks Company, Inc.  
 P. O. Box 189  
 Hamlin, PA 18427  
 570-689-4017

Type of Facility Community Water System  
 Consulting Engineer NA  
 Application Received Date December 20, 2012  
 Description of Action Application for transfer of the PWS operation permit for Ryan Hill Development from Hamlin Associated Water Companies, Inc. to Pocono Waterworks Company, Inc.

**Application No. 2450008**

Applicant **J & D Holdings, LLC**  
 [Township or Borough] Ross Township  
**Monroe County**  
 Responsible Official Joseph S. Wiesmith  
 919 Main Street  
 Stroudsburg, PA 18360  
 Type of Facility Community Water System  
 Consulting Engineer NA  
 Application Received Date January 10, 2013  
 Description of Action Application for transfer of the PWS operation permit for Birchwood Trailer Park from Howard E. Johnson to J & D Holdings, LLC

**Application No. 5812505, Minor Amendment.**

Applicant **Robert Weida**  
 DbA Oakland Trailer Park  
 104 Dream Lake Road  
 New Milford, PA. 18834  
 [Township or Borough] Oakland Township  
**Susquehanna County**  
 Responsible Official Mr. Robert Weida  
 Type of Facility Public Water Supply  
 Consulting Engineer Mr. Michael P. Goodwin, PE.  
 Milnes Engineering, Inc.  
 12 Frear Hill Road  
 Tunkhannock, PA. 18657  
 Application Received Date October 3, 2012  
 Description of Action This project provides for the construction of additional chlorine contact vessels to meet the requirements of the Ground Water Rule. Modification will also be made to the existing storage vessel to increase the baffling factor.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995**  
**PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S.

§§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of 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. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, 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 as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Former Packaging Specialists, LLC Facility**, 1728 Route 30, Findley Township, **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of ACF Properties, LP, 499 Nixon Road, Cheswick, PA 15204 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with chlorinated compounds. The intended future use of the property is non-residential warehousing.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The 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 permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**23-0066C: Pyropure Inc., d.b.a. Pyromet, Inc.** (5 Commerce Drive, Aston, PA 19014) for installation of a silver recovery furnace with a baghouse as a control



device, and a nitric acid digester with a scrubber as a control device. The company refines silver from medical x-ray films, photo finishes, and electronic scraps. The pollutant of concern is Particulate Matter (PM) and oxides of nitrogen (NO<sub>x</sub>). This is a minor facility and the emissions allowed in the proposed Plan Approval keeps the facility minor. The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05079F: United Corrstack, LLC** (720 Laurel Street, Reading, PA 19602) to modify restrictions for their circulating fluidized bed (CFB) boiler at their facility in the City of Reading, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 06-05079F is to revise conditions listed in Plan Approval No. 06-05079E, Source 104, for HCl, HF and opacity and to revise the definition of shutdown. The company's 482-mmBtu/hr boiler (Source ID 104) is subject to Subpart Db of the Standards of Performance for New Stationary Sources. Boiler Source ID 104 must also meet Best Available Technology (BAT).

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Chief, Air Quality Permitting, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

**05-05027A: CORLE Building Systems** (114 Rosemont Lane, Imler, PA 16655) for the construction of a surface coating system for finishing metal building panels at their facility in King Township, **Bedford County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 05-05027A will provide for the installation of four paint spray booths along with support facilities for paint mixing and handling. Facility hazardous air pollutant (HAP) emissions will be capped at 10 tons per year for individual HAP and 25 tons per year for total combined HAP. Volatile organic compound (VOC) emissions will be capped at 50 tons per year. Actual emissions are expected to be well below those limits. Along with the emission limits, the plan approval will contain monitoring, recordkeeping, reporting and work practice standards to ensure the facility complies with all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

William R. Weaver, Regional Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**AMS 12266: Lannett Co., Inc.** (9000 State Road/9001 Torresdale Avenue, Philadelphia, PA 19136) for installation of five (5) air handling units in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of less than 4.0 tons of Nitrogen Oxide. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

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**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00236: Highway Materials, Inc.** (1126 Crusher Road, Perkiomenville, PA 18074), for renewal of a State Only, Synthetic Minor Operating Permit in Marlborough Township, **Montgomery County**. Highway Materials operates a 360 tons per hour batch asphalt plant with a rotary dryer. A knockout box and baghouse dust collector is used for particulate matter emission controls. Through a Department approved exemption (eRFD No. 649), the facility was authorized to relocate the batch asphalt plant, in its entirety, to another location within its boundary. Also under eRFD No. 649, the facility was authorized to replace two existing horizontal 20,000 gallon oil-heated asphalt tanks to two vertical 20,000 gallon electrically heated tanks. No other changes were made to the asphalt plant equipment or structure. The permit includes monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

*Southcentral Region: Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-03067: Beacon Container Corp.** (700 West First Street, Birdsboro, PA 19508) for their corrugated paper products facility in Borough of Birdsboro, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew the Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of 1 tpy each of NO<sub>x</sub> and CO. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart Dc and 40 CFR 63 Subpart ZZZZ.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**36-05108: International Paper Co.** (801 Fountain Avenue, Lancaster, PA 17601-4352) for operation of its fiber container manufacturing plant in Manheim Township, **Lancaster County**. This is a renewal of their State-Only Operating Permit issued in 2008.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has past actual emissions around 0.49 tpy CO, 0.06 tpy NO<sub>x</sub>, 0.01 tpy PM<sub>10</sub>, and 2.12 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.77 and 129.52b, 40 CFR 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry and 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Tom Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00034: Cromaglass Corp.** (PO Box 3215, Williamsport, PA 17701) for their facility in Williamsport, **Lycoming County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 17.08 TPY of PM/PM<sub>10</sub>; 10.60 TPY of VOC and 10.60 TPY of total HAPs. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, PA 17701

A person may oppose the proposed operating permit, or may provide the Department with additional information

to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

David M. Shimmel, P.E., Chief, New Source Review Section, may be contacted at 570-327-3568, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

**55-00022: Schreck's Custom Trim Finishing, Inc.** (PO Box 6, Mount Pleasant Mills, PA 17853) for their facility in Perry Township, **Snyder County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 0.08 TPY of NO<sub>x</sub>; 0.02 TPY of CO; 0.33 TPY of SO<sub>x</sub>; 5.6 TPY of VOC and 1.00 TPY of total HAPs. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

Keith C. Allison, Chief, Facilities Permitting Section, may be contacted at 570-327-3640, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**43-00259: Grove City Medical Center** (631 N Broad Street Extension, Grove City, PA 16127-4603), for the renewal of a Natural Minor Permit to operate general medical and surgical hospitals facility in Pine Township, **Mercer County**. The facility's emitting sources included, 1) Boiler 1 & 2, 2) Hot Water 1, 2 & MOB (Medical office building), 3) Hot water heaters (2) and, 4) Emergency generator. This is a Natural Minor facility due to its

potential to emit of pollutants which are less than the Title V threshold limits. The facility is not subject to 40 CFR Part 63, Subpart JJJJJJ and Subpart ZZZZ. The emission statement: NO<sub>x</sub>: 4.17 TPY (Tons per year), CO: 3.5 TPY, PM (Total): 0.31 TPY, SO<sub>2</sub>: 0.025TPY.

**43-00289: Spang and Co.—Spang Power Electronics Division** (5241 Lake Street, Sandy Lake, PA 16145) to re-issue their Natural Minor Operating Permit for the facility's primary source of emissions is from surface coating operations in Sandy Lake Township, **Mercer County**. Potential emissions continue to be well below major source levels.

**61-00149: FFH, Inc.—Seneca** (392 Cottage Drive, Cranberry, PA 16319) to issue a renewal of the State Only Operating Permit for the Tri-Fuel Boiler at 224 Main Street in Seneca in Cranberry Township, **Venango County**. The facility is a Natural Minor. The boiler rating is 6.4 mmbtu/hr, fires primarily coal or natural gas and is controlled by a Breslove fly ash collector. The boiler is subject to the requirements of 40 CFR 63, Subpart JJJJJJ—NESHAP for Industrial, Commercial, and Institutional Boilers at Area Sources. The PM, SO<sub>x</sub>, NO<sub>x</sub>, CO, and VOC emissions are less than 2.2 TPY, 18.7 TPY, 2.3 TPY, 1.1 TPY, and 0.1 TPY, respectively. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such 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. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application 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 address of the district mining office indicated before each application 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.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of suffi-

cient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**03061301 and NPDES No. PA0235687. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the TJS No. 6 Deep Mine in Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on January 9, 2013. Application received: May 29, 2012.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**32070108 and NPDES No. PA0262528. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16601, permit renewal for reclamation only of a bituminous surface mine in Center Township, **Indiana County**, affecting 274.3 acres. Receiving stream(s): unnamed tributaries to Tearing Run classified for the following use(s): cold water fishery (CWF). There are no potable water supply intakes within 10 miles downstream. Application received: October 15, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37870102. Ambrosia Coal & Construction Co.** (P. O. Box 422, Edinburg, PA 16116) Renewal of an existing bituminous surface and clay removal mine in North Beaver Township, **Lawrence County** affecting 46.0 acres. Receiving streams: Unnamed tributary to the Beaver River, unnamed tributary to Edwards Run, both classified for the following uses: WWF. This renewal is for reclamation only. Application received: January 8, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**49-305-003GP12. Mallard Contracting Co., Inc.**, (122 Wilburton Road, Mt. Carmel, PA 17851), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit,

BAQ-GPA/GP-12 on Surface Mining Permit No. 49663009 in Mt. Carmel and Conyngham Townships, **Northumberland** and **Columbia Counties**. Application received: December 13, 2012.

*Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**7876SM1C and NPDES Permit No. PA0595721. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitehall Township, **Lehigh County** affecting 89.3 acres, receiving stream: Coplay Creek, classified for the following use: cold water fishes. Application received: December 12, 2012.

**5273SM2C18 and NPDES Permit No. PA0594130. Hanson Aggregate Pennsylvania, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an existing quarry operation in Thornbury and Middletown Townships, **Delaware County** affecting 247.3 acres, receiving streams: unnamed tributary to Chester Creek and Chester Creek, classified for the following use: migratory fishes. Application received: December 18, 2012.

**5278SM2C9 and NPDES Permit No. PA0595764. Hanson Aggregate Pennsylvania, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an existing quarry operation in Lake Township, **Wayne County** affecting 151.63 acres, receiving stream: unnamed tributary to Middle Creek, classified for the following uses: HQ—cold water fishes and migratory fishes. Application received: December 18, 2012.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**NPDES No. PA0013790 (Mining Permit No. 30841312), Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554). A revision to the NPDES and mining activity permit for the Blacksville Mine No. 2 in Gilmore Township, **Greene County** to install the 13-West Airshaft site. One NPDES point will be added. Surface Acres Affected 57.1. Receiving stream: Unnamed Tributary to Bloody Run, classified for the following use: WWF. Dunkard Creek TMDL. The application was considered administratively complete on February 23, 2012. Application received April 20 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 023* discharges to: Unnamed Tributary to Bloody Run

The proposed effluent limits for *Outfall 023* (Lat: 39° 46' 03" Long: 80° 22' 13") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.0197	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.5	1.0	1.3
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Sulfates (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

**NPDES No. PA0033677 (Mining Permit No. 56841328), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A renewal to the NPDES and mining activity permit for Mine 78 in Paint Township, **Somerset County** and Adams and Richland Townships, **Cambria County**. Surface Acres Affected 216.2, Underground Acres Affected 8,533.9. Receiving streams: Paint Creek and Unnamed Tributary to Paint Creek, both classified for the following use: CWF. Paint Creek Watershed TMDL. The application was considered administratively complete on July 26, 2012. Application received May 23, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 001* discharges to: Unnamed Tributary to Paint Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 14' 13" Long: 78° 47' 55") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.04	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		31	62	78
Chlorides (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

*Outfall 002* discharges to: Paint Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 14' 3.8" Long: 78° 47' 37") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	2.0	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

*Outfall 003* discharges to: Unnamed Tributary to Paint Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 14' 4" Long: 78° 47' 53.1") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.3	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		31	62	78
Chlorides (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

*Outfall 004* discharges to: Paint Creek

The proposed effluent limits for *Outfall 004* (Lat: 40° 14' 6.9" Long: 78° 47' 48.4") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.3	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		31	62	78
Chlorides (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

**NPDES No. PA0110914 (Mining Permit No. 56841310), Rosebud Mining Company,** (301 Market Street, Kittanning, PA 16201-1504). A renewal to the NPDES and mining activity permit for the Solar No. 7 Mine in Quemahoning Township, **Somerset County**. Surface Acres Affected 32.0, Underground Acres Affected 2,728.5. Receiving stream: Higgins Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on May 9, 2007. Application received January 29, 2007.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 001* discharges to: Higgins Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 08' 11" Long: 78° 58' 40") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.728	-
Iron (mg/l)		0.87	1.73	2.16
Manganese (mg/l)		0.58	1.16	1.45
Aluminum (mg/l)		0.44	0.87	1.09
Total Dissolved Solids (mg/l)		842	1684	2105
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		421	842	1053
Osmotic Pressure (mOs/kg)		40	80	100
Chlorides (mg/l)		-	-	REPORT

**NPDES No. PA0235369 (Mining Permit No. 32980701), RoxCOAL, Inc.,** (PO Box 149, Friedens, PA 15541). A renewal to the NPDES and mining activity permit for the Rock Refuse Disposal Area (North Branch) in Green Township, **Indiana County**. Surface Acres Affected 24.0, Receiving stream: Unnamed Tributary to North Branch of Two Lick Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on October 29, 2010. Application received August 5, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 001* discharges to: Unnamed Tributary to North Branch of Two Lick Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 43' 06" Long: 78° 57' 33") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.019	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	1.5	1.9
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)		50	100	125
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0259349 (Permit No. 16120104), Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) New NPDES permit for a bituminous surface mine in Elk Township, **Clarion County**, affecting 93.0 acres. Receiving streams: Unnamed tributary to Deer Creek, classified for the following uses: CWF; and unnamed tributary to Canoe Creek, classified for the following uses: HQ-CWF. TMDL: Deer Creek. Application received: November 7, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Deer Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

<sup>1</sup>The parameter is applicable at all times.

The outfall(s) listed below requires a non-discharge alternative and the implementation of BMP's for surface waters collected in response to precipitation from less than the 10 yr/24 hr storm event. The outfalls listed below may discharge to unnamed tributary to Canoe Creek in response to precipitation exceeding the 10 yr/24 hr storm event.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**NPDES No. 0257915 (Mining Permit No. 17120102), Rob Holland Enterprises**, 52 Holland Lane, Curwensville, PA 16833, new NPDES permit for bituminous coal surface mining in Penn Township, **Clearfield County**, affecting 42.5 acres. Receiving stream: Hiles Run to the West Branch Susquehanna River classified for the following use: Cold Water Fishes (West Branch Susquehanna River TMDL). Application received: July 13, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfalls listed below discharge to: Unnamed Tributaries to Hiles Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-B	Y
SP-A	Y

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*



**E51-256. Philadelphia Parks & Recreation**, 1 Parkway, 10th Floor, 1515 Arch Street, Philadelphia, PA 19102, City of Philadelphia, **Philadelphia County**.

To restore, and maintain approximately 400 linear feet of the unnamed tributary to Wissahickon Creek's stream bank by utilizing check dams and rock walls.

The site is located along Valley Creek Road within the Wissahickon Valley Park (Germantown, PA USGS Quadrangle N: 10.5 inches, W: 12.1 inches).

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E54-348. PA DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451, in South Manheim Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a road crossing of a tributary to Bear Creek (CWF, MF) consisting of an open bottom structural plate arch having a 71.58-foot span with a 9-foot underclearance, concrete headwalls, concrete wing walls and R-6 riprap. The project is located on the south side of West Deer View Drive (T-661) approximately 1.8 miles south of its intersection with SR 0895 (Friedensburg, PA Quadrangle, Latitude: 40°33'46.9"; Longitude: -76°9'1.2"). Subbasin: 3A.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**F08-001. Athens Township**, 45 Herrick Avenue, Sayre, PA 18840. Floodplain encroachment demolitions in Athens Township, **Bradford County**, ACOE Baltimore District (Sayre, PA and Litchfield, PA Quadrangles, Latitude: 41° 58' 39.44"; Longitude: 76° 30' 25.18").

Athens Township is seeking authorization to demolish existing floodplain encroachments (flood-damaged structures) and to re-grade the floodplain. The properties are located at: 416, 388, 340, 226, 582, and 622 Winding River Drive, Sayre, PA 18840; and 413 Tannery Road, Athens, PA 18810. All work will be conducted within the right floodplain of Susquehanna River.

**F19-001. Hemlock Township**, 26 Firehall Road, Bloomsburg, PA 17815. Floodplain encroachment demolitions in Hemlock Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle, Latitude: 41° 0' 12.38"; Longitude: 76° 27' 53.83").

Hemlock Township is seeking authorization to demolish existing floodplain encroachments (flood-damaged structures) and to re-grade the floodplain. The properties are located at: 568, 548, 558, 528, 408, 268, 258, 248, 218, 189, 149, 118, 99, 97, 49, 29, and 19 Drinker Street, Bloomsburg, PA 17815; 22, 63, 73, 83, and 85 Walnut Street, Bloomsburg, PA 17815; and 49 Bloom Street, Bloomsburg, PA 17815. All work will be conducted within the right floodplain of Fishing Creek.

**F19-002. Hemlock Township**, 26 Firehall Road, Bloomsburg, PA 17815. Floodplain encroachment demolition in Hemlock Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle, Latitude: 41° 1' 31.53"; Longitude: 76° 28' 52.58").

Hemlock Township is seeking authorization to demolish an existing floodplain encroachment (flood-damaged structure) and to re-grade the floodplain. The property is

located at: 166 Creek Road, Bloomsburg, PA 17815. All work will be conducted within the right floodplain of Little Fishing Creek.

**F19-003. Benton Township**, 236 Shickshinny Road, Benton, PA 17814. Floodplain encroachment demolition in Benton Township, **Columbia County**, ACOE Baltimore District (Benton, PA Quadrangle Latitude: 41° 10' 22.25"; Longitude: 76° 23' 1.84").

Benton Township is seeking authorization to demolish an existing floodplain encroachment (flood-damaged house) located at 3945 Maple Grove Road, Stillwater, PA 17878. The house is located within the left floodplain of Fishing Creek.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Telephone: 717.705.4802*

**EA38-009: Lebanon Valley Conservancy**, 752 Willow Street, Suite E, Lebanon, Pennsylvania 17046, in Annville and South Annville Townships, ACOE Baltimore District

To construct and maintain a stream restoration project along 3,690.0 feet of Quittapahilla Creek and four unnamed tributaries to Quittapahilla Creek, including: 1) 1,088.0 feet of toe bench protection; 2) 683.0 feet of toe wood bank protection; 3) 314.0 feet of constructed riffles; 4) 405.0 feet of step pools; 5) six log boulder j-hook vanes; 6) one log vane; 7) two double throated cross vanes; 8) 168.0 feet of imbricated rock wall; and 9) 2,405.0 feet of bank grading. The project is located immediately upstream of South White Oak Street near its intersection with Quittapahilla Drive (Palmyra, PA Quadrangle; Latitude 40°19'37"N, Longitude: -76°30'24"W) in Annville and South Annville Townships, **Lebanon County**.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**EA30-001CO. Rhonda Crawford**, 132 Plugged Road, New Freeport, PA 15352. Jackson Township, **Greene County**, ACOE Pittsburgh District. Project proposes to construct two (2) non-jurisdictional dams to impound water for an in-stream sediment pond and a downstream pond for livestock. The project is located across a tributary to Blockhouse Run (WWF) (New Freeport, PA Quadrangle, Latitude: 39.79535; Longitude: -80.378675).

**D37-039EA. James E. Kuntz, StoneMor Partners, LP**, 2700 Mt. Royal Boulevard, Glenshaw, PA 15116. Neshannock Township, **Lawrence County**, ACOE Pittsburgh District. Project proposes to remove the Castle View Lower Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The project is located across a tributary to the Shenango River (WWF) (New Castle North, PA Quadrangle, Latitude: 41.043012; Longitude: -80.356149).

**D06-446EA. Mr. Donald R. Schwartz, Womelsdorf-Robeson Joint Authority**, P. O. Box 94, Womelsdorf, PA 19567. Heidelberg Township, **Berks County**, ACOE Philadelphia District. Project proposes to breach Furnace Creek Dam for the purpose of eliminating a public safety hazard and restoring the stream to a free flowing condition. The dam is located across Furnace Creek (HQ-CWF, MF) (Womelsdorf, PA Quadrangle; Latitude: 40.3301, Longitude: -76.1476).

## ACTIONS

## THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) 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 Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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 Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## I. NPDES Renewal Permit Actions

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0061808 (Sewage)	George and Barbara Royle Single Residence Sewage Treatment Plant 113 Salamander Hill Henryville, PA 18332	Monroe County Paradise Township	Unnamed Tributary to Swiftwater Creek (01E)	Y

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0046230 Sewage	Carmichaels Cumberland Joint Sewer Authority PO Box 304 Carmichaels, PA 15320-0304	Greene County Carmichaels Borough	Muddy Creek	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210471	Bessemer Municipal Authority STP 300 Smalls Ferry Road, Bessemer, PA 16112	Lawrence County North Beaver Township	Hickory Run (20-B)	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Salford Township Montgomery County	PA0058301	Maurer Richard 807 Ridge Road Telford, PA 18969-1528	Unnamed Tributary to Ridge Valley Creek—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
East Rockhill Township Bucks County	PA0054704	Qtown Properties LLC 1620 Wrightstown Road Newtown, PA 18940	Unnamed Tributary of Tohickon Creek—2-D	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**NPDES Permit No. PAS232213**, Storm Water, SIC Code 2841, 2842, **Royal Chemicals Co. Ltd**, 1336 Crowe Road, East Stroudsburg, PA 18301.

This proposed facility is located in Stroud Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Storm Water.

**NPDES Permit No. PA0028568**, Sewage, SIC Code 4952, **Bangor Borough Authority**, 54 Market Street, P. O. Box 51, Bangor, PA 18013.

This existing facility is located in Washington Township, **Northampton County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage. The final permit does not include the conditional effluent limit for Whole Effluent Chronic Toxicity as published in the draft permit notice (*PA Bulletin*, Volume 42, No. 6, February 11, 2012), as a result of utilizing a revised Q7-10 low flow value for the receiving stream.

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**WQM Permit No. WQG02091209**, Sewage, **Warrington Township**, 852 Easton Road, Warrington, PA 18976-0636.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage pump station and associated force main.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. WQG016194**, Sewerage, **Sterling Enterprises, LLC**, 167 Camelot Road, Portersville, PA 16051

This proposed facility is located in New Sewickley Township, **Beaver County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

**WQM Permit No. 5612403**, Sewerage, **Jenner Area Joint Sewer Authority**, 102 Saylor Street, Jennerstown, PA 15547

This proposed facility is located in Boswell Borough, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a force main.

**WQM Permit No. 3012401**, Sewerage, **Consol PA Coal Company, LLC**, PO Box J, Claysville, PA 15323

This proposed facility is located in Morris Township, **Greene County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment facility.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 1008201**, Industrial Waste, **Amendment No. 3**, **Seneca Landfill Inc.**, P. O. Box 1080, Mars, PA 16046-1080.

This existing facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: This permit approves the modification/operation of industrial wastewater facilities by changing the use of two of four leachate storage tanks to treatment units.

#### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

#### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912010	City of Allentown 3000 Parkway Blvd. Allentown, PA 18104	Lehigh	City of Allentown	Little Lehigh Creek, HQ-CWF, MF
PAI023911006	Pennsylvania Department of Transportation Engineering District 5-0 1002 Hamilton St. Allentown, PA 18101	Lehigh	Upper Macungie Twp.	Breinig Run, HQ-CWF, MF
PAI023912009	Peter & Gayle Gaumer P. O. Box 53 Macungie, Pa 18062	Lehigh	Macungie Borough	Little Lehigh Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032806008R	Frank Flohr Country Lane Phase II 1350 Lincoln Way East Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch (HQ-CWF)
PAI033606002R	Randall Martin Randall L. Martin Builders, Inc. Seven Wentzel Road Mohnton, PA 19540	Lancaster	Terre Hill Borough	UNT to Black Creek (HQ-WWF, MF)
PAI033612007	Mark Lewis 254 Little Britain Road Nottingham, PA 19362	Lancaster	Little Britain Township	Reynolds Run (HQ-CWF)
PAI034412001	Larry McCarl Mifflin County Airport 547 Airport Road, PO Box 461 Reedsville, PA 17084	Mifflin	Brown Township	UNT to Tea Creek (HQ-CWF, MF)
PAI034412002	William A. Capouillez McVeytown Community Local Mission Service Foundation 7630 Ferguson Valley Road McVeytown, PA 17051	Mifflin	Oliver Township	Musser Run (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041411006	Edward Babcock 882 Greenbriar Dr State College, PA 16801	Centre	Patton Township	UNT to Buffalo Run HQ-CWF

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056506004R	James Rumbaugh Bulltown Associates, LP 772 Pine Valley Drive Pittsburgh, PA 15239	Westmoreland	Murrysville Borough	Haymakers Run Watershed (HQ-CWF)

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### *General Permit Type—PAG-02*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bridgewater Twp., Susquehanna County	PAG02005808003R	Endless Mountain Health Systems Loren O. Stone 3 Grow Ave. Montrose, PA	Snake Creek, CWF, MF; Meshoppen Creek, CWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600
		James T. O'Hara, Inc. James T. O'Hara 205 Old School House Rd. Covington Twp., PA 18444		
Bridgewater Twp., Susquehanna County	PAG02005811003R	Adam Diaz 7686 SR 167 Kingsley, Pa 18826	Meshoppen Creek, CWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600
		Rockford Corp. Carsten Von Borstel 22845 New Bennett St. Suite 150 Hillsboro, OR 97124		

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Mount Joy Township Adams County	PAG02000112020R	Richard A. Klein The Links at Gettysburg, LLC 601 Mason Dixon Road Gettysburg, PA 17325	Rock Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
West Reading Borough Berks County	PAG02000612037	Clint Matthews Reading Hospital & Medical Center PO Box 16052 Reading, PA 19610-6053	Wyomissing Creek/CWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Blair Township Blair County	PAG02000706005R	S&A Homes 2121 Old Gatesburg Road State College, PA 16803	Blair Gap Run/TSF & Beaverdam Branch Juniata River/TSF	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
Delaware Township Juniata County	PAG02033412003	Roger Stutts Thompstontown Municipal Authority PO Box 154 Thompstontown, PA 17904	Delaware Creek/ TSF, MF	Juniata Co. Conservations District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717.436.8953
Hellam Township York County	PAG02006708010R	Corina Mann Hellam Township 44 Walnut Springs Road Hellam, PA 17406	Susquehanna River Basin/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Lower Windsor Township York County	PAG02006711011R	Eastern York School District PO Box 150 Wrightsville, PA 17368	Canadochly Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Lower Windsor Township York County	PAG02006708036R	Carl Dallmeyer 4775 N. Sherman Street Extd. Mount Wolf, PA 17347	UNT of Canadochly Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
East Manchester Township York County	PAG02006709066R	Manor Village Associates c/o The Manor Group 1377-C Spencer Avenue Lancaster, PA 17603	UNT to Conewago Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Springettsbury Township York County	PAG02006712060	Rockview, LLC- KCH Holding, Inc. 227 Granite Run Drive, Suite 100 Lancaster, PA 17601	Kreutz Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Penn Township York County	PAG02006705094R2	Schindler Elevator Corporation, a Delaware Corporation 20 Whippany Road, PO Box 1935 Morristown, NJ 07962-1935	Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Conewago Township York County	PAG02006711013R	FT-LLL Partnership 6259 Reynolds Mill Road Seven Valleys, PA 17360	Oak Run/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701 570.327.3636*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Huston Township Clearfield County	PAG02001710015R	PA Dept of Transportation District 2-0 1924-30 Daisy St Ext Clearfield PA 16830	Bennett Branch CWF, MF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 (814) 765-2629
Mansfield Borough Tioga County	PAG 02005912011	Mansfield Auxiliary Corporation Box 119, 15 Pinecrest Dr Mansfield PA 16933	Tioga River CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Chippewa Township Beaver County	PAG02000412016	Chippewa Township Sanitary Authority 2811 Darlington Road Beaver Falls, PA 15010	Wallace Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 548-3435
Patterson Township Beaver County	PAG02000412019	CJ Betters Betters Real Estate 100 BET Tech Drive Aliquippa, PA 15001	Walnut Bottom (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 548-3435
Green Township Indiana County	PAG02003212010	Green Township Community Association PO Box 124 Commodore, PA 15729	Pompey Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Green Township Indiana County	PAG02003212013	Green Township Municipal Authority 77 Musser St Commodore, PA 15729	North Branch of Two Lick Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Cecil Township Chartiers Township Mt. Pleasant Township Washington County	PAG02006311021-2	MarkWest Liberty Midstream & Resources, LLC. 601 Technology Drive Suite 130 Canonsburg, PA 15317	Millers Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Evans City Borough Butler County	PAG02001012044	Norman Nelson Evans City Water & Sewer Authority 294 South Jackson Street—Suite B Evans City PA 16033	Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001005028R	John R. Deklewa 1273 Washington Pike, Suite 201 Bridgeville PA 15017	Unt Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Jackson Township Butler County	PAG02001012033	Butler Transit Authority 130 Hollywood Drive— Ste. 101 Butler PA 16001	Unt Glade Run WWF	Butler County Conservation District 724-284-5270
Butler Township Butler County	PAG02001012047	VA Butler Partners Company LLC 5301 Grant Avenue Cleveland OH 44125	Unt Sawmill Run WWF	Butler County Conservation District 724-284-5270

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Butler Township Butler County	PAG02001012039	Sheetz Inc Attn: Dave Mastrostefano 817 Brookfield Drive Seven Fields PA 16046	Thorn Creek CWF	Butler County Conservation District 724-284-5270

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Water Use</i>	<i>Contact Office &amp; Phone No.</i>
Elk County, Horton Township	PAG2092413001	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Brandy Camp Creek/ CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-03*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
New Garden Township Chester County	PAR140025 A-1	International Paper 1270 Old Baltimore Pike Toughkenamon, PA 19374	Unnamed Tributary of West Branch Red Clay Creek—3I	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAR120025 A-1	Mondelez Global LLC 12000 E Roosevelt Boulevard Philadelphia, PA 19116	Unnamed Tributary to Byberry Creek and Unnamed Tributary to Walton Run—3-J	Southeast Region Clean Water Program 484.250.5970
Ontelaunee Township Berks County	PAR233525	Brenntag Northeast, Inc. 81 West Huller Lane Reading, PA 19605	Willow Creek / CWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Middlesex Township Cumberland County	PAR803556	ABF Freight Systems, Inc. 2001 Harrisburg Pike Carlisle, PA 17011	Hogestown Run / CWF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Independence Township Beaver County	PAR606173	Independence Auto Salvage New Bethlehem Church Road Box 402-A Aliquippa, PA 15001	UNT of Raccoon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Rostraver Township Westmoreland County	PAR806144	Westmoreland County Airport Authority 200 Pleasant Unity Road Suite 103 Latrobe, PA 15650	UNT of Gillespie Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
West Mifflin Borough Allegheny County	PAR236103	Liberty Polyglas, Inc. 1575 Lebanon School Road West Mifflin, PA 15122-3433	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
McKees Rocks Borough Allegheny County	PAR706119	The Lane Construction Corporation 2 Prestley Road Bridgeville, PA 15017	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Collier Township Allegheny County	PAR706118	The Lane Construction Corporation 2 Prestley Road Bridgeville, PA 15017	McLaughlin Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
City of Pittsburgh Allegheny County	PAR606139	Keystone Iron & Metal, Inc. 4903 East Carson Street Pittsburgh, PA 15222	Streets Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Meadville Crawford County	PAR318303	Universal Well Services Inc. 159 Northwood Drive Meadville, PA 16335	Unnamed tributary of French Creek 16-D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAG040185	Toll Bros Inc. 250 Gibraltar Road Horsham, PA 19044	Unnamed Tributary to Pine Run—2-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
New Sewickley Township Beaver County	PAG046438	Sterling Enterprises, LLC 167 Camelot Road Portersville, PA 16051	UNT to Brush Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-5**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Downingtown Borough Chester County	PAG050088	ExxonMobil Environmental Service Co. 7715 Crittenden Street #309 Philadelphia, PA 19118-4421	East Branch Brandywine Creek—3-H	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Millcreek Township Erie County	PAG058379	Shell Oil Products, U.S. 4417 13th Street, PMB 311 St. Cloud, FL 34769	Municipal Storm Sewer to Marshall Run	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Clarion Township Clarion County	PAG058341	Frampton Oil Company, Inc. P. O. Box 1128 Oil City, PA 16301	Trout Run	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Bloomfield Township Crawford County	PAG058348	TNT Enterprises, Inc. 21779 State Highway 8 Centerville, PA 16404	Unnamed Tributary to Bloomfield Run	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Brookville Borough Jefferson County	PAG058386	CoGos Company (CoGos 24) 638 Rostraver Road, Belle Vernon, PA 15012	Unnamed Tributary to Clement Run	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Eldred Borough McKean County	PAG058313	Witter Gas & Oil Company, Inc. (Todd Motor Sales) 35 Pine Ridge Trail, Arden, NC 28704	Unnamed Tributary to the Barden Brook	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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 Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in

and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 1512516, Minor Amendment.** Public Water Supply.

Applicant

**Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township Schuylkill  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer CET Engineering Services  
 1240 Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct January 10, 2013  
 Issued

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Operations Permit** issued to: **Borough of Tyrone**, 4070021, Snyder Township, **Blair County** on 1/7/2013 for the operation of facilities approved under Construction Permit No. 0711505 MA.

**Operations Permit** issued to: **Lyons Borough Municipal Authority**, 3060096, Lyons Borough, **Berks County** on 1/2/2013 for the operation of facilities approved under Construction Permit No. 0611518 MA.

**Operations Permit** issued to: **Shady Lane Estates**, 3060058, Alsace Township, **Berks County** on 1/7/2013 for the operation of facilities submitted under Application No. 0612519 MA.

**Operations Permit** issued to: **Sun Valley Mobile Home Park**, 3060065, Tulpehocken Township, **Berks County** on 1/7/2013 for the operation of facilities submitted under Application No. 0612529 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Permit No. 5909501—Operation** Public Water Supply.

Applicant **Mansfield University**  
 [Township or Borough] Mansfield Borough  
 County **Tioga**  
 Responsible Official Mr. Richard Nelson  
 Mansfield University  
 Brooks Maintenance Building  
 115 Sherwood Street  
 Mansfield, PA 16933  
 Type of Facility Public Water Supply  
 Consulting Engineer Mr. Travis Long Gwin,  
 Dobson & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602  
 Permit Issued January 9, 2013  
 Description of Action Operation of a Pall Aria AP-4  
 continuous microfiltration plant,  
 a 165,000 gallon finished water  
 storage tank and upgraded Well  
 Nos. 1 and 3.

**Permit No. 5511501—Operation** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
 [Township or Borough] Monroe Township

County **Snyder**  
 Responsible Official Mr. Patrick R. Burke  
 Aqua Pennsylvania, Inc.  
 1 Aqua Way  
 White Haven, PA 18661  
 Type of Facility Public Water Supply  
 Consulting Engineer Mr. Tate Hunsinger  
 Aqua Pennsylvania, Inc.  
 204 East Sunbury Street  
 Shamokin, PA 17872  
 Permit Issued January 10, 2013  
 Description of Action Operation of Well No. 7 and  
 related treatment facilities,  
 including a sodium hypochlorite  
 chemical feed system and 90 feet  
 of 36-inch diameter detention  
 piping.  
**Permit No. 5912502—Construction** Public Water  
 Supply.  
 Applicant **Wellsboro Municipal  
 Authority**  
 [Township or Borough] Wellsboro Borough  
 County **Tioga**  
 Responsible Official Mr. Daniel K. Strausser  
 Wellsboro Municipal Authority  
 28 Crafton Street  
 Wellsboro, PA 16901  
 Type of Facility Public Water Supply  
 Consulting Engineer William S. Bray, P.E.  
 P. O. Box 535  
 Wellsboro, PA 16901  
 Permit Issued January 11, 2013  
 Description of Action Construction of the Pall Corp.  
 membrane facility to run in  
 parallel with the slow sand  
 plant.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 2412502** Public Water Supply  
 Applicant **Jay Township Water  
 Authority**  
 Township or Borough Jay Township  
 County **Elk**  
 Type of Facility Public Water Supply  
 Consulting Engineer Peter C. Buss Gibson-Thomas  
 Engineering Company, Inc.  
 1004 Ligonier Street  
 P. O. Box 853  
 Latrobe, PA 15650  
 Permit to Construct January 10, 2013  
 Issued

**Operation Permit** issued to **JABEZ Properties, LTD d/b/a Country Gardens Mobile Home Park**, PWSID #6250055, Girard Township, **Erie County**. Permit Number 2512504 issued January 11, 2013 for the operation of the chlorine contact line installed at the Country Gardens Mobile Home Park water treatment

plant located at the intersection of Nursery Road and Middle Road in Girard Township, Erie County, Pennsylvania. This permit is issued in response to receipt of the completed construction certificate, operation permit application, and acceptable bacteriological sample results.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

#### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Germany Township	136 Ulricktown Rd, Littlestown PA 17340	Adams

*Plan Description:* The planning module for the Wynstone Subdivision, DEP Code No. A3-01916-200-2, APS Id 796743, consisting of an eleven lot residential subdivision to be served by individual on lot sewage disposal systems, plus a residue tract with an existing dwelling thereon. The proposed development is located on the northeast corner of the intersection of Georgetown Road and Bittle Road and on the south side of Georgetown Road in Germany Township. This plan is disapproved because:

The planning module did not comply with 25 Pa. Code § 71.62(c)(3) due to the fact that critical required information was not submitted in the module package. The Preliminary Hydrogeologic Study failed to provide well logs detailing the construction, static water level, and water bearing zone depths of the three wells used to characterize background nitrate-nitrogen concentrations in the shallow groundwater at the site. The module instructions state that this information about test wells must be provided to document that the samples are obtained from the shallow aquifer. The groundwater recharge rate used in the Preliminary Hydrogeologic Study is not appropriate for this part of southeastern Adams County. SEO has indicated that the subdivision exhibits marginal site conditions for on lot sewage disposal. Site exhibits both suitable and unsuitable probes and suitable and unsuitable percolation tests. The municipality did not complete Section Q of Component 2. If replacement area testing is to be used to address the marginal conditions, insufficient testing was performed in that only one suitable percolation test was conducted on Lots 1-5, and 7-11. Discrepancies between the reported soil testing and what was shown on the plot plan were evidenced for Lots 5, 6, 10, and the residue tract. The well for Lot 6 appears to be located in the R-O-W. The well isolation distance to the proposed absorption area may not be maintained if this location is prohibited by other land development regulations. Nothing was reported regarding the existing on lot sewage system serving the existing dwelling on the residue tract. The SEO did not complete Section H.3. of Component 2. The Project Narrative states that there are two residue tracts but only one is shown on plot plan. The well was not plotted on adjacent property owned by Meyer, between Lots 9 & 10 and on adjacent property owned by Rinehart, next to Lot 11.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of 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 act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Rose Marie Allison Estate**, 2070 Enfield Street, Camp Hill, PA 17011, Camp Hill Borough, **Cumberland County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of William Allison, Executor, 2070 Enfield Street, Camp Hill, PA 17011, submitted a Remedial Investigation Report and Cleanup Plan for site soils and groundwater contaminated with No. 2 fuel oil. The site is being remediated to the Site Specific and Residential Statewide Health standards.

**Patriot Federal Credit Union Residential Property**, 233 Schoolhouse Road, Saint Thomas, PA 17252, Saint Thomas Township, **Franklin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Patriot Federal Credit Union, PO Box 778,

Chambersburg, PA 17201, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Lester R. Summers—Fleet Fueling Facility**, 566 North Reading Road, Ephrata, PA 17522, Ephrata Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Lester R. Summers, Inc., 40 Garden Spot Road, Ephrata, PA 17522, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health Standard.

**Market Street Parking Lot**, 405-421 North Market Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Prince Street Associates, LP, PO Box 1806, Lancaster, PA 17601, and Redevelopment Authority of the City of Lancaster, 120 North Duke Street, Lancaster, PA 17602, submitted a combined Remedial Investigation and Final Report for site soils and groundwater contaminated with gasoline released from non-regulated underground storage tanks. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health and Site Specific standards.

**Former F. L. Smithe Machine Company, Inc.**, Old Route 220, Duncansville, PA 16635, Allegheny Township and Duncansville Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Barry-Wehmiller Companies, Inc., 8020 Forsyth Boulevard, Saint Louis, MO 63105, submitted a Final Report for groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Verizon-Pennsylvania Inc.—Erie Work Center**, City of Erie, **Erie County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086 on behalf of Verizon Pennsylvania, Inc., 7701 E. Telecom Drive, MC: FLTDSB1M, Temple Terrace, FL 33637-0914 has submitted a Final Report concerning remediation of site soil contaminated with Pentachlorophenol and site groundwater contaminated with Pentachlorophenol, Arsenic, Lead, and Cobalt. The report is intended to document remediation of the site to meet 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 Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report

provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**GlaxoSmithKline Vaccines**, North America, 325 North Bridge Street, Marietta, PA 17547, East Donegal Township, **Lancaster County**. IES Engineers, Inc., 1720 Walton Road, Blue Bell, PA 19422, on behalf of GlaxoSmithKline Vaccines, NA, 325 North Bridge Street, Marietta, PA 17547 and Cleveland Brothers Equipment Co., 4565 William Penn Highway, Murrysville, PA 15668, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on January 7, 2013.

**Worley Industries / Worley Lumber**, 6210 West Penn Avenue, Wernersville, PA 19567, South Heidelberg Township, **Berks County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Worley Industries, Inc., 410 Sheridan Road, Wernersville, PA 19567, and RLP Land Holdings, LLP, 6371 Penn Avenue, Wernersville, PA 19565, submitted a combined Remedial Investigation and Final Report for site soils and groundwater contaminated with No. 2 fuel oil. The com-

bined report demonstrated attainment of the Site Specific standard and was approved by the Department on January 9, 2013.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Emkey Gathering LLC Union City Compressor Station, Union City, Erie County.** Environmental Coordination Services & Recycling, 3237 U.S. Highway 19, Cochranon, PA 16314 and Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Emkey Gathering, LLC., 2501 Palermo Drive, Suite B, Erie, PA 16506 has submitted a Final Report concerning remediation of site soils contaminated with 2-Methylnaphthalene, Benzene, Toluene, Total Xylene, Naphthalene, n-Propylbenzene, 1,3,5-Trimethylbenzene, 4-Isopropyltoluene, 1,2,4-Trimethylbenzene, sec-Butylbenzene, and N-Butylbenzene. The site was remediated within 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 10, 2013.

**Titusville Wax Plant, City of Titusville, Crawford County.** AMEC Environment & Infrastructure, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Honeywell International, Inc., 101 Columbia Road, Morristown, NJ 07962 has submitted a Risk Assessment/Remedial Investigation Report concerning the remediation of site soil contaminated with volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), semi-volatile organic compounds (SVOCs), metals and groundwater contaminated with VOCs. The Risk Assessment/Remedial Investigation Report was disapproved by the Department on January 10, 2013.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) Rescinded Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR128.** On August 13, 2012, the Department issued General Permit Number WMGR128 authorizing the beneficial use of crystalized sodium chloride and liquid calcium chloride generated at distillation facilities operating under General Permit Number WMGR123. The beneficial uses of crystalized sodium chloride and liquid calcium chloride included use as a roadway deicer, use for roadway dust suppression, soil stabilization, as an ingredient in an industrial process to make a product, and as an effective substitute for a commercial product.

The Department has determined that the notice provided to the public on April 9, 2011, advising the public of the Department's receipt of the permit application and soliciting public comments, was not sufficiently detailed to provide the category of proposed beneficial use. General Permit Number WMGR128 was rescinded on January 8, 2013. The Department anticipates republishing notice of the application in the near future, and accepting public comments on the application thereafter.

**Permit(s) Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR139. Roaring Spring Biofuel,** a Division of Roaring Spring Blank Book Company, 231 Cove Lane Road, Suite 3, Roaring Spring, PA 16673. This permit is for processing post-industrial, pre-consumer waste into fuel cubes. The permit was issued by Central Office on January 3, 2013.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### MUNICIPAL WASTE GENERAL PERMITS

**Registration for General Permit issued under the Solid Waste Management Act; and Municipal Waste Regulations for a General Permit To Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 relating to authorization for general permit).**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM042-SC002. Mike Brubaker, Brubaker Farms Partnership,** 493 Musser Road, Mt. Joy, PA 17552. The Department of Environmental Protection has issued a registration under General Permit WMGM042 to Brubaker Farms Partnership. This registration is for their location at 493 Musser Road, Mt. Joy, PA 17552 in East Donegal Township, **Lancaster County.** The registration was issued on January 14, 2013.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP5-08-377: Chesapeake Appalachia, LLC** (PO Box 18496, Oklahoma City, OK 73154-0496) on January 7, 2013, for the construction and operation of one (1) 215 bhp Caterpillar G3406 natural gas-fired rich-burn engine equipped with a 3-way catalyst at the Bustin Homestead

Bra Well Pad located in Wysox Township, **Bradford County**. The site also contains two (2) 0.75 MMBtu/hr line heaters and two (2) 16,800 gallon produced water storage tanks.

**GP5-08-378: Chesapeake Appalachia, LLC** (PO Box 18496, Oklahoma City, OK 73154-0496) on January 7, 2013, for the construction and operation of one (1) 215 bhp Caterpillar G3406 natural gas-fired rich-burn engine equipped with a 3-way catalyst at the Flash Bra Well Pad located in Rome Township, **Bradford County**. The site also contains two (2) 0.75 MMBtu/hr line heaters and two (2) 16,800 gallon produced water storage tanks.

**GP5-41-710: NFG Midstream Trout Run, LLC** (6363 Main Street, Williamsville, NY 14221-5887) on January 8, 2013, authorize the construction and operation of a FLOCO model 500MD30F12N3PYS (Unit #1) and model FLOCO/1MMD42F18N3PYS (Unit #2) Tri-ethylene glycol dehydrators, 192.5 brake horsepower, Cummins model GM8.1L, natural gas-fired emergency generator, one (1) 65 brake horsepower Cummins model 35DSFAA/C1203188893 diesel-fired emergency generator and one (1) ETI line heater pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at the Liberty Drive Interconnect Station located in Loyalsock Township, **Lycoming County**.

**GP3-08-337B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on January 10, 2013, to authorize the relocation of a 440 TPH Nordberg model LT1213 crushing unit to the Greens Landing facility pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plant (BAQ-GPA/GP-3) in Athens Township, **Bradford County**.

**GP11-08-337B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on January 10, 2013, to authorize relocation of a 425 bhp CAT model C-12 DITA diesel-fired engine to their Greens Landing facility pursuant to the General Plan Approval and/or General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) in Athens Township, **Bradford County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-65-01011B: CNX Gas Company LLC** (200 Evergreen Drive, Waynesburg, PA 15370) on January 9, 2013, to allow the installation and operation of three (3) additional natural gas-fired compressor engines, Caterpillar model G3516B rated at 1,380 brake horsepower, each controlled by an oxidation catalyst at the Mamont Compressor Station located in Washington Township, **Westmoreland County**. A total of five (5) compressor engines are authorized for installation and operation at Mamont.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP5-27-042A: A & S Production, Inc.** (Kiffer Hill Road, Endeavor, PA 16322) on December 20, 2012), for operation of one (1) lean burn, 2 stroke natural gas engine, Ajax Model DPC-180 rates 180 bhp at 400 rpm, and one (1) Cenatco Natural Gas Dehydrator, Model (National Build) Number 5930 (BAQ-GPA/GP-5) in Hickory Township, **Forest County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**63-00965A: M3 Appalachia Gathering, LLC** (1099 Main Avenue, Suite 210, Durango, CO 81301) on January 08, 2013, to allow installation and operation of four (4) additional G3612LE Compressor Engines each rated at 3550 bhp at Twilight Compressor Station in West Pike Run Township, **Washington County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0049A: International Business Systems, Inc.** (431 Yerkes Road, King of Prussia, PA 19406-3523) on January 8, 2013, for modification of two conditions in the Plan Approval for their existing facility in Upper Merion Township, **Montgomery County**. This facility is a synthetic minor facility for VOC emissions. The modification removed the requirement to test for PM, PM-10 and PM-2.5 emissions from the Regenerative Thermal Oxidizer (RTO). The main pollutant from the printing presses is VOCs, and using natural gas as the RTO fuel, the small PM emission does not require source testing. Also, this modification removes the requirement to install four natural gas meters and requires the installation of one gas meter for monitoring natural gas usage. The fuel combustion process in the press dryers and RTO contribute a very small amount of pollutant. Emissions can be calculated from the total fuel usage rate since the emission factor is the same for both the dryers and the RTO. There will be no emission increases at the facility from the above minor modifications to the Plan Approval. The Department is not authorizing any modification of any sources at this facility under this application. The Plan Approval still contains testing, monitoring and recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**07-03055A: Advanced Metals Processing—PA LLC** (129 South Sparks Street, Suite 1, State College, PA 16801-3913) on January 9, 2013, for a nonferrous metal delacquering oven at their facility in Hollidaysburg Borough, **Blair County**. The plan approval was extended.

**31-05012A: PA Department of Corrections** (1120 Pike Street, Huntingdon, PA 16652-1117) on January 9, 2013, to increase the coal usage restriction on three existing coal fired boilers, and to install a baghouse on the boilers and to install two 29.5 MMBtu/hr oil-fired

backup boilers at their Smithfield State Correctional Institution in Smithfield Township, **Huntingdon County**. The plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**65-00629A: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474) on January 9, 2013, to modify the Responsible Official and Contact Person at the Latrobe Brewery in Latrobe Borough, **Westmoreland County**. This plan approval expires on July 9, 2013.

**65-00986A: Tiger Door, Inc.** (574 W. Otterman Street, Greensburg, PA 15601) on January 14, 2013, with an expiration date of July 14, 2013, to extend the period of temporary operation of sources and controls authorized under Plan Approval PA-65-00986A at the Tiger Door Manufacturing Plant in Hempfield Township, **Westmoreland County**. The plan approval has been extended.

**03-00027B: GenOn Northeast Management Company** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on January 10, 2013, to extend the period of temporary operation of the Units No. 1 and 2 flue gas desulfurization systems and emergency generator covered under plan approval 03-00027B, until July 13, 2013, at the Keystone Generating Station located in Plumcreek Township, **Armstrong County**. The plan approval has been extended.

**30-00194: EQT Gathering, LLC** (625 Liberty Avenue, Pittsburgh, PA 15222) on January 14, 2013, with an expiration date of July 14, 2013, to authorize continued temporary operation of air contamination sources and controls at the Callisto Compressor Station in Morris Township, **Greene County**. The plan approval has been extended.

**26-00500A: Alpha Pa Coal Terminal** (158 Portal Road Waynesburg, PA 15370) on January 22, 2013, to allow the company to change names of the responsible officials at their coal processing plant, in Luzerne Township, **Fayette County**. The plan approval has been extended.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-00056: Lehigh County Wastewater Treatment Plant** (7676 Industrial Boulevard, Allentown, PA 18106) on January 14, 2013, to operate odor control equipment in the Upper Macungie Township, **Lehigh County**. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**54-00038: Hart Metals, Inc.** (1415 East Broad Street, Tamaqua, PA 18252) on January 14, 2013, to operate a metal processing operation and associated air cleaning devices at their facility in Tamaqua Borough, **Schuylkill County**. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing,

monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-05023: F&M Hat Company, Inc.** (103 Walnut Street, Denver, PA 17517-1605) on January 9, 2013, for their hat manufacturing facility in Denver Borough, **Lancaster County**. The State-only permit was renewed.

**07-05032: New Enterprise Stone & Lime Co., Inc.** (PO Box 77, New Enterprise, PA 16664-0077) on January 9, 2013, for their drum mix asphalt plant and recycled asphalt pavement (RAP) processing plant at the Roaring Spring quarry in Taylor Township, **Blair County**. The State-only permit was renewed.

**36-05087: Morgan Truck Body LLC** (111 Morgan Way, PO Box 588, Morgantown, PA 19543-8838) on January 8, 2013, for their truck body manufacturing facility in Ephrata Borough, **Lancaster County**. The State-only permit was renewed.

**07-03036: Forsht Concrete Products** (763 Forsht Lane, Altoona, PA 16601-7112) on January 9, 2013, for the human crematory at their facility in Logan Township, **Blair County**. The State-only permit was renewed.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**63-00878: Peoples Natural Gas Co. LLC** (1201 Pitt Street, Pittsburgh, PA, 15221) on January 14, 2013, for a Synthetic Minor Operating Permit renewal for their Gibson Compressor Station in Fallowfield Township, **Washington County**. Equipment at this facility includes one steam boiler, a 200 hp compressor engine, an emergency generator engine, a maintenance building heater, and a parts washer. All sources are natural gas-fired. The permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**20-00272: Universal Stainless & Alloy Products, Inc.** (121 Caldwell Street, Titusville, PA 16354) on January 8, 2013, for a Natural Minor Permit to operate a precision hot and cold rolling mill and ferrous and non-ferrous materials shaping facility in Titusville Municipality, **Crawford County**. The significant sources are, 1) Rolling Mill, 2) Annealing Furnaces, 3) Dip Tank Heater, 4) Vacuum Pumps, 5) Grinding Room (six grinders), 6) Mold Cleaning Unit, 7) Miscellaneous Natural Gas Usage and, 8) Degreaser Units (4). The emission of pollutants from the facility is less than the Title V threshold limits. Thus, the facility is natural minor. The potential emission statement: PM-10: 2.11 TPY (tons per year), PM-2.5: 2.11 TPY, CO: 4.25 TPY, NOx: 18.88 TPY, SO<sub>2</sub>: 0.10 TPY and, VOC: 3.28 TPY

**33-00137: V L Greenhouses, LLC—Pennsylvania Division** (Highway L.R. 33001, P. O. Box 192, Ringgold, PA 15770) on January 9, 2013, to re-issue a Natural



Minor Operating Permit for this facility in Ringgold Township, **Jefferson County**. The facility's major sources of emissions are three (3) Auxiliary Boilers used to produce heat for a greenhouse. All emissions of criteria pollutants are well below major source thresholds.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**N12-033: Septa Southern Bus Facility** (20th & Johnson Street, Philadelphia, PA 19145) on January 14, 2013, for operation of a bus repair and maintenance shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include Four (4) Boilers less than 10 MMBTU/hr firing natural gas or #2, One (1) 0.72 MMBTU/hr Pressure Washer firing natural gas, One (1) 6000 gallon gasoline storage tank with Stage 2 vapor recovery, Three (3) Cold cleaning degreasers, (1) Paint Booth with 2.3 MMBTU/hr natural gas burner.

**S12-040: North Philadelphia Health System—St. Joseph's Hospital**, (1601 West Girard Avenue, Philadelphia, PA 19130) on January 14, 2013, for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes three 200 Horsepower boilers, one 25 horsepower boiler, and one 565 kW emergency generator.

**N12-038: Methodist Hospital—Thomas Jefferson Health System**. (2301 South Broad Street, Philadelphia, PA 19148) on January 14, 2013, to operate a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a two (2) #2 oil or natural gas fired 16.76 MMBTU/hr boilers, and two (2) #2 oil fired emergency generators.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Applications Returned*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30940701 and NPDES No. PA0215465, Cobra Mining, LLC**, (P. O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327). To renew the permit for the Refuse Dump No. 4 in Monongahela Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on January 18, 2012. Application received: March 11, 2011. Application returned: January 9, 2013.

**30940701 and NPDES No. PA0215465, Coresco, LLC**, (308 Dents Run Road, Morgantown WV 26501). To transfer the permit and related NPDES permit for the Refuse Dump No. 4 in Monongahela Township, **Greene County** to Coresco, LLC from Cobra Mining, LLC. No additional discharges. The application was considered administratively complete on January 3, 2012. Application received: May 1, 2011. Application returned: January 9, 2013.

### *Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**32991301. AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Nolo Deep Mine in Buffington Township, **Indiana County** to change the water handling plan for surface runoff from the adjacent Barrett Mine parking lot. Surface Acres Proposed 0.6. No additional discharges. The application was considered administratively complete on September 25, 2012. Application received: February 29, 2012. Permit issued: January 11, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03050105 and NPDES Permit No. PA0250821. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal permit for reclamation only issued to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 305.4 acres. Receiving streams: unnamed tributaries to Mahoning Creek and Mahoning Creek Application received: May 7, 2012. Permit issued: January 7, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10120102 and NPDES Permit No. PA0259306. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Parker & Perry Townships, **Butler & Armstrong Counties** affecting 70.3 acres. Receiving streams: Unnamed tributaries to South Branch Bear Creek. Application received: June 5, 2012. Permit Issued: January 9, 2013.

**33070106. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Winslow Township, **Jefferson County** affecting 138.0 acres. Receiving streams: Eight unnamed tributaries to Panther Creek. This renewal is issued for reclamation only. Application received: November 30, 2012. Permit Issued: January 9, 2013.

**33070103 and NPDES Permit No. PA0258334. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242) Renewal of an existing bituminous surface and auger mine in Ringgold & Redbank Townships, **Jefferson & Armstrong Counties** affecting 165.5 acres. Receiving streams: Unnamed tributaries to Painter Run and Painter Run. Application received: April 17, 2012. Permit Issued: January 7, 2013.

### *Noncoal Applications Returned*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58100301. Meshoppen Stone, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 61.7 acres, receiving

stream: unnamed tributary to Meshoppen Creek. Application received: September 14, 2010. Application withdrawn: January 8, 2013.

*Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**28010302 and NPDES Permit No. PA0224162, David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202-9655, renewal of NPDES Permit, Antrim Township, **Franklin County**. Receiving stream(s): UT to Muddy Run classified for the following use(s): high quality—cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 4, 2012. Issued: January 4, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26122801. Fayette Coal & Coke, Inc.** (195 Enterprise Lane, Connellsville, PA 15425). Permit issued for commencement, operation and reclamation of a small noncoal surface mine, located in Bullskin Township, **Fayette County**, affecting 5.0 acres. Receiving streams: unnamed tributary to Mounts Creek. Application received: July 17, 2012. Permit issued: January 8, 2013.

**26122801-GP-104. Fayette Coal & Coke, Inc.** (195 Enterprise Lane, Connellsville, PA 15425). General NPDES permit for stormwater discharge associated with mining activities on small noncoal (Industrial Mineral) Permit No. 26122801, located in Bullskin Township, **Fayette County**. Receiving streams: unnamed tributary to Mounts Creek. Application received: January 3, 2013. GP-104 permit issued: January 8, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10010309. Annandale Sandstone** (219 Goff Station Road, Boyers, PA 16020) Renewal of existing NPDES Permit No. PA0241938 in Venango Township, **Butler County**. Receiving streams: Unnamed tributary to Seaton Creek and Seaton Creek. Application received: December 16, 2011. Permit Issued: January 7, 2013.

**61110304 and NPDES Permit No. PA0259217. Glenn O Hawbaker, Inc.** (1952 Waddle Street, State College, PA 16803) Commencement, operation and restoration of a large industrial minerals and incidental coal removal mine in Barkeyville Borough, **Venango County**, affecting 144.0 acres. Receiving streams: Four unnamed tributaries to East Branch Wolf Creek and one unnamed tributary to North Branch Slippery Rock Creek. Application received: December 15, 2011. Permit Issued: January 7, 2013.

**61110304. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) Application for a wetlands encroachment to mine through 1.459 acres of wetlands and reconstruct 1.7 acres of palustrine emergent wetlands in Barkeyville Borough, **Venango County**. Receiving streams: Four unnamed tributaries to East Branch Wolf Creek and one unnamed tributary to North Branch Slippery Rock Creek. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: July 10, 2012. Permit Issued: January 7, 2013.

**16050802. Lopa Mining, Inc.** (P. O. Box 621, Clarion, PA 16214). Final bond release for a small industrial minerals surface mine in Paint Township, **Clarion County**. Restoration of 5.0 acres completed. Receiving streams: Unnamed tributary to Deer Creek. Application Received: December 17, 2012. Final bond release approved: January 10, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**54122801. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941), commencement, operation and restoration of a quarry operation in Porter Township, **Schuylkill County** affecting 5.0 acres, receiving stream: Rausch Creek. Application received: March 20, 2012. Permit issued: January 9, 2013.

**54122801GP104. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54122801 in Porter Township, **Schuylkill County**, receiving stream: Rausch Creek. Application received: March 20, 2012. Permit issued: January 9, 2013.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**40134101. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for East Mountain Corporate Center in Plains Township, **Luzerne County** with an expiration date of January 31, 2014. Permit issued: January 9, 2013.

**45134101. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431), construction blasting for Route 209 By Pass in Middle Smithfield and Smithfield Townships, **Monroe County** with an expiration date of December 30, 2013. Permit issued: January 9, 2013.

**FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor,

Rachel Carson State Office Building, 400 Market Street, PO 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 Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E23-501. Frank Bussey**, United States Golf Association, 450 Ardmore Ave, Ardmore, PA 19003-1033, Haverford Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain two temporary 12 foot long, 24-foot-span pedestrian bridges across Cobbs Creek (Perennial, WWF-MF) associated with 2013 US Open within Merion Golf Club. The low chord of the proposed bridges will be approximately 18-inches above the 100-year water surface elevation. This work also includes the installation and maintenance of a tent and its support structures within the floodway.

The site is located approximately 1500 feet southwest of the intersection of Haverford Road and College Avenue (Norristown, PA USGS Quadrangle N: 00.88 inches; W: 8.86 inches).

**E46-1077. Texas Eastern Transmission LP**, 890 Winter Street, Suite 300, Waltham, MA 02451, Conshohocken, West Conshohocken Boroughs, Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To remove the two existing 8-inch dilapidated gas pipelines and to install and maintain approximately 700 linear feet of one 8-inch and one 12-inch diameter gas pipelines across the Schuylkill River (WWF, MF) and its floodplain. This work includes construction and maintenance of a cofferdam/causeway in the river. The site is located approximately 500 feet downstream of Mid County Expressway (I-476) crossing of the Schuylkill River. (Norristown, PA, USGS Quadrangle N: 20-inches; W: 12.75 inches).

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E12-186. David J. Gleixner**, 121 Timberline Road, Saint Marys, PA 15857-3345. Gleixner Access Road Project, Elk Fork Creek, Shippen Township, **Cameron County**, ACOE Baltimore District (Wildwood Fire Tower, PA Quadrangle Latitude: 41° 34' 12.47"; Longitude: 78° 2' 3547.61").

The applicant is seeking authorization to construct, operate and maintain a private access bridge across Elk Fork. The private bridge shall be constructed with a single span having a minimum width of 5-feet, underclearance of 4-feet and clear span of 37-feet. Construction of the in-stream bridge footing scour and stream bank stream protection shall be performed in dry work conditions by dam and pumping, diverting or fluming stream flow around the work areas. As proposed, construction poses 20-feet of permanent stream impact. The project is located along the northern right-of-way of SR 4004 approximately 1.2 miles north of the confluence of Elk Fork Creek and Driftwood Branch, Sinnemahoning Creek. This permit was issued under Section 105.13(e) "Small Projects."

**E41-630. Verizon Pennsylvania, LLC**, 1 Verizon Way, Basking Ridge, NJ 07920. Verizon Pennsylvania Aerial Utility line Relocation Project Across Loyalsock Creek, Eldred and Upper Fairfield Townships, **Lycoming County**, ACOE Baltimore District (Montoursville, PA North Quadrangle Latitude: 41° 19' 23.5"; Longitude: 76° 54' 48.2").

The applicant proposes to relocate, operate and maintain a single aerial communication line crossing of Loyalsock Creek. The aerial communication line crossing shall be constructed with minimum pole to pole span of 372-feet resulting in aerial stream crossing of 245-feet. No permanent fill placement shall occur within the floodway so that flood storage capacity and water surface elevations are unaltered. The project is located along the western right-of-way of SR 0087 at the intersection of SR 0973 and SR 0087. This permit was issued under Section 105.13(e) "Small Projects."

**E41-641. Verizon North, LLC. Inc.** 15 East Montgomery Place, #2, Pittsburgh, PA 15212-5238. Verizon Pennsylvania Aerial Utility line Relocation Project Across Loyalsock Creek, Eldred and Upper Fairfield Townships, **Lycoming County**, ACOE Baltimore District (Montoursville, PA North Quadrangle Latitude: 41° 19' 23.5"; Longitude: 76° 54' 48.2").

The applicant proposes to relocate, operate and maintain a single aerial communication line crossing of Loyalsock Creek. The aerial communication line crossing shall be constructed with minimum pole to pole span of 372-feet resulting in aerial stream crossing of 245-feet. No permanent fill placement shall occur within the floodway so that flood storage capacity and water surface elevations are unaltered. The project is located along the western right-of-way of SR 0087 at the intersection of SR 0973 and SR 0087. This permit was issued under Section 105.13(e) "Small Projects."

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5729-039: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Cherry and Forks Townships, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,103 square feet of an exceptional value palustrine emergent/forested (EV-PEM/PFO) wetland and 40 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'56"N, 76°29'13"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 15 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'56"N, 76°29'12"W);

3) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 12 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'52"N, 76°28'53"W);

4) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,451 square feet of an exceptional value palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Dushore, PA Quadrangle 41°32'30"N, 76°28'54"W);

5) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 32 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'29"N, 76°28'52"W);

6) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 23 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°32'28"N, 76°28'51"W);

The project will result in 2,554 square feet (0.06 acre) of temporary wetland impacts and 122 linear feet of temporary stream impacts, all for the purpose of installing fresh waterlines for Marcellus well development in Cherry and Forks Townships, Sullivan County.

**E0829-062: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'40", Longitude: -76°19'31").

2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 692 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'45", Longitude: -76°19'35").

3. two 16 inch temporary waterlines and a timber mat bridge impacting 25 linear feet of North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'45", Longitude: -76°19'37");

4. two 16 inch temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'43", Longitude: -76°19'52");

5. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 4,108 square feet of a Palustrine Emergent and Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'08", Longitude: -76°20'08").

6. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°34'13", Longitude: -76°20'19").

7. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) and impacting 6,572 square feet of an adjacent Palustrine Emergent and Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'14", Longitude: -76°20'20").

The project will result in 109 linear feet and 805 square feet of temporary stream impacts and 11,372 square feet (0.26 acre) of temporary PEM and PSS wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

**E0829-056: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain an access road with:

1. Three 24 inch by 54 foot long culverts and associated fill impacting 8276 square feet of an exceptional value Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle Latitude: 41°34'23", Longitude: -76°29'36"),

The project will result in 2701 square feet (.06 acre) of permanent impacts and 5575 square feet (0.13 acre) of temporary impacts to a PEM wetland, all for the purpose of installing a permanent access road to a natural gas well pad.

**E5729-041: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines impacting 4 linear feet of an unnamed tributary to Lick Creek (EV) (Overton, PA Quadrangle 41°32'15"N, 76°33'09"W);

2) two 16 inch diameter fresh waterlines impacting 3 linear feet of an unnamed tributary to Lick Creek (EV) (Overton, PA Quadrangle 41°32'22"N, 76°33'14"W);

3) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 908 square feet of an exceptional value palustrine emergent/scrub shrub/forested (EV—PEM/PSS/PFO) wetland (Overton, PA Quadrangle 41°32'27"N, 76°33'08"W);

4) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 2,225 square feet of an exceptional value palustrine emergent/scrub shrub/forested (EV—PEM/PSS/PFO) wetland (Overton, PA Quadrangle 41°32'27"N, 76°33'08"W);

5) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 25 linear feet of an unnamed tributary to Streby Run (EV) (Overton, PA Quadrangle 41°33'03"N, 76°31'50"W);

6) two 16 inch diameter fresh waterlines impacting 4 linear feet of an unnamed tributary to Streby Run (EV) (Overton, PA Quadrangle 41°32'50"N, 76°31'23"W).

The project will result in 3,133 square feet (0.07 acre) of temporary wetland impacts and 36 linear feet of temporary stream impacts, all for the purpose of installing fresh waterlines for Marcellus well development in Forks Township, Sullivan County.

*Southwest Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**[Permit # 95-7-60915-18]. Range Resources—Appalachia LLC**, 3000 Town Center Boulevard, Canonsburg, PA 15317. Project proposes to operate and

maintain the Hibbits Impoundment Dam (42.61 ac-ft) as a centralized impoundment to collect and store flow-back water and fresh water, for the use and re-use of hydraulic fracturing water, from the Hercules, James Unit Well (# 2H, 5H, and 7H), and future wells in the area (PA Quadrangle; Canonsburg, Latitude: N 40° 09' 13.3", Longitude: W 80° 25' 17.66"), Donegal Township, **Washington County**. Pittsburgh ACOE District, State Water Plan Basin 20-E, Wheeling - Buffalo Creeks Watershed (HQ-WWF).

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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 Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.*

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
6512801	Dominon Transmission, Inc. 445 West Main Street Clarksburg, WV 26301	Westmoreland	Penn Township Salem Township	UNT Beaver Run (CWF) UNT Brush Creek (CWF) UNT Bushy Run (HQ-TSF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-121-0013A—Allam 1H Pad  
Applicant Halcon Operating Co., Inc.  
Contact Jon C. Wright  
Address 1000 Louisiana Street, Suite 6700  
City Houston State TX Zip Code 77002  
County Venango Township(s) Frenchcreek(s)  
Receiving Stream(s) and Classification(s) Little Sandy Creek/Ohio River Basin in PA—HQ/WWF

**SPECIAL NOTICES**

**Submission Date for Recycling Program Development and Implementation Grants under Section 902 of Act 101**

**The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988**

The Department of Environmental Protection announces the opening of a new Section 902 grant round to support the development of municipal recycling programs pursuant to section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.902) (Act). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, councils of governments, consortiums, or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A.

Applicants must be in compliance with the provisions of Act 101 and the implementing regulations, the Department's Guidelines for Proper Management of Recyclable Materials, and any previous grant contract provisions to

be eligible to receive grant funding. County applicants should be in compliance with planning and other county-related provisions of Act 101. Applicants who are not in compliance with Act 101 annual reporting requirements or the program requirements of Act 140 of 2006 will not be considered in this grant application round. Municipalities that were a grant recipient from the last 902 grant solicitation in 2012 will not be considered for funding this solicitation period. Programs operating in municipalities covered by land use plans and ordinances (as outlined under Acts 67 and 68 of 2000) or projects that are in compliance with their municipality's land use plan will receive priority over similar programs and projects absent such conditions.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Financially Distressed Communities Act are eligible for 100% of approved costs. No application requesting more than \$250,000 in grant funding will be accepted.

All applicants are required to complete the Sustainability Plan portion of the application that includes definitive actions and strategies for optimizing program self-sufficiency. The plan shall include, at a minimum, strategies for reducing costs and generating revenues, provisions for establishing incentives associated with waste reduction and recycling, mechanisms for public outreach and stakeholder input, and tracking mechanisms to document progress toward sustainability milestones until optimum sustainability is realized. The Department's technical report on Building Financially Sustainable Recycling Programs can provide assistance in developing such methods and strategies. The technical

report can be found on the Department's website at [www.dep.state.pa.us/dep/deputate/airwaste/wm/recycle/document/fin\\_sust\\_rec.pdf](http://www.dep.state.pa.us/dep/deputate/airwaste/wm/recycle/document/fin_sust_rec.pdf). Applicants that fail to complete the Sustainability Plan portion of the application will not be considered for funding.

The following will receive priority for funding:

- Newly mandated municipalities based on the 2010 decennial census by the Bureau of the Census of the U.S. Department of Commerce.
- Applicants proposing incentive-based pricing and collection programs designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.
- Applicants proposing multi-municipal collection, processing and/or materials marketing program where capital costs are reduced and/or recycling marketability is enhanced due to intergovernmental cooperation.
- Applicants proposing new or expanded collection, education and outreach for commercial and institutional establishments, including school recycling programs.

In addition, communities whose existing recycling programs contain the following components will receive additional consideration:

- Municipally operated or municipal-contracted waste and recycling services that provide consistency and uniformity of the waste and recycling programs.
- The collection of six (6) or more of the following materials: newsprint, office paper, corrugated paper, other marketable grades of paper, aluminum cans, steel or bimetallic cans, colored glass containers, clear glass containers and plastics.

Only those projects involving municipalities that have a mandatory trash collection program or projects seeking support for a residential recycling program that have a corresponding commercial recycling program will be considered for funding. Applicants seeking funds to replace curbside collection containers and/or collection vehicles will need to demonstrate that the new equipment will increase collection efficiencies and tonnage of materials.

Eligible recycling program development costs include: recycling program design costs, recycling market investigations, development of recycling market commitments, development of recycling program ordinances, development of recycling public education programs, and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables (including automated and single-stream collection vehicles), transporting recyclables to processing facilities or markets, and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring and/or renovating buildings for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility authorized under 25 Pa. Code § 271.103(h); and the costs associated with educating the public on recycling program requirements. Under this grant solicitation, promotional items, glass crushing equipment (unless specific marketing ar-

rangements have been identified), vehicles equipped with compaction units (except for the sole collection of yard waste, paper fiber and/or single-stream collection where a facility equipped to process such material has been identified), backyard composting units and public recycling containers for parks and streetscapes will not be considered eligible for funding. Other eligible and non-eligible costs are listed in the grant application packet. Composting projects and programs will be considered to be recycling projects or programs accordingly.

A municipality must retain sole ownership of equipment or facilities funded by the grant. Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be pro-rated according to its recycling use (no equipment used for recycling less than 50% of the time will be eligible for funding). Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood chipping equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and where the material is collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice, and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

Potential applicants must contact the appropriate Department regional planning and recycling coordinator to schedule a preapplication conference to discuss application requirements and program particulars. Applications will be returned to municipalities that fail to schedule preapplication conferences. Grant application forms are available from the Department's regional offices and the Department's website, [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword "Recycling Grants").

Grant applications must be received or postmarked by May 31, 2013. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the Department Central Office (Rachel Carson State Office Building, Harrisburg) and one copy submitted to the appropriate county recycling coordinator. Grant awards will be predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries concerning this notice should be directed to Mark Vottero, Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, [mvottrro@state.pa.us](mailto:mvottrro@state.pa.us).

*Regional Planning & Recycling Coordinators***SOUTHEAST REGION** ..... Bucks, Chester, Delaware, Montgomery & Philadelphia Counties

DEP, Waste Management Program . . . Mr. Calvin Ligons  
 2 East Main Street Ms. Ann Ryan  
 Norristown, PA 19401 Mary Alice Reisse  
 (484) 250-5900

Email: [cligons@pa.gov](mailto:cligons@pa.gov)  
[aryan@pa.gov](mailto:aryan@pa.gov)  
[mreisse@pa.gov](mailto:mreisse@pa.gov)

**NORTHEAST REGION** ..... Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne & Wyoming Counties

DEP, Waste Management Program . . . . . Mr. Berit Case  
 2 Public Square (570) 826-2108  
 Wilkes-Barre, PA 18711-0790

Email: [bcase@pa.gov](mailto:bcase@pa.gov)

**SOUTHCENTRAL REGION** ..... Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry & York Counties

DEP, Waste Management Program . . . . . Mr. John  
 909 Elmerton Avenue Lunsted  
 Harrisburg, PA 17110-8200 (717) 705-4927

Email: [jlundsted@pa.gov](mailto:jlundsted@pa.gov)

**NORTHCENTRAL REGION** ..... Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga & Union Counties

DEP, Waste Management Program . . . . . Mr. Joseph  
 208 W. 3rd Street, Suite 101 Delgripo  
 Williamsport, PA 17701 (570) 321-6533

Email: [jdelgripo@pa.gov](mailto:jdelgripo@pa.gov)

**SOUTHWEST REGION** ..... Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland Counties

DEP, Waste Management . . . . . Ms. Sharon Svitek  
 400 Waterfront Drive Mr. Stephen Sales  
 Pittsburgh, PA 15222-4745 Mr. Bradley Cunningham  
 (412) 442-4000

Email: [ssvitek@pa.gov](mailto:ssvitek@pa.gov)  
[ssales@pa.gov](mailto:ssales@pa.gov)  
[bcunningham@pa.gov](mailto:bcunningham@pa.gov)

**NORTHWEST REGION** ..... Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, & Warren Counties

DEP, Pollution Prevention and  
 Compliance Assistance . . . . . Mr. Guy McUmber  
 230 Chestnut Street (814) 332-6848  
 Meadville, PA 16335-3481

Email: [gmcumber@pa.gov](mailto:gmcumber@pa.gov)

**The Clean Streams Law****Public Notice of Proposed Consent Order  
and Agreement****St. Michael Abandoned Mine Drainage Treatment  
Facility Adams Township, Cambria County**

*California District Office: 25 Technology Drive, Coal  
 Center, PA 15423, 724-769-1100*

The Department of Environmental Protection (Department), under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) (CSL) and other environmental statutes, has entered into a Consent Order and Agreement (COA) with Rosebud Mining Company (Rosebud) and St. Michael Land Company, Inc. (SMLC) to finance and construct a wastewater treatment facility to treat acid mine drainage (AMD) discharges from the abandoned Berwind underground coal mine into the South Fork of the Little Conemaugh River.

The Little Conemaugh River is approximately 29 miles long and drains 188 square miles of the Kiskiminetas-Conemaugh River watershed. All major sections of the Little Conemaugh River have been degraded by discharges of AMD from abandoned coal mines. There is a regional, large underground mine pool known as the Berwind Mine Pool in a complex of abandoned deep mines in the southern portion of the syncline of the Wilmore Basin in northern Somerset and southern Cambria counties. Extensive deep mining and surface mining of the Lower Kittanning coal seam occurred in the southern end of the Wilmore Basin dating back to the late 19th century and continuing through much of the 20th century. This mining contributed acid mine water to the Berwind Mine Pool. The largest former but now abandoned underground mines (known locally as the Berwind Mines) that are contributing mine water to the Berwind Mine Pool are the Maryland Mine No. 1 and Eureka Mines Nos. 35, 36, 37, 40 and 42. Other smaller abandoned underground mines also contribute water to the Berwind Mine Pool.

The largest single discharge from the Berwind Mine Pool is from an abandoned former elevator shaft known as the St. Michael Shaft, which is located near the town of St. Michael, Pennsylvania. The discharge from the St. Michael Shaft flows into Topper Run, which is a tributary to the South Fork of the Little Conemaugh River. The St. Michael Shaft discharge is the largest of seven significant regional abandoned mine discharges that are contributing to the degradation of the Little Conemaugh River. The discharge from the St. Michael Shaft alone contributes almost 30% of the total AMD load to the Little Conemaugh River. There are three abandoned discharges or seeps within approximately 400 feet of the St. Michael Shaft. Neither Rosebud nor SMLC at any time owned or operated any of the Berwind Mines or any other abandoned mine in this area. There is no existing person or entity responsible for treating the St. Michael Discharge or the Berwind Mine Pool, which the Department considers to be an abandoned discharge of AMD.

Rosebud and SMLC are Pennsylvania corporations with a business address of 301 Market Street, Kittanning, Pennsylvania. Rosebud mines the Upper Kittanning underground coal seam and operates an associated coal preparation plant known as Mine 78 located in Paint Township, Somerset County pursuant to Bituminous Coal Mining Activity Permit No. 56841328 (CMAP). The CMAP prohibited mining the Upper Kittanning coal seam below an elevation of 1604 MSL in the vicinity of the Berwind Mine Pool. A water treatment facility to pump and treat mine water from the Berwind Mine Pool, in addition to treating the AMD discharges, will allow coal reserves in the Upper Kittanning seam at Mine 78 to be mined. On December 7, 2012, the Department issued a revised CMAP, which allows Rosebud to mine below elevation 1604 MSL, and accompanying NPDES Permit No. PA0033677, which authorized the discharge of treated water from the Berwind Mine Pool through new Outfall 005.

Under the terms of the CO&A, Rosebud has agreed to construct a treatment facility to treat the St. Michael Shaft Discharge and the AML Discharges (as defined in the COA) and to test the facility after construction. The Department has estimated that treating the discharge from the treatment facility will reduce the current iron load from the St. Michael Shaft Discharge and the AML Discharges by 98.6% (a reduction of 2,807,209 (lbs/yr), the current manganese load by 74.4% (a reduction of 76,611 lbs/yr) and the current aluminum load by 74.1% (a reduction of 75,385 lbs/yr). Rosebud has also agreed that if it commences Active Mining Operations (defined as extracting coal from an elevation below 1604 MSL), it will (i) pay the cost to operate and maintain the treatment facility during Active Mining Operations and (ii) pay a total of \$15 million dollars into a trust to provide financial resources to the Department toward the operation and maintenance of the treatment facility after Rosebud ends Active Mining Operations. The first payment of \$1 million dollars will be due within ten business days after Active Mining Operations commence. Rosebud will convey the treatment facility to the Department or its designee after Active Mining Operations end. In return, the Department has agreed to limit Rosebud's and SMLC's potential liability for treating or being responsible for, in any way, the St. Michael Discharge, the AML Discharges and the Berwind Mine Pool. The St. Michael treatment facility will accomplish an overall improvement in the water quality of the Little Conemaugh River watershed, which together with projects and funds from third parties at other AMD sites will significantly and permanently reduce AMD discharges from abandoned mines in the Kiskiminetas-Conemaugh River Watershed. The successful implementation of the CO&A will yield a cleaner environment in the Kiskiminetas-Conemaugh River Watershed, allow access to coal reserves and expand mining and other employment in the area.

The Department is publishing notice of the COA and will provide a 30-day period for public comment on the COA beginning with the date of this publication. Copies of the COA may be reviewed or obtained by contacting William S. Plassio, District Mining Manager, California District Office, 25 Technology Drive, Coal Center, Pa. 15423, Phone: (724) 769-1100, Fax: (724) 769-1102, email: [wplassio@Pa.Gov](mailto:wplassio@Pa.Gov). Persons may submit comments on the proposed CO&A during the 30-day public comment period only. Comments may be sent to Mr. Plassio at the address noted or may be delivered to him in person at the Department's California District Mining Office.

### **The Clean Streams Law**

#### **Public Notice of Proposed Consent Order and Agreement**

##### **Hughes Borehole Abandoned Mine Drainage Site Portage Township, Cambria County**

The Department of Environmental Protection (Department), under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) (CSL) and other environmental statutes, has entered into a proposed Consent Order and Agreement (CO&A) with AMFIRE Mining Company, LLC (AMFIRE) to secure funding to reduce acid mine drainage (AMD) discharges from abandoned underground coal mines in the Kiskiminetas-Conemaugh River watershed, including the Hughes Borehole. In the CO&A, AMFIRE agrees to help mitigate AMD not caused by AMFIRE. The Little Conemaugh River is 29.2 miles long and drains 188 square miles of the Kiskiminetas-Conemaugh River watershed. All major sections of the Little Conemaugh River have been degraded by discharges of AMD from aban-

doned coal mines. One of the largest of these discharges is an artesian discharge known as the Hughes Borehole located near the village of Jamestown, Pennsylvania. The Hughes Borehole is a major contributor of AMD to the upper main stem of the Little Conemaugh River. The Hughes Borehole drains approximately 7300 acres of abandoned Lower Kittanning deep mine workings, most of which are flooded. These deep mine workings include the Hughes No. 2 mine, which was operated by the C.A. Hughes Coal Company from approximately 1923 through 1953. AMFIRE did not at any time own or operate the Hughes No. 2 mine or any other abandoned mine in this area. There is no existing person or entity responsible for treating the Hughes Borehole, which the Department considers an abandoned discharge of AMD.

AMFIRE is a Delaware limited liability company with a business address of One Energy Place, Latrobe, Pennsylvania. AMFIRE is in the business of mining coal in Pennsylvania by surface and underground mining methods. In 2005, AMFIRE filed a permit application with the Department to mine certain acreage of the Upper Freeport coal seam in Cambria County, Pennsylvania known as the Cresson Mine. In the vicinity of the Cresson Mine, the Upper Freeport coal seam is located at an elevation approximately 240 feet above the Lower Kittanning coal seam. At the Department's request, AMFIRE deleted from its original permit application for the Cresson Mine approximately 1000 acres of the Upper Freeport coal seam located directly above the Hughes No. 2 mine. At that time, the Department felt that the potential existed for a post-mining hydrologic connection between the proposed area of the Cresson Mine and the Hughes No.2 Mine. In December of 2006, the Department issued a mining permit authorizing AMFIRE to conduct room and pillar mining in approximately 2929 acres of the Upper Freeport coal seam.

Under the terms of the proposed CO&A, AMFIRE has agreed to contribute \$5,666,164.31 for the treatment of the discharge from the Hughes Borehole and/or other discharges of AMD impacting the Little Conemaugh River. In return, the Department has agreed to limit AMFIRE's potential liability for additional acreage in the Upper Freeport coal seam located above the Hughes No. 2 mine (Additional Acreage), that is conditioned upon the contribution of funds to the Department expected to be used to accomplish an overall improvement in the water quality of the Little Conemaugh River watershed. A trust fund will be established in accordance with a payment schedule set forth in the CO&A. AMFIRE will commence payments within one (1) year of initiating underground coal production within the Additional Acreage. The Department intends to use these funds along with financial contributions from other third parties to significantly and permanently reduce AMD discharges from abandoned mines in the Kiskiminetas-Conemaugh River Watershed in accordance with the 2010 Total Maximum Daily Load (TMDL) for that watershed. In summary, the prospect of the successful implementation of the CO&A is a cleaner environment in the Kiskiminetas-Conemaugh River Watershed.

The Department is publishing notice of the proposed CO&A and will provide a 30-day period for public comment on the CO&A beginning with the date of this publication. Notice will be published at the same time that the Department provides public notice of the permit issuance for the Additional Acreage. Copies of the CO&A can be reviewed or obtained by contacting William S. Plassio, District Mining Manager, California District Office, 25 Technology Drive, Coal Center, Pa. 15423. Phone:



724.769.1100, Fax: 724.769.1102; wplassio@Pa.Gov. Persons may submit comments on the proposed CO&A during the 30-day public comment period only. Comments can be sent to Mr. Plassio at the address noted or may be delivered to him in person at the Department's California District Mining Office.

The Department has reserved the right to withdraw its consent to the CO&A if comments submitted during the 30-day public comment period disclose facts or considerations which indicate, in the Department's judgment, that the CO&A is impracticable or not in the public interest. AMFIRE has also reserved the right to withdraw its consent to this CO&A in response to public comments.

[Pa.B. Doc. No. 13-138. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Alternative Fuels Incentive Grant Program; Availability of Rebates under the Pennsylvania Hybrid Electric Vehicle Rebate Program

The Department of Environmental Protection (Department) announces the continued availability of rebates to Commonwealth residents under the Pennsylvania Hybrid Electric Vehicle Rebate Program (Program). The Program, administered by the Department through the Alternative Fuels Incentive Grant Program, provides rebates to Commonwealth residents to assist individuals with the incremental costs of purchasing an alternative fuel vehicle.

To qualify for the rebate, the alternative fuel vehicle must be registered in Pennsylvania and be operated primarily within this Commonwealth. The rebates will be offered on a first-come, first-served basis in the order in which they are received. Rebate request forms and required documentation must be submitted to the Department no later than 6 months after the vehicle is purchased.

The following rebates are offered:

- \$3,500 rebate for a plug-in hybrid electric vehicles (PHEV) (battery system capacity equal or greater than 10 kWh) and battery electric vehicle (EV) (battery system capacity equal or greater than 10 kWh) (the first 500 qualified applicants only).
- \$1,000 rebate for a PHEV or EV (battery system capacity less than 10 kWh).
- \$1,000 rebate for a natural gas fueled vehicle OEM/certified retrofit.
- \$1,000 rebate for a propane fueled vehicles.
- \$1,000 rebate for a hydrogen or fuel cell vehicles, or both.
- \$500 rebate for electric motorcycles or scooters.

There are only a limited number of rebates left at \$3,500. Upon payment of the first 500 rebates at \$3,500, the rebate amount for PHEVs and EVs (battery system capacity equal or greater than 10 kWh) will be reduced to \$3,000 for the next 500 qualified applicants or until June 30, 2013, whichever occurs first. The rebate amount offered in the future will be reassessed at that time.

The Department encourages interested applicants to visit the web site for rebate forms and an up-to-date listing of rebate availability at [www.dep.state.pa.us](http://www.dep.state.pa.us), keyword: Alternative Fuel Vehicle Rebates. The remaining

rebates available for PHEVs or EVs (battery system capacity equal or greater than 10 kWh) will be updated weekly.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 13-139. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance-New Guidance*

*DEP ID: 391-2300-001. Title: Drinking Water and Wastewater Systems Operator Certification Program Handbook. Description:* This document serves as a handbook to help drinking water and wastewater system operators, both certified and noncertified and owners understand their requirements defined by the Water and Wastewater Systems Operator Certification Act and 25 Pa. Code Chapter 302 (relating to administration of the water and wastewater systems operators' certification program). The draft handbook was published at 42 Pa.B. 5700 (September 1, 2012), and no comments were submitted. Subsequent to publication, the Department completed minor edits to improve readability and accuracy of the handbook.

*Contact:* Questions regarding this action should be directed to Phil Consonery at (717) 787-0122 or [pconsonery@pa.gov](mailto:pconsonery@pa.gov).

*Effective Date:* January 26, 2013

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 13-140. Filed for public inspection January 25, 2013, 9:00 a.m.]

### PA Sunshine Rebate Program; Availability of Rebates and Minor Changes to Program Guidelines

The Department of Environmental Protection (Department) announces the continued availability of rebates to Commonwealth residents and small businesses through the PA Sunshine Rebate Program (Program), as well as new changes to the Program guidelines. Under section 306 of the Alternative Energy Investment Act (act) (73 P. S. §§ 1649.306), the Department is authorized to fund solar electric (solar photovoltaic), solar hot water (solar thermal) projects and battery back-up systems for homeowners and small businesses in this Commonwealth.

The Department, as required by the act, has adopted guidelines establishing the number of kilowatts of installed capacity necessary for an individual or a small business to qualify to receive a rebate.

Residential projects continue to be offered rebates up to \$7,500 towards the purchase of a photovoltaic system with the maximum size being 10 KW (\$0.75/watt up to a 10 KW system). Small businesses continue to be offered rebates up to \$52,500 towards the purchase of a photovoltaic system, with the maximum size system being 100 KW (\$0.75/watt for the first 10KW and \$0.50/watt for the next 90 KW). Solar thermal projects are provided rebates up to a maximum of 35% of the total cost of the project design, installation and equipment. The maximum solar thermal rebate for a residential project is \$5,000. The maximum solar thermal rebate for a small commercial project is \$50,000.

The Department is amending the Program guidelines to lessen administrative burdens and provide certainty for those participating in the Program as the funding draws to a close. These amendments will go into effect immediately.

The amendments are as follows:

- Implementation of a new one-step application procedure process which will remove the previous reservation process and only approve projects for rebate payments upon completion and approval of the solar project. This will be a first come, first served in the order in which they are received and approved rebate process.
- Notification that all existing applications that were reserved/approved for construction by the Program will have to be completed by June 1, 2013, to ensure payment. After June 1, 2013, these projects will be considered first come, first served in the order in which they are received and approved. There will be no extensions to the June 1, 2013, deadline.
- Notification that the Program will cease receiving rebate applications upon the exhaustion of the final funds or by December 31, 2013, whichever occurs first.

The Department, as required by the act, established a Photovoltaic and Solar Contract Installer Database. Solar installers were approved and placed into this database based on appropriate training and experience. Over 750 installers have been approved as participating solar installers in this Commonwealth. The Department will be directly contacting the approved installers to inform them of the changes to the guidelines and the procedures for applying for a rebate. A webinar scheduled for the

beginning of February 2013 will be hosted by the Department to educate installers on the new rebate process.

The Department encourages interested applicants to visit the web site for rebate forms and an up-to-date listing of rebate availability at [www.dep.state.pa.us](http://www.dep.state.pa.us), keyword: PA Sunshine. The number of remaining rebates available will be updated weekly.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 13-141. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Pennsylvania Sewage Advisory Committee Special Meeting

A special meeting of the Pennsylvania Sewage Advisory Committee (Committee) is scheduled for February 8, 2013, at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the scheduled meeting of the Committee can be directed to John Diehl at (717) 783-2941 or [jdiehl@pa.gov](mailto:jdiehl@pa.gov). The agenda and meeting materials for the February 8, 2013, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Select "Public Participation," "Advisory Committees," and "Sewage Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2941 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 13-142. Filed for public inspection January 25, 2013, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth Armstrong County

Proposals are invited to provide the Department of General Services with 11,410 usable square feet of office space for the Pennsylvania State Police in Armstrong County. For more information on SFP No. 94468, which is due on Tuesday, February 26, 2013, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact Scott Shelton at (717) 787-5546.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-143. Filed for public inspection January 25, 2013, 9:00 a.m.]

# DEPARTMENT OF LABOR AND INDUSTRY

## List of Hazardous or Otherwise Prohibited Establishments or Occupations for Minors

Section 4(b) of the act of October 24, 2012 (P. L. 1209, No. 151), the Child Labor Act (act), effective January 22, 2013, requires the Department of Labor and Industry (Department) to publish a list of hazardous or otherwise prohibited establishments or occupations for minors in the *Pennsylvania Bulletin*. This list will also be posted on the Department's web site.

This list is to be derived from three sources: (1) occupations and establishments expressly prohibited for minors under section 4(a) of the CLA; (2) any occupation or establishment designated as hazardous and otherwise prohibited for minors under the Federal Fair Labor Standards Act and regulations thereunder; and (3) additional prohibited or hazardous occupations for establishments in the Department's regulations. According to section 29 of the CLA, the current regulations shall be those adopted under the former Child Labor Law until modified or deleted by the Department.

### Prohibited Occupations under the Child Labor Act

#### *Prohibited Occupations for all Minors in Entertainment*

- An acrobatic act that is hazardous to the minor's safety or wellbeing, including highwire or trapeze acts.
- Use of, or exposure to, dangerous weapons or pyrotechnical devices.
- Activities that have a high level of inherent danger including activities involving speed, height, a high level of physical exertion and highly specialized gear or spectacular stunts.
- An act that constitutes sexual abuse or sexual exploitation of minors.
- Boxing, sparring or wrestling, except for a bona fide athletic or recognized amateur competition or activity or noncontact portrayal.
- Working with partners hand to hand or head to head.
- Bicycle or unicycle acts.
- Assisting performers in animal act, conducting an animal into a ring or on stage or riding an animal when the animal exceeds half the weight of the child performer. This paragraph does not necessarily apply to performances with trained seals.

#### *Prohibited Occupations for all Minors*

- *Brickmaker*: Manufacturing bricks, tile and kindred products. Working in the brick-making industry on horizontal or vertical pug mills (mixers). Manufacturing of clay construction products—exception: may work in storage or shipping, in offices, laboratories and storerooms and in the drying departments of plants manufacturing sewer pipe. For silica brick and silica refractories, office work is permitted. Prohibition does not include nonstructural bearing clay products: ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience and similar tile, nor does the term include nonclay construction products such as sand-lime brick, glass brick or nonclay refractories, except silica refractories.
- *Crane Operator*: Operating, tending, riding upon, working from, repairing servicing or disassembling cranes, hoists, derricks, high lift trucks including fork lifts and elevators.

- *Electrical Worker*: Installing and removing electrical wiring.\* Installing, removing, reading and testing electric meters.\*

- *Elevator Operator*: Operating, managing, tending, riding upon, working from, repairing, servicing or disassembling passenger or freight elevators, hoisting or lifting machinery. *Exception*: riding inside unattended automatic operation passenger elevator and 16 and 17 year-old minors may ride upon a freight elevator operated by an assigned operator.

- *Excavator*: Working within tunnels, shafts prior to completion of all driving, sinking and shoring operations and trenches more than 4 feet in depth.\*

- *Explosives Manufacturing*: Including handling or storing explosives. Exception for retail establishments. Must be at least 360 feet from point of handling or storage of 200 pounds of explosives, amount of distance increases with greater pounds of explosives.

- *Forest Firefighting*: Including forest fire prevention activities. *Exceptions for 16 and 17 year-olds*: as long as tasks are not performed in conjunction with or support of firefighting efforts. May clear fire trails or roads, construct, maintain, patrol fire lines, pile or burn slash, maintain firefighting equipment and act as fire lookout or fire patrolman.

- *Forest Service/Mill Worker*: Including timber tract management, logging, lath mill, shingle mill, cooperage stock mill and saw mill operations. *Exceptions for 16 and 17 year-olds*: work in offices, repair or maintenance shops, living quarters, repair or maintenance of roads, railroads or flumes; work on telephone lines not involving the use of power-driven machinery, handling or use of explosives, felling or bucking of timber and collecting or transporting of logs or work on trestles; work related to forest marketing or forest economics, feeding or care of animals, peeling fence posts, pulpwood, chemical wood, excelsior wood, cordwood, and the like, when not done in conjunction or location with logging occupations. For permanent saw mill, lath mill, shingle mill or cooperage stock mill operations, 16 and 17 year-olds may straighten, mark, tally or pull lumber on dry chain or dry drop sorter, cleanup lumber yard, piling or handling, shipping of cooperage stock, other than operating or assisting with power-driven equipment; clerical work; cleanup work outside shake and shingle mills, except when mill is operational; split shakes manually from precut or split blocks and pack shakes into bundles, except inside mill building or cover; manually loading bundles of shingles/shakes into trucks/railroad cars with doctor's note.

- *Meat Processing*.\* Operation of power-driven food chopping, meat grinding, slicing or processing machines and any occupation on the killing floor, in curing or hide cellars. Except for 16 and 17 year-olds working as messengers, runners and hand truckers, which require entering the workrooms infrequently and for short periods of time. All occupations in recovery of lard and oils, except packaging and shipping, all occupations involved in tankage or rendering of dead animals; boning, pushing or dropping of any suspended full, half or quarter carcass; hand lifting or hand carrying any full, half or quarter carcass of beef, horse or buffalo; and any hand lifting or hand carrying of full or half deer or pork carcass. Killing and processing of rabbits and small game in areas physically separated from killing floor permitted for 16 and 17 year-olds.

- *Motion Picture (Film) Projectionist*: Exception, 17 year-old minor may work as apprentice of a motion picture projectionist.

- *Motor Vehicle:* Driving a motor vehicle and being an outside helper on public roads or highways, in or about any mine, in or about excavation operations and around sawmill or logging operations. Exception for occasional driving for licensed 17 year-olds with State approved driver education course, if vehicle does not exceed 6,000 pounds and has restraining device, driving is during daylight, within a 30-mile radius of employer and limited to two trips per day away from employer location. May not drive for urgent, time-sensitive transporting and deliveries, including pizza delivery, may not tow, drive route deliveries or sales, may not provide transportation for hire of property or goods or passengers, limit of three passengers. Outside helper is any individual other than driver, whose work includes riding on a motor vehicle outside the cab for purpose of assisting in transporting or delivering goods.

- *Paint, Acids and Poison Manufacturer:* In any capacity in the manufacture of paint, color or white-lead, poisonous dyes or compositions using dangerous lead or acids.

- *Roofer:* All occupations.\*

- *Spray Coater:* Spray coating with substances containing lead, benzol or ground siliceous material.\*

- *Welder:* Acetylene or electric welding.\*

- *Woodworking:* Using power-driven woodworking machines, including supervising or controlling operation of machines, feeding or assisting with feeding materials into machines; setting up, adjusting, repairing, oiling or cleaning power-driven woodworking machines, off-bearing from circular saws and guillotine-action veneer clippers.\* Exception, 16 and 17 year-olds may place material on moving chain or hopper for automatic feeding.

- *Wrecking or Demolition Worker, or Both:* All occupations, including shipbreaking.

All minors are also prohibited from working:

- *In Establishments Where Alcoholic Beverages are Produced, Sold or Dispensed:* Except in part of establishment where alcohol is not served or hotels, clubs or restaurants where alcohol is served and the establishment has a Sunday sales license issued by the Liquor Control Board and minor is serving food, clearing tables or related duties, but minor may not serve or dispense alcohol. Performing arts students engaged in uncompensated exhibitions may perform at a licensed establishment, under proper supervision in accordance with the Liquor Code (47 P. S. §§ 1-101—10-1001).

- *On Boats:* Pilot, fireman or engineer on any boat or vessel.

- *On Machinery:* Including repairing, cleaning or oiling machinery in motion and operating or assisting in the operation of the following: emery wheels,\*\* metal plate bending, forming, punching, hammering, bending, rolling and shearing machines,\* punch presses,\*\* wire-stitching, stapling machines,\* circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers and abrasive cutting discs.\*

- *On Baking Machinery:* Operating, assisting, setting up, adjusting, repairing, oiling or cleaning dough or batter mixer, bread dividing, rounding or molding machine, dough brake, dough sheeter, bread slicer or wrapper machine or cake cutting band saw and setting up or adjusting cookie or cracker machine. Except for 16 and 17 year-olds setting up, adjusting, repairing, oiling and

cleaning lightweight, small capacity, portable counter-top power-driven food mixers comparable to models intended for household use. Except for 16 and 17 year-olds operating pizza dough rollers constructed with safeguards to prevent fingers, hands, clothing from being caught on the in-running point of rollers, which have completely enclosed gears and have microswitches that disengage machinery if the backs or sides of rollers removed. Exception does not apply to setting up, adjusting, repairing, oiling or cleaning of pizza-dough rollers.

- *In Metal Industries:* Working in rolling mills,\* handling bull ladles and working around furnaces.

- *In Mines:* Dangerous occupations in or around any mine, including all work performed in any underground working, open-pit or surface part of any coal mining plant, that contribute to the extraction, grading, cleaning or other handling of coal. Exceptions for 16 and 17 year-olds: slate or refuse picking at picking table or chute in a tippie or breaker at a coal mine, work in office or repair or maintenance shops on the surface. For other mines all occupations prohibited, except may work in aboveground office, warehouse, supply house, change house, laboratory, repair or maintenance shops, in living quarters, outside mine in surveying, repair or maintenance of roads, general clean-up, track crew work for sections of railroad track when mining activities are not being performed, work in or about surface placer mining operations other than place dredging operations and hydraulic placer mining operations. At metal mills other than in mercury-recovery mills or mills using cyanide process may operate jigs, sludge tables flotation cells, drier-filters, may perform hand-sorting at picking table or belt, general clean up. Exception, 14 and 15 year-old minors may work in office and perform clerical duties.

- *In Quarries:* Most occupations, including drilling, shot firing or assisting in loading or tamping holes, face cleaning, attaching blocks to chains for cable hoisting, assisting or operating steam, air or electric shovels.

- *In the Printing and Paper Industry:* Operating or assisting with balers, compactors and power-driven paper products machines. Operating power-driven paper cutters, circular or band saws, corner cutter or mitering machine, corrugating and single or double facing machine, envelope diecutting press, guillotine paper cutter or shearer, horizontal bar scorer, laminating or combing machine, sheeting machine, scrap paper baler, paper box compactor, vertical slotter, platen diecutting press, platen printing press, punch press involving hand feeding of machine, operating or assisting with any compactor designed or used to process materials other than paper.\* Exception for 16 and 17 year-olds loading materials into scrap paper balers and paper box compactor which cannot be operated while being loaded, machine must meet applicable ANSI standard, there is an on-off switch with key-lock or other system and control maintained by employee 18 years of age or older, on-off switch in off position when machine not in operation and employer posted notice.

- *Around Radioactive Substances:* In all occupations involving exposure to radioactive substances\*\*\* or ionizing radiation.\*\*\*

- *On Railroads and Railways:* Section hand, track repairing, gate-tending, switch-tending, brakeman, fireman, engineer, motorman or conductor.

- *On Rivets*: Heating and passing rivets, except for 16 and 17 year-old minors 10 feet or less from ground or on a scaffold equipped with guardrails and board.

- *In Tanneries*: All occupations in the tanning process.

\* Except apprentices, student learners and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

\*\* Except apprentices, student learners, laboratory student aides and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

\*\*\* Except laboratory student aides and graduates of an approved vocational, technical or industrial education curriculum which prepared them for employment in the specific occupation.

*Additional Prohibited Occupations for Minors Under 16 Years of Age*

- *Amusement park ride attendant, operator or dispatcher*.

- *Baker*.

- *Boiler or Engine Room Worker*: Including work in connection with maintenance or repair of establishment, machines or equipment.

- *Cook*: Except with gas and electric grills that do not involve cooking over an open flame and with deep fat fryers that automatically lower and raise the baskets.

- *Chicken Catcher*: Catching and cooping of poultry in preparation for transport or for market.

- *Construction Worker*: In any capacity. Also includes repairs and maintenance of a building or its equipment.

- *Hoisting Apparatus*: Operating, tending, setting up, adjusting, cleaning, oiling or repairing.

- *Industrial Homemaker*: Manufacturing in a home of any materials or articles for an employer, a representative contractor or a contractor.

- *Lifeguard*: At a natural environment such as a lake, river, ocean beach, quarry or pond. *Exception for minors at least 15 years-old and certified to be a lifeguard*: may work at a traditional swimming pool or water amusement park.

- *Public Messenger*: In any capacity.

- *Strikes or Lockouts*: Prohibited to work in an establishment where a strike or lockout is in progress, unless the minor was legally certified to work in an establishment prior to the declaration of a strike or lockout.

- *Switchboard Operator*: In a telephone exchange.

- *Tobacco Stripper or Sorter*.

- *Transporting*: Transportation of persons or property by rail, highway, air, water, pipeline or other means.

- *Window Cleaner*: At outside window washing that involves working from window sills and all work requiring the use of ladders, scaffolds or their substitutes.

- *Youth Peddling*: Selling goods and services and promotional activities, except at the employer's place of business.

*Minors Under 16 Years of Age are also Prohibited from Working:*

- *In Establishments Where Alcoholic Beverages are Produced, Sold or Dispensed*: Except for continuing-care

retirement homes, ski resorts, bowling alleys, golf courses, amusement parks and other similar recreational establishments where alcoholic beverages are served as long as the minor is not handling or serving alcohol and not working in an area where alcohol is served or stored. Performing arts students engaged in uncompensated exhibitions may perform at a licensed establishment, under proper supervision in accordance with the Liquor Code.

- *On Coal Dredges*: Any work on coal dredges.

- *In Freezer or Meat Coolers*: In any capacity, except to enter freezer momentarily to retrieve items for kitchen work.

- *On Highways*: Sections of highways open to the public for vehicular travel.

- *In Manufacturing*: Any manufacturing or mechanical process.

- *On Machinery*: Any operating, tending, setting up, adjusting, cleaning, oiling or repairing any power-driven machinery, including, but not limited to, lawn mowers, golf carts, all terrain vehicles, trimmers, cutters, weed eaters, edgers, food slicers, food grinders, food choppers, food processors, food cutters and food mixers. May operate office equipment, vacuum cleaners and floor waxers.

- *In Pattern Making Shops*: In any capacity.

- *In the Printing Industry*: On blueprint machines.

- *For Public Utilities*: In any capacity, except office work such as filing, typing and the cleaning and dusting of an office.

- *On Scaffolding*: All work requiring the use of ladders, scaffolds or their substitutes.

- *On Trucks, Railcars and Conveyors*: Loading or unloading goods, except for loading or unloading of personal nonpower driven hand tools and personal protective equipment that minor will use as part of employment; and personal items to and from motor vehicles.

- *In Tunnels*: In any capacity.

- *In Warehousing and Storage*: In any capacity.

JULIA K. HEARTHWAY,  
Secretary

[Pa.B. Doc. No. 13-144. Filed for public inspection January 25, 2013, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Approval of the Consolidated and Person/Family Directed Support Waivers

The purpose of this notice is to announce the approval of the renewal of the Consolidated and Person/Family Directed Support (P/FDS) waivers by the Centers for Medicare and Medicaid Services (CMS). CMS approved these waivers with an effective date of July 1, 2012. Under 55 Pa. Code Chapter 51 (relating to Office of Developmental Programs home and community-based services), sections 51.14(a) and (b), 51.28(d)—(h), 51.74(9) and (15) and 51.75(3) and 51.98(d) are effective upon written notification that CMS has granted approval of the

Consolidated and P/FDS waivers. Since CMS has approved these waivers, these sections are effective July 1, 2012.

The Consolidated Waiver can be found on the Department of Public Welfare's (Department) web site at <http://www.dpw.state.pa.us/learnaboutdpw/waiverinformation/consolidatedwaiverforindividualswithintellectualdisabilities/index.htm>.

The P/FDS waiver can be found on the Department's web site at <http://www.dpw.state.pa.us/learnaboutdpw/waiverinformation/personfamilydirectedsupportwaiver/index.htm>.

*Fiscal Impact*

It is anticipated that there will be no fiscal impact.

*Public Comment*

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or Regional Office of Developmental Programs (ODP) in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105 (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department at the ODP mailbox at [ra-ODPcomment@pa.gov](mailto:ra-ODPcomment@pa.gov), use subject

header "PN Approval of the Consolidated and Person/Family Directed Support Waivers," or Department of Public Welfare, Office of Developmental Programs, Division of Program Management, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-806. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-145. Filed for public inspection January 25, 2013, 9:00 a.m.]

**Medical Assistance Fee Schedule; Change in Enrollment Service Fee in the Medical Assistance Aging Waiver**

The purpose of this notice is to announce a Medical Assistance (MA) fee schedule rate change for the Home and Community-Based Services (HCBS) enrollment service in the Aging Waiver. In accordance with 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates), the Department of Public Welfare (Department) is announcing this change effective upon publication in the *Pennsylvania Bulletin*.

*Background*

A rate-setting methodology for HCBS fee schedule rates was published at 42 Pa.B. 3343 (June 9, 2012). The Department also published at 42 Pa.B. 3811 (June 30, 2012) the addition of the procedure code and MA fee-schedule rate for the HCBS enrollment service in the Aging Waiver. The Department is revising this rate across all four regions of the State as follows:

**HCBS Fee Schedule Rate—Aging Waiver Only**

<i>Service</i>	<i>Aging Waiver</i>	<i>Procedure Code</i>	<i>Region</i>	<i>Rate</i>	<i>Unit</i>
Enrollment	X	W0009	1, 2, 3, 4	\$95.00	One Time

The fee schedule rate is available at <http://www.dpw.state.pa.us/dpworganization/officeoflongtermliving/providers/index.htm>.

*Fiscal Impact*

The fiscal impact of this change is estimated at \$0.157 million (\$0.085 million in State funds) in Fiscal Year 2012-2013.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice within 30 days of its publication to the Department at the Office of Long-Term Living, 555 Walnut Street, Fifth Floor, Harrisburg, PA 17101-1919. Comments can also be sent to [RA-oltstreamlining@pa.gov](mailto:RA-oltstreamlining@pa.gov). Comments will be considered in subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania

AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-807. (1) Tobacco Settlement Fund; (2) Implementing Year 2012-13 is 85,000; (3) 1st Succeeding Year 2013-14 is \$170,000; 2nd Succeeding Year 2014-15 is \$170,000; 3rd Succeeding Year 2015-16 is \$170,000; 4th Succeeding Year 2016-17 is \$170,000; 5th Succeeding Year 2017-18 is \$170,000; (4) 2011-12 Program—\$32,183,000\*; 2010-11 Program—\$30,358,000\*; 2009-10 Program—\$27,275,000\*; \*Executive Authorization from the Tobacco Settlement Fund to the Department of Aging; (7) Home and Community-Based Services; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-146. Filed for public inspection January 25, 2013, 9:00 a.m.]

**Medical Assistance Fee Schedule; Change in Service Coordination Fee for the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program**

The purpose of this notice is to announce a Medical Assistance (MA) fee schedule rate change for the Service Coordination rate for the MA Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b)

(relating to fee schedule rates). In accordance with 55 Pa. Code § 52.45(a) and (b), the Department of Public Welfare (Department) is announcing this change effective upon publication.

*Background*

A rate-setting methodology and fee schedule rates for home and community-based services (HCBS) were published at 42 Pa.B. 3343 (June 9, 2012). The fee schedule rate for Service Coordination is being revised consistent with the published methodology to ensure continued access to Service Coordination services.

**HCBS Fee Schedule Rate—Service Coordination**

**HCBS Fee Schedule Rates**

Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver; IW = Independence Waiver; OW = OBRA Waiver.

**HCBS Fee Schedule Rates (Region 1)**

Service	Aging	Attendant Care	ACT 150	CC	IW	OW	Procedure Code	Region 1	Unit
Service Coordination	X	X	X	X	X	X	W1011	\$16.93	15 minute

**HCBS Fee Schedule Rates (Region 2)**

Service	Aging	Attendant Care	ACT 150	CC	IW	OW	Procedure Code	Region 2	Unit
Service Coordination	X	X	X	X	X	X	W1011	\$19.10	15 minute

**HCBS Fee Schedule Rates (Region 3)**

Service	Aging	Attendant Care	ACT 150	CC	IW	OW	Procedure Code	Region 3	Unit
Service Coordination	X	X	X	X	X	X	W1011	\$17.55	15 minute

**HCBS Fee Schedule Rates (Region 4)**

Service	Aging	Attendant Care	ACT 150	CC	IW	OW	Procedure Code	Region 4	Unit
Service Coordination	X	X	X	X	X	X	W1011	\$19.02	15 minute

The fee schedule rate is available at <http://www.dpw.state.pa.us/dpworganization/officeoflongtermliving/providers/index.htm>.

*Fiscal Impact*

The fiscal impact of this change is estimated at \$4.273 million (\$2.042 million in State funds) in Fiscal Year 2012-2013.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice within 30 days of its publication to the Department at the Office of Long-Term Living, 555 Walnut Street, Fifth Floor, Harrisburg, PA 17101-1919. Comments can also be sent to RA-oltstream.lining@pa.gov. Comments will be considered in subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-808. (1) General and Lottery Funds;

(7) Home and Community-Based Services (General Fund); (2) Implementing Year 2012-13 is \$999,000; (3) Estimated Costs for 1st Succeeding Year (2013-14) through 5th Succeeding Year (2017-18) are \$2,398,000; (4) 2011-12 Program—\$160,384,000; 2010-11 Program—\$0; 2009-10 Program—\$0;

(7) Attendant Care (General Fund); (2) Implementing Year 2012-13 is \$468,000; (3) Estimated Costs for 1st Succeeding Year (2013-14) through 5th Succeeding Year (2017-18) are \$1,123,000; (4) 2011-12 Program—\$103,463,000; 2010-11 Program—\$97,869,000; 2009-10 Program—\$99,488,000;

(7) Services to Persons with Disabilities (General Fund); (2) Implementing Year 2012-13 is \$523,000; (3) Estimated Costs for 1st Succeeding Year (2013-14) through 5th Succeeding Year (2017-18) are \$1,255,000; (4) 2011-12 Program—\$135,672,000; 2010-11 Program—\$115,635,000; 2009-10 Program—\$95,063,000;

(7) PennCare (Lottery Fund); (2) Implementing Year 2012-13 is \$52,000; (3) Estimated Costs for 1st Succeed-

ing Year (2013-14) through 5th Succeeding Year (2017-18) are \$126,000; (4) 2011-12 Program—\$248,764,000; 2010-11 Program—\$243,283,000; 2009-10 Program—\$241,414,000;

(8) recommends adoption. These appropriations are unable to absorb the increased cost; therefore, funding will be included in a supplemental request for 2012-13.

[Pa.B. Doc. No. 13-147. Filed for public inspection January 25, 2013, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Delaware River Waterfront Corp., 121 North Columbus Boulevard, Philadelphia, PA 19106.

Delaware River Waterfront Corp. is seeking to lease highway right-of-way located at LR 1000 Sec. B6RW, at the intersection of East Laurel and North Front Streets, City of Philadelphia, Philadelphia County, 61,904 square feet of land ±, adjacent to LR 1000, section(s) B6RW, for purposes of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objection regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Mary C. Lambright.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Right-of-Way Administrator, Property Management, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 13-148. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following properties are available for sale by the Department:

Parcel No. 1807, City of Pittsburgh, Allegheny County. The parcel contains approximately 10,825 +/- square feet of unimproved land located along SR 4009, Evergreen Avenue and SR 0279. It is an assemblage of parcel 1807 and 1808. The estimated fair market value of the parcel is \$29,630.

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 H. Daniel Cessna, P.E., District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 13-149. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Meetings Scheduled

The Rail Freight Advisory Committee will hold a meeting on Tuesday, January 29, 2013, from 1 p.m. to 4 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Megan Mott at (717) 214-9757 or memott@pa.gov.

The Transportation Advisory Committee will hold a meeting on Monday, February 4, 2013, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Julie Harmantzis at (717) 787-2913 or jharmantzi@pa.gov.

The Motor Carrier Safety Advisory Committee will hold a meeting on Wednesday, February 13, 2013, from 12:30 p.m. to 3 p.m. at the Turnpike Commission Building, Middletown, PA. For more information, contact Ryan McNary at (717) 787-3656 or rymcnary@pa.gov.

The State Transportation Commission will hold a meeting on Thursday, February 14, 2013, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Julie Harmantzis at (717) 787-2913 or jharmantzi@pa.gov.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 13-150. Filed for public inspection January 25, 2013, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Rosebud Mining Company v. DEP; EHB Doc. No. 2013-004-R

Rosebud Mining Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Rosebud Mining Company for a facility in Bethel Township, Armstrong County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code



§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 13-151. Filed for public inspection January 25, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of James N. Boudier under the Quality Health Care Accountability and Protection Article; Highmark, Inc.; Doc. No. HC12-12-019

Under Article XXI of The Insurance Company Law of 1921 (40 P. S. §§ 991.2101—991.2194), the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on February 14, 2013, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 12, 2013. A date for a hearing, if necessary, shall be determined at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 31, 2013, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before February 13, 2013.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-152. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Genworth Life Insurance Company; Rate Increase Filing for Several LTC Forms

Genworth Life Insurance Company is requesting approval to increase the premium 20% on 3,759 policyholders with the following individual LTC policy form numbers: 7000 and 7020.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA

ary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-153. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Genworth Life Insurance Company; Rate Increase Filing for Several LTC Forms

Genworth Life Insurance Company is requesting approval to increase the premium 20% on 6,159 policyholders with the following individual LTC policy form numbers: 6484, 50000, 50001, 50003N, 50003P, 60394, 60407, 50020, 50021, 50022, 60491, 60494, 7021, 62100D and 62100R.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-154. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Genworth Life Insurance Company; Rate Increase Filing for Several LTC Forms

Genworth Life Insurance Company is requesting approval to increase the premium 20% on 7,056 policyholders with the following individual LTC policy form numbers: 7030 and 7032.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA

17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-155. Filed for public inspection January 25, 2013, 9:00 a.m.]

### **Genworth Life Insurance Company; Rate Increase Filing for Several LTC Forms**

Genworth Life Insurance Company is requesting approval to increase the premium 20% on 14,754 policyholders with the following individual LTC policy form number: 7035.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-156. Filed for public inspection January 25, 2013, 9:00 a.m.]

### **Metropolitan Life Insurance Company; Rate Increase Filing for Several LTC Forms**

Metropolitan Life Insurance Company is requesting approval to increase the premium 58% on 1,103 policyholders with the following individual LTC policy form numbers: 1LTC-97-PA and 2LTC-97-PA.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA

17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-157. Filed for public inspection January 25, 2013, 9:00 a.m.]

### **Metropolitan Life Insurance Company; Rate Increase Filing for Several LTC Forms**

Metropolitan Life Insurance Company is requesting approval to increase the premium 58% on 2,669 policyholders with the following individual LTC policy form numbers: LTC2-FAC-PA, LTC2-VAL-PA, LTC2-IDEAL-PA, LTC2-PREM-PA, LTC2-FAC-ML-PA, LTC2-VAL-ML-PA, LTC2-IDEAL-ML-PA and LTC2-PREM-ML-PA.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-158. Filed for public inspection January 25, 2013, 9:00 a.m.]

### **Metropolitan Life Insurance Company; Rate Increase Filing for Several LTC Forms**

Metropolitan Life Insurance Company is requesting approval to increase the premium 58% on 3,962 policyholders with the following individual LTC policy form numbers: LTC-IDEAL-PA and LTC-IDEAL-PA-ML.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA

17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-159. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Joan Randazzo; file no. 12-114-130992; Erie Insurance Exchange; Doc. No. P13-01-007; February 26, 2013, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony 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.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R.

Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-160. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Time Insurance Company; Rate Increase Filing for Several LTC Forms

Time Insurance Company is requesting approval to increase the premium an aggregate 9.9% on 306 policyholders with the following individual LTC policy form numbers: 4060-PA, 4061-PA, 4062-PA, 4063-PA, 4072-PA and 4073-PA. The increase will average 9.9% but individual policyholders can receive increases ranging from 0% to 25%.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-161. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Union Security Insurance Company; Rate Increase Filing for Several LTC Forms

Union Security Insurance Company is requesting approval to increase the premium an aggregate 12.5% on 518 policyholders with the following individual LTC policy form numbers: 6034-PA, 6035-PA, 6036-PA, 6060-PA, 6062-PA, 6063-PA, 6072-PA, 6073-PA, 7060-PA and 7062-PA. The increase will average 12.5% but individual policyholders can receive increases ranging from 0% to 46%.

Unless formal administrative action is taken prior to April 10, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-162. Filed for public inspection January 25, 2013, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Lancaster County, Wine & Spirits Store #3611 (Relocation), Mount Joy, PA

*Lease expiration date:* March 31, 2013

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,500 net useable square feet of new or existing retail commercial space along Route 230, Mount Joy Township, near the junction of Route 743.

*Proposals due:* February 15, 2013, at 12 p.m.

**Contact:** Bureau of Real Estate  
Real Estate Region #2  
Northwest Office Building, RM #314  
910 Capital Street  
Harrisburg, PA 17124-0001  
Ronald Hancher, Jr.  
(717) 787-9540  
[rhancher@pa.gov](mailto:rhancher@pa.gov)

JOSEPH E. BRION,  
*Chairperson*

[Pa.B. Doc. No. 13-163. Filed for public inspection January 25, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electronic Access to Pre-Served Testimony

Public Meeting held  
January 10, 2013

*Commissioners Present:* Robert F. Powelson, Chairperson;  
John F. Coleman, Jr., Vice Chairperson; Wayne E.  
Gardner; James H. Cawley; Pamela A. Witmer

*Electronic Access to Pre-Served Testimony;*  
*Doc. No. M-2012-2331973*

#### Implementation Order

*By the Commission:*

The Pennsylvania Public Utility Commission (Commission) has identified the need to provide Commission staff, as well as parties of record in an adjudicatory proceeding, electronic access to parties' pre-served testimony through the Commission's case and document management sys-

tem. In order to accommodate this need, parties serving pre-served testimony in proceedings pending before the Commission pursuant to 52 Pa. Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding (unless such time period is otherwise modified by the presiding officer), to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding. This Implementation Order (Order) will set forth the specific procedures to be followed, for a one-year pilot period, for such electronic submission of testimony.

#### *Background*

The Commission's regulations proscribe the method by which pre-served testimony is to be handled during an adjudicatory proceeding as follows:

#### § 5.412. Written Testimony.

(f) *Service.* Written testimony shall be served upon the presiding officer and parties in the proceeding in accordance with the schedule established by this chapter. At the same time the testimony is served, a certificate of service for the testimony shall be filed with the Secretary.

52 Pa. Code § 5.412(f). Pursuant to this regulation, pre-served testimony is served on the parties and the presiding officer involved in an adjudicatory proceeding but is not filed with the Commission at the time of service. Id. At the time of service, parties merely file a certificate of service for the pre-served testimony with the Secretary's Bureau. Id. The Commission then receives only paper copies of admitted testimony from the court reporter following the close of the record in adjudicatory proceedings. Due to the voluminous nature of the testimony provided to the Commission and the fact that it is usually bound and stapled, the Commission is currently unable to efficiently scan testimony documents into the Commission's database.

On November 8, 2012, the Commission issued a Secretarial Letter (November 8th Secretarial Letter) proposing that parties serving pre-served testimony in proceedings pending before the Commission pursuant to 52 Pa. Code § 5.412(f) be required, within five (5) days after the final hearing in an adjudicatory proceeding,<sup>1</sup> to either eFile with or provide to the Secretary's Bureau a CD containing all testimony furnished to the court reporter during the proceeding. The November 8th Secretarial Letter also proposed that parties would not be required to serve other parties in the proceeding with electronically submitted testimony again when it is eFiled or a CD is provided to the Secretary's Bureau because the parties would have already previously received a copy of such testimony during the initial filing made pursuant to 52 Pa. Code § 5.412(f). The November 8th Secretarial Letter specifically noted that this proposed practice would provide Commission staff with electronic access to parties' testimony through the Commission's case and document management system.

The November 8th Secretarial Letter also solicited comments from interested parties and stakeholders. Comments to the November 8th Secretarial Letter were filed by the Pennsylvania Department of Transportation (PennDOT); the Office of Consumer Advocate (OCA);

<sup>1</sup> As noted in the "Time of Electronic Submission" section below, based on further internal review and in response to comments filed by the OCA, the Commission has determined that parties shall either eFile with or provide to the Secretary's Bureau a CD containing all testimony furnished to the court reporter within thirty (30) days after the final hearing in an adjudicatory proceeding, unless such time period is otherwise modified by the presiding officer.

PECO Energy Company; Eckert Seamans Cherin & Mellott, LLC (Eckert Seamans); and, jointly, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, First Energy Companies). We will address those comments in this Order.

#### *Discussion*

In this section of the Order, the Commission will outline the details of electronic submission for pre-served testimony by addressing the comments filed in response to the November 8th Secretarial Letter. The requirement for parties, within thirty (30) days after the final hearing in an adjudicatory proceeding (unless such time period is otherwise modified by the presiding officer), to either eFile with or provide to the Secretary's Bureau a CD containing all testimony furnished to the court reporter becomes effective with the entry of this Order. This requirement to submit electronic testimony will be implemented as a pilot project for a period of one year.

#### *1. Submission of Testimony Modified During an Adjudicatory Proceeding*

Several of the comments provided in response to the November 8th Secretarial Letter, including comments filed by the OCA, Eckert Seamans and the First Energy Companies, raised questions regarding the filing procedures for testimony that is modified during an adjudicatory proceeding. Initially, we reiterate that the purpose of the electronic submission of testimony is to provide Commission staff and parties of record with electronic versions of the testimony documents that the Commission currently receives in paper form from the court reporter. With that purpose in mind, it follows that the electronically submitted testimony should be an exact copy of the testimony that was submitted to the court reporter during the hearing(s) in an adjudicatory proceeding.

The Commission is aware that the presiding officers maintain different practices regarding the submission of testimony containing words and/or provisions that have been stricken at hearing. As such, the testimony required to be electronically submitted should match exactly the copy of the testimony that the presiding officer has required be submitted to the court reporter during the hearing. For example, if an ALJ requires parties to make hand-marked modifications to testimony to reflect that which was stricken during the hearing before submitting such testimony to the court reporter, the parties should electronically submit to the Commission a copy of the testimony reflecting such modifications.<sup>2</sup> Similarly, if an ALJ does not require parties to make modifications to testimony to reflect that which was stricken during the hearing before submitting such testimony to the court reporter, the parties should electronically submit to the Commission an un-marked copy of the testimony.<sup>3</sup> Testimony that is not admitted during the hearing should not be electronically submitted to the Commission.

In addition to the testimony that is electronically submitted to the Commission either by eFiling or by the submission of a CD, during the one-year pilot period, the Commission will continue to require parties to submit two paper copies of such testimony to the court reporter at

<sup>2</sup> Prior to electronic submission of testimony documents, we request that parties revise testimony to reflect that which was stricken at hearing by either making hand-marked strikethroughs or electronic strikethroughs on the testimony. Parties should not, however, completely electronically delete testimony that has been stricken at hearing. This practice will allow the text of the electronically submitted testimony documents to remain on the same page as it appears on the testimony documents submitted to the court reporter.

<sup>3</sup> Commission staff is aware of the need to consult the transcript for purposes of determining which testimony has been admitted into the official record.

hearing. As we become more comfortable with the electronic submission process, we will re-evaluate the need to continue to require paper copies of testimony to be submitted to the court reporter. Parties are not, however, required to serve other parties in the proceeding with the electronically submitted testimony again when it is eFiled or a CD is provided to the Secretary's Bureau.<sup>4</sup>

Parties are also not required to file or provide the relevant transcript pages that correspond with the corrections, if any, made to the electronically submitted testimony. Similarly, parties are not required to file or provide an "errata sheet" showing any corrections, if any, that have been made to the testimony during the hearing. We note that parties may, however, file with the Commission and/or provide such transcript pages and/or errata sheets to other parties in the proceeding on a voluntary basis.

#### *2. Form of Testimony Documents for Electronic Submission*

The requirement for electronic submission, either by eFiling or the submission of a CD, is limited to pre-served testimony documents.<sup>5</sup> In their comments, Eckert Seamans suggested that the electronic submission requirement also include the exhibits attached to such pre-served testimony documents. Rather than expanding the electronic submission requirement to include exhibits, the Commission has determined that parties may voluntarily submit electronic versions of any and all exhibits that are physically attached to pre-served testimony during the one-year pilot period.<sup>6</sup> After the one-year pilot period, we will reevaluate whether the Commission should require parties to electronically submit all exhibits and/or those exhibits physically attached to pre-served testimony.

Pre-served testimony must be electronically submitted, either by eFiling or submitting a CD to Secretary's Bureau, in Portable Document Format (PDF). Currently, documents may only be filed on the Commission's eFiling system in PDF format.<sup>7</sup> For this one-year pilot period, the Commission will similarly require all testimony electronically submitted on CD to the Secretary's Bureau to be in PDF format.<sup>8</sup>

Consistent with the Commission's current eFiling procedures, parties must upload one eFiled document at a time. As such, each piece of pre-served testimony should be separately eFiled on the Commission's website. In contrast, parties electronically submitting pre-served testimony on a CD to the Secretary's Bureau may load all testimony documents onto one CD (pending file size limitations).<sup>9</sup> For consistency purposes, all pre-served testimony, whether eFiled or submitted by CD, should be labeled as follows: "Direct Testimony of \_\_\_\_\_" and/or "Rebuttal Testimony of \_\_\_\_\_."

<sup>4</sup> The parties in the proceeding would have already previously received a copy of such testimony during the initial filing made pursuant to 52 Pa. Code § 5.412(f). Also, by this Order, we are noting that parties of record will be able to view the electronic submissions.

<sup>5</sup> The electronic submission requirement does not apply to discovery requests or responses.

<sup>6</sup> All exhibits not electronically submitted must be submitted to the court reporter in physical/paper form.

<sup>7</sup> The Commission will create a qualified document labeled "testimony" for the purpose of eFiling pre-served testimony.

<sup>8</sup> Comments submitted by the OCA suggest that the PDF documents electronically submitted to be "searchable" format. We note that all PDF documents can be converted electronically to become searchable documents.

<sup>9</sup> Due to file size restrictions, parties may be required to submit multiple CD's containing testimony documents. Additionally, pursuant to 52 Pa. Code § 1.32(b)(3) and the Commission's Secretarial Letter regarding the Size of Qualified Documents and Paper Copy Requirements issued on August 16, 2012, testimony documents exceeding 10 megabytes in size may not be eFiled and must be electronically submitted to the Commission on a CD.

### 3. *Time of Electronic Submission*

As previously noted, the November 8th Secretarial Letter initially proposed to require parties to either eFile with or provide to the Secretary's Bureau a CD containing all testimony furnished to the court reporter within five (5) days after the final hearing in an adjudicatory proceeding. Based on further internal review and in response to comments filed by the OCA, the Commission has determined that parties shall either eFile with or provide to the Secretary's Bureau a CD containing all testimony furnished to the court reporter within thirty (30) days after the final hearing in an adjudicatory proceeding, unless such time period is otherwise modified by the presiding officer.

Extending the electronic submission deadline from five days to thirty days after the final hearing alleviates the OCA's concern that transcripts of the proceeding may not necessarily be available within five days after a final hearing. Requiring parties to electronically submit their testimony within thirty days after the final hearing provides parties sufficient time to consult the transcript and accordingly make any necessary modifications to testimony, if required by the presiding officer, before electronically submitting such testimony to the Commission.<sup>10</sup> This extension of the electronic submission deadline also does not impact our internal need for electronic access to this testimony by advisory staff.

Although not originally proposed in the November 8th Secretarial Letter, the Commission has determined that the electronic submission time period may be modified by the presiding officer. This modification procedure will allow presiding officers to appropriately accommodate for situations which would require a modified time period for obtaining electronic access to testimony (including but not limited to access during expedited proceedings).

### 4. *Electronic Submission of Confidential or Proprietary Testimony*

Several of the commentators, including PennDOT, the OCA and Eckert Seamans, expressed concern regarding the electronic submission of confidential or proprietary testimony. The Commission recognizes the need to limit electronic access to confidential and proprietary testimony to the appropriate internal advisory staff within the Commission. As the Commission does not currently have the capability to limit internal access to eFiled documents, the Commission will require parties to submit confidential or proprietary testimony on a separate CD to the Secretary's Bureau during the one-year pilot period. During the pilot period, we will continue to evaluate whether our eFiling system can be modified to limit internal access to electronically submitted documents to appropriately accommodate for the eFiling of confidential and proprietary testimony.

In addition to raising concerns regarding the electronic submission of confidential and proprietary testimony, the OCA also asked whether the Commission will require parties to redact confidential information before electronically submitting such testimony. Again, we reiterate that that the purpose of the electronic submission is to provide Commission staff and parties of record with electronic versions of the testimony documents that the Commission currently receives in paper form from the court reporter.

<sup>10</sup> This practice contemplates a situation in which the presiding officer requires a party to make hand-marked changes to testimony prior to submitting such testimony to the court reporter. In the event the party does not have an additional copy of such testimony, to be used for electronic submission purposes, on which to make hand-marked changes, the party will need to consult the transcript to make hand-marked changes to testimony (matching those changes made at hearing) prior to electronic submission.

Accordingly, whatever, if any, redaction measures are currently being taken by parties prior to submitting confidential testimony to the court reporter should be followed when electronically submitting testimony.

### 5. *Confirmation and Verification that Proper Testimony Documents have been Electronically Submitted*

In response to the November 8th Secretarial Letter, the OCA and Eckert Seamans inquired as to how parties would be able to verify and confirm that other parties in the proceeding have electronically submitted proper testimony documents to the Commission within the required period of time. Initially, we note that because parties of record will have electronic access to such testimony through the Commission's case and document management system,<sup>11</sup> parties will have the capability to review the testimony electronically submitted by other parties in the proceeding to ensure that it is consistent with what was admitted into the official record.<sup>12</sup> If a party discovers that another party has electronically submitted improper testimony documents to the Commission, that party may raise such concern with the presiding officer in the proceeding.<sup>13</sup> In addition to being able to review testimony that has been electronically submitted, parties of record are also able to receive daily action alerts and to review daily action records on the Commission's database to ensure that other parties in the proceeding have electronically submitted testimony with the required time period.<sup>14</sup>

In addition to confirmation and notification issues, the OCA specifically raised the issue of whether parties should be required to submit a verification with their electronically submitted testimony to ensure that such testimony is consistent with the testimony admitted into the official record. Because all parties of record in the proceeding will have electronic access to verify that electronically submitted testimony from other parties is consistent with that admitted into the record, we do not anticipate there will be any issues with parties submitting improper testimony. Accordingly, during the one-year pilot period, parties will not be required to submit a verification with electronically submitted testimony. If we find during the pilot period that parties are intentionally submitting testimony that is not consistent with the testimony admitted into the record, we will reevaluate the need to file a verification with electronically submitted testimony.

### 6. *Access to Electronically Submitted Testimony*

In the November 8th Secretarial Letter, we initially proposed to allow only Commission staff to have electronic access to pre-served testimony. Upon further internal review and based on the comments provided in response to such proposal, the Commission has determined that both Commission staff and all parties of record in an adjudicatory proceeding will have electronic access to testimony. As previously mentioned, our advisory staff is aware of the need to consult the transcript for purposes of determining which testimony has been admitted into the official record. Similarly, we are confident that parties of record in an adjudicatory proceeding

<sup>11</sup> Parties of record wishing to view electronically submitted testimony will need to have an eFiling account with the Commission.

<sup>12</sup> We note that under the current practice of only submitting paper copies of testimony to the court reporter at the hearing, parties do not have the opportunity to ensure that such paper copies of testimony are consistent with what was admitted into the record.

<sup>13</sup> Even if a party were to improperly electronically submit testimony that was not admitted into the record, both Commission staff and parties of record are aware of the need to consult with the transcript for purposes of determining which testimony was actually admitted into the official record.

<sup>14</sup> In order to receive such alerts, parties must have an eFiling account with the Commission.

are equally aware of the need for such consultation.<sup>15</sup> Therefore, the Commission does not anticipate any issues to result from providing Commission staff or parties of record with electronic access to testimony.

As previously mentioned, any party desiring to electronically view testimony that has been electronically submitted to the Commission must obtain an eFiling account. If a party is incapable of obtaining an eFiling account with the Commission, such party would need to consult with the other parties in the proceeding to make arrangements for obtaining electronic access, whether by CD or other electronic transmission, to electronically submitted testimony.<sup>16</sup>

Some of the commentators responding to the November 8th Secretarial Letter proposed that in addition to Commission staff and parties of record, the public should also have electronic access to testimony after the expiration of the one-year pilot period. Although the Commission is confident that Commission staff and parties of record in a proceeding are aware of the need to consult the transcript for purposes of determining which testimony was admitted into the official record, we are not certain that the public is similarly aware of the need for such consultation. With this concern in mind, we will evaluate whether electronic access to testimony should be extended to the public at the end of the pilot period.

#### *Conclusion*

Requiring parties, within thirty days after the final hearing in an adjudicatory proceeding (unless such time period is otherwise modified by the presiding officer), to either eFile with or provide to the Secretary's Bureau a CD containing all testimony furnished to the court reporter during the proceeding will accommodate the need to provide Commission staff and parties of record electronic access to pre-served testimony through the Commission's case and document management system. Through this Order, the Commission sets forth the specific procedures to be followed for such electronic submission of testimony for a one-year pilot period. In the event the Commission determines that it will continue the implementation of the requirements set forth in this Order after the initial one-year pilot period, the Commission will notify the appropriate stakeholders and initiate a proposed rulemaking to reflect such new requirements; *Therefore,*

#### *It Is Ordered That:*

1. Parties serving pre-served testimony in proceedings pending before the Commission pursuant to 52 Pa. Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding (unless such time period is otherwise modified by the presiding officer), to either eFile with or provide to the Secretary's Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding.

2. Both Commission staff and parties of record in an adjudicatory proceeding will have electronic access to testimony through the Commission's case and document management system during the one-year pilot period.

3. In addition to the testimony that is electronically submitted to the Commission either by eFiling or by the submission of a CD to the Secretary's Bureau, parties

<sup>15</sup> Parties of record are able to obtain copies of the official transcript in all adjudicatory proceedings.

<sup>16</sup> Electronically submitted testimony will be an exact copy of the testimony submitted to the court reporter. Accordingly, all parties in the proceeding would have been previously served with such testimony and would have access to consult the transcript to determine which testimony was admitted into the official record.

must continue to submit two copies of such testimony to the court reporter at the hearing during the one-year pilot period.

4. Parties are not required to serve other parties in the proceeding with the electronically submitted testimony when it is eFiled or a CD is provided to the Secretary's Bureau.

5. During the one-year pilot period, parties must electronically submit confidential or proprietary testimony on a separate CD to the Secretary's Bureau.

6. The requirements set forth in this Order shall be implemented as a pilot project for a period of one year from the entry date of this Order.

7. In the event the Commission determines that it will continue the implementation of the requirements set forth in this Order after the initial one-year pilot period, the Commission will notify the appropriate stakeholders and initiate a proposed rulemaking to reflect such new requirements.

8. A copy of this Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov).

9. A copy of this Order be served on the appropriate stakeholders in this matter.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-164. Filed for public inspection January 25, 2013, 9:00 a.m.]

## **Implementation of Act 129 of 2008; Phase 2—Registry of Conservation Service Providers**

Public Meeting held  
January 10, 2013

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Vice Chairperson; James H. Cawley; Wayne E. Gardner; Pamela A. Witmer

*Implementation of Act 129 of 2008 Phase 2—Registry of Conservation Service Providers;*  
*Doc. No. M-2008-2074154*

### **Tentative Order**

*By the Commission:*

On February 5, 2009, the Pennsylvania Public Utility Commission (Commission) adopted an order that established the minimum experience and qualification requirements each conservation service provider (CSP) must meet to be included on the CSP registry, in accordance with Act 129 of 2008, 66 Pa.C.S. § 2806.2.<sup>1</sup> This 2009 CSP Registry Order also established the application for registration and the registration fee. During the more than three years since the establishment of the CSP registry, the Commission, electric distribution companies (EDCs) and CSPs have gained experience and knowledge in registering and qualifying CSPs to implement the Act 129 energy efficiency and conservation (EE&C) program. Based on this experience and newfound knowledge, the Commission proposes, through this Tentative Order, changes to the CSP application process and package and seeks comments on these proposed changes.

<sup>1</sup> See Implementation of Act 129 of 2008 Phase 2—Registry of Conservation Service Providers, Final Order (2009 CSP Registry Order) at Docket No. M-2008-2074154, entered on February 5, 2009.

### *Background and History of this Proceeding*

Act 129 of 2008 (Act or Act 129) was signed into law on October 15, 2008, which took effect on November 14, 2008. Among other things, the Act created an energy efficiency and conservation program, codified in the Pennsylvania Public Utility Code at Sections 2806.1 and 2806.2, 66 Pa.C.S. §§ 2806.1 and 2806.2. Under this program an EDC with at least 100,000 customers must adopt a plan, approved by the Commission, to reduce electric consumption and peak demand as set forth by the Act or the Commission.

The Act also required the Commission to establish, by March 1, 2009, a registry of approved persons qualified to provide conservation services to all classes of customers. 66 Pa.C.S. § 2806.2(a). The Act further required the Commission to develop an application for registration and permitted the Commission to charge a reasonable registration fee. 66 Pa.C.S. § 2806.2(b). The Act defined a conservation service provider as “an entity that provides information and technical assistance on measures to enable a person to increase energy efficiency or reduce energy consumption and that has no direct or indirect ownership, partnership or other affiliated interest with an [EDC].” 66 Pa.C.S. § 2806.1(m). Finally, the Act required each EDC plan to “include a contract with one or more conservation service providers selected by competitive bid to implement the plan or a portion of the plan as approved by the Commission.” 66 Pa.C.S. § 2806.1(b)(1)(i)(e).

On February 5, 2009, the Commission adopted a Final Order that established the CSP registry and the minimum experience and qualification requirements for registered CSPs.<sup>2</sup> In addition, the Commission adopted an application form for CSP registration and established an application and renewal fee.<sup>3</sup>

### *Discussion*

With this Tentative Order, the Commission is soliciting comments on proposed revisions to the CSP registration process and application. After more than three years of experience processing CSP registration applications, the Commission wishes to make certain modifications to address recent internal organizational changes and to improve the CSP registration process. These proposed modifications do not alter the minimum requirements for CSP registration established by the 2009 CSP Registry Order. It is our intent, however, to provide clarity regarding the minimum information applicants must provide in order to expedite the processing of approving CSP registry applications and maintain an up-to-date CSP registry. Below, we discuss the proposed changes to the CSP registry application and approval process for which we seek comment.

#### *A. Registration Process*

As proposed, the application review process set forth in the 2009 CSP Registry Order remains unchanged except for the responsible Commission bureau, the CSP application and the addition of forms for updating CSP information and renewing registration. The proposed modifications to the registration process relate to the elimination of the requirement to file an electronic copy of the application, a revised application package provided in Annex A and the addition of CSP registry change and renewal forms provided in Annex B. The proposed new forms are meant to expedite the process and reduce the administrative burdens for updating CSP registration

information and renewing CSP registration. We note that CSPs with current and up-to-date registrations will not be required to submit the proposed new application unless there is a change to their current application or they renew their registration. The three templates are titled as follows:

- Template No. 1 “Application for Renewal of CSP Registration—No Changes Incurred to Application of Record”
- Template No. 2 “Application for Renewal of CSP Registration—Changes Incurred to Application of Record”
- Template No. 3 “Application to Update CSP Registration”

As established in the 2009 CSP Registry Order, an initial application for entry into the Commission’s CSP registry shall be made on the form proposed in Annex A of this Tentative Order. A copy of the application may be obtained from the Commission’s Secretary and will be made available on the Commission’s website. An application for entry into the CSP registry shall be verified by an oath or affirmation as required in 52 Pa. Code § 1.36 (relating to verification). An original, signed copy of the completed application and supporting attachments shall be filed with the Secretary’s Bureau with a copy to the Bureau of Technical Utility Services (TUS). The non-refundable new application fee shall be maintained at \$125 and be submitted in a form as proscribed in 52 Pa. Code § 1.42.

As also established in the 2009 CSP Registry Order, the Commission will continue to require all registered CSPs to re-qualify every two years in order to maintain a relatively current registry. A non-refundable application renewal fee shall be maintained at \$25 and be submitted in a form as proscribed in 52 Pa. Code § 1.42. The Commission also expects registered CSPs to notify the Commission, in writing, of any changes to the information provided in its initial and any renewal applications. To expedite the process for the filing of updated information and renewal applications, the Commission proposes to use the forms Template for Renewal or Update of Conservation Service Provider Registration, as provided in Annex B of this Tentative Order. When there are no changes to the initial application, the Applicant may use this template as a petition for renewal of CSP registration by checking off and completing the first option and enclosing an Affidavit and proof of current liability insurance coverage. In summary, if filing a two-year renewal and there are no changes to the application, the CSP would file Template #1 and an Affidavit from Annex B along with proof of current liability insurance coverage.

When there are changes to the initial application and no previous petitions for renewal or update of CSP application have been filed, the applicant may check off the second option on the template and identify the items, parts and subparts of its initial application that have changed. As with the first option, an Affidavit and proof of current liability insurance coverage will also be required. In summary, if filing a two-year renewal and there are changes to the application, the CSP would file Template #2 and an Affidavit from Annex B along with a new application from Annex A and proof of current liability insurance coverage.

In the event that an applicant is simply updating an application, the Commission proposes that the CSP use Template #3 and an Affidavit from Annex B along with an entire application from Annex A. There is no filing fee for updating current approved CSP Application information.

<sup>2</sup> See 2009 CSP Registry Order.

<sup>3</sup> Id.



As specified in the 2009 CSP Registry Order, the application, with supporting attachments, must be completed in its entirety. Incomplete applications and those without supporting attachments, when needed, will be rejected without prejudice. Commission staff will review all applications for completeness within 20 days of their filing. Commission staff will act on a completed application within 30 days of receipt.

Due to the reorganization of the Commission, all CSP registry applications will be reviewed by the Bureau of Technical Utility Services (TUS) to determine if the applicant is financially responsible and has the minimum technical experience and qualifications. If the application is approved by TUS, the Applicant will be notified via Secretarial Letter and placed on the registry. If TUS determines that an application should be denied, a Secretarial Letter will be issued to notify the applicant and provide a brief explanation for the denial. As established in the 2009 CSP Registry Order, denials may be appealed to the Commission consistent with the provisions found in 52 Pa. Code § 5.44 (relating to petitions for appeal from actions of staff).

### B. Application Package

As stated above, we propose the use of the modified application form contained in Annex A of this order. This revised CSP application was shortened from 11 pages to 7 pages. All of the items appearing on the original application also appear on the revised form, with the exception of those changes detailed and discussed in sections C and D of this order. The items in the original application were reorganized to group similar requirements into four primary sections: 1—Identity of Applicant; 2—Registered Agent; 3—Applicant's Operations; and 4—Compliance.

To clarify and emphasize the importance of an applicant's identity and business associations relative to the CSP registration process, Section 1 in the revised application—Identity of Applicant, combines information formerly addressed in the original application sections 1—Identity of the Applicant; 2—Contact Person; 4—Fictitious Name; and 6—Affiliates and Predecessors within Pennsylvania. The identification of contract and business partnerships are newly proposed items contained in the revised application that are specifically addressed in section C below.

To facilitate the application process, Section 2 of the revised application—Registered Agent, is a combination of all information relating to the applicant's required filing with the Pennsylvania Department of State (Department) and use of a registered agent, if applicable, that were addressed previously in Section 3 (relating to registered agent) and Section 5 (relating to business entity and Department filings) in the original application. Occasionally, applicants would file for CSP registration without having appropriately registered with the Department, causing confusion and unnecessary delays in processing the application.

Section 3 of the revised application—Applicant's Operations, is a combination of sections 7, 8, 14 and 15 in the original application, relating to applicant's present and proposed operations, as well as the applicant's technical fitness and financial responsibility. These items were consolidated to avoid duplication of information. The proposed change should simplify the application review process by providing categories for applicants to identify themselves, their proposed services and the EDC business partners of interest.

The Commission also proposes to eliminate use of the Tax Certification Statement, referenced in Section 9 of

the original application, and add a requirement for proof of current liability insurance coverage. These modifications are addressed in more detail in section D of this order.

Section 4 of the revised application—Compliance, consolidates all items contained in sections 10, 11, 12 and 13 of the original application. This consolidation helps applicants understand important compliance issues for CSP registration, such as: criminal convictions, tax delinquency, bankruptcy or liquidation proceedings, and customer complaints. The remaining Sections 5 through 8 that appear on the revised application are consolidated from various sections on the original application.

### C. Conservation Service Provider Identity Information

The Act defines a CSP as "an entity that provides information and technical assistance on measures to enable a person to increase energy efficiency or reduce energy consumption and that has no direct or indirect ownership, partnership or other affiliated interest with an electric distribution company." 66 Pa.C.S. § 2806.1(m). As the Commission and EDCs must be able to identify the type of entity a CSP is and confirm that it is not owned, partnered or affiliated with an EDC, the Commission proposes requiring all CSP registry applicants to provide the following information relating to their identity:<sup>4</sup>

1. Legal name of the Applicant and proof of compliance with appropriate Department filing requirements.<sup>5</sup>
2. Trade or Commercial or Fictitious names used by Applicant.
3. Contact information for principal place of business and for Applicant, if different from its principal place of business.
4. Names and contact information for any predecessor, parent and subsidiary companies and affiliates and disclosure if any are currently doing business in Pennsylvania as a CSP or EDC.
5. Disclosure of any contracts or business partnerships that the Applicant has with a CSP or EDC.
6. Names of principal officers, an organizational chart, and contact information for each office.
7. Brief biographies or resumes for all principal officers and management directly responsible for Applicant's operations.
8. Department registered agent contact information, if applicable.
9. Signature of principal official filing application on behalf of Applicant and printed name and title of that official.
10. Affidavit of principal official attesting to the accuracy of information provided.
11. Registration fee in a form prescribed in 52 Pa. Code § 1.42.

As indicated above, we propose adding a requirement for the disclosure of any business partnership or contract that the Applicant has with a CSP or an EDC. This past year the Commission has encountered a pattern of sub-contractual arrangements being created by CSPs due to mergers and acquisitions and by EDCs due to the bundling of multiple CSP contracts into a single contract/sub-

<sup>4</sup> These items are presented differently in the proposed application to provide clarity. In addition, items 5, 8 and 9 are new requests also being proposed to provide clarity.

<sup>5</sup> A copy of any document from the Department of State documenting the Applicant's Department of State entity number is adequate. Certified copies of Pennsylvania Department of State documents are not required as the applicant will be verifying all information provided pursuant to 52 Pa. Code § 1.36.

contract business relationship. As stated in the 2009 CSP Registry Order, the Commission believes that the Act is clear and free from all ambiguity with respect to the requirement that a CSP can have no direct or indirect ownership, partnership or other affiliated interest with an electric distribution company.<sup>6</sup> To ensure that this provision of the Act is complied with, we propose requiring disclosure of contracts, subcontracts and partnerships that the Applicant currently has with any EDC or registered CSP. We further propose that registered CSPs update this information on a continuing basis. Additionally, we are also proposing to require that any CSP sub-contractor that is directly performing services under the contractual obligations of an EDC contracted CSP to also be registered as a CSP.

With regard to the proposed requirement for Department registered agent information, the Commission emphasizes that there exists varied statutory obligations for entities conducting business in the Commonwealth. To facilitate timely review of CSP applications, it is imperative that an applicant that does not maintain a principal office in the Commonwealth to have appropriately registered with the Department. Failure to do so significantly delays the CSP application process. Therefore, the Commission proposes to include a notice in the application for applicants with no principal office in the Commonwealth to register with the Department and to provide contact information for a Department-approved registered agent when filing their CSP application.

Finally, we propose to require a signature of a principal official. This is being proposed to ensure that the Commission has contact information for a principal officer of all registered CSPs. We believe that provision for the identity and signature of the Applicant's principal officer will reduce the time and resources allocated to the CSP renewal application process.

#### D. Evidence of Financial Responsibility

As the Commission will permit, and expect, each EDC to establish financial fitness and insurance or bonding standards commensurate with the type and scope of work to be performed by a CSP, the Commission is requesting information that will focus on whether the CSP is financially responsible. As it currently stands, an applicant could establish financial responsibility by submitting a tax certification statement, proof of adequate insurance, and disclosure of any bankruptcies, tax delinquencies and fraud convictions. As such, the Commission does not require the submission of financial statements and tax returns and has established the criteria for disclosure and assessment of an applicant's financial standing.<sup>7</sup> However, due to the potential conflicts associated with privacy and right-to-know laws, we propose to eliminate the Tax Certification Statement in Appendix A of the original application. We instead propose to require documented evidence of current liability insurance coverage, which we believe is pertinent and essential. We believe that the ability to acquire adequate liability insurance coverage provides a more reliable indicator of financial responsibility than the tax certification statement.

Finally, the proposed revised application form consolidates the minimum technical and financial information to be filed by a CSP applicant. The modified application also consolidates and segregates financial compliance issues to highlight the financial standing of CSP applicants and to assure full disclosure.

#### Conclusion

In summary, the Commission is proposing the use of a revised CSP application, which has been reformatted and contains slightly modified minimum requirements for CSP registration, which is in Annex A of this order. Also proposed is the use of three templates relating to CSP information updates and renewal applications, which are in Annex B of the order. These proposed changes are intended to clarify and expedite the CSP application review process while facilitating the maintenance of a current and up-to-date CSP registry. The Commission invites comments on the usefulness of the proposed revised CSP application, the newly created CSP templates, and the two modifications to the minimum requirements, the elimination the Tax Certification Statement and the requirement for a certificate of current liability insurance.

Therefore,

#### It Is Ordered That:

1. The Commission hereby proposes changes to the Application for Registration as a Conservation Service Provider as found in Annex A of this Tentative Order.

2. The Commission hereby proposes changes to the application renewal and information update processes for Conservation Service Providers through the use of three templates as found in Annex B of this Tentative Order.

3. This Tentative Order be published in the *Pennsylvania Bulletin* and served on the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, and all jurisdictional electric distribution companies.

4. Interested parties shall have 30 days from the date this Tentative Order is published in the *Pennsylvania Bulletin* to file comments referencing Docket Number M-2008-2074154 to the Pennsylvania Public Utility Commission, Attention: Secretary, P. O. box 3265, Harrisburg, PA 17105-3265.

5. Interested parties shall have 50 days from the date this Tentative Order is published in the *Pennsylvania Bulletin* to file reply comments referencing Docket Number M-2008-2074154 to the Pennsylvania Public Utility Commission, Attention: Secretary, P. O. box 3265, Harrisburg, PA 17105-3265.

6. The Commission's Bureau of Technical Utility Services shall maintain and administer the CSP registry, as outlined in this Tentative Order.

7. The contact person for technical issues related to this Tentative Order is Annunciata Marino, Bureau of Technical Utility Services, 717-772-2151 or annmarino@pa.gov and the contact person for legal and process issues related to this Tentative Order is Kriss Brown, Law Bureau, 717-787-4518 or kribrown@pa.gov.

ROSEMARY CHIAVETTA,  
Secretary

#### Annex A

#### Instructions for Conservation Service Provider (CSP) Application for Registration in the Commonwealth of Pennsylvania

Do not include these instructions with the filing of the Application

The attached application form is for those entities that desire listing on the Public Utility Commission's registry of qualified conservation service providers ("CSP"), as defined by Act 129 of 2008. An entity that is directly or

<sup>6</sup> See 2009 CSP Registry Order at 8.

<sup>7</sup> See 2009 CSP Registry Order at 13.

indirectly owned, partnered or in any way affiliated with an electric distribution company (“EDC”) is not eligible for the registry.

Only registered CSPs may advise an EDC and/or provide consultation, design, or administration or management services to an EDC related to the implementation of the EDC’s Energy Efficiency and Conservation Plan. To qualify an applicant must have at least two years of experience in providing program consultation, design, administration, management or advisory services related to energy efficiency and conservation services. CSP registration is not required of entities that limit their services to the installation of energy efficiency measures or the provision of equipment or materials to EDC customers or the public in general.

You may use the attached form to make your application. If you need more space than is provided on this form or if you are attaching exhibits, attach additional pages and exhibits immediately following the page containing the item(s) being addressed. Certified copies of documents from Commonwealth agencies or departments are not required.

Complete and sign the application and attest to the truth and accuracy of your responses to all application questions by signing and notarizing the enclosed Affidavit. File the application and Affidavit with the Secretary’s Bureau as instructed in the application.

Failure to adequately respond to each question on the application may result in denial of your application for registration. Questions pertaining to completion of this application may be directed to Annunciata Marino, Utility Energy and Technology Analyst, Bureau of Technical Utility Services at (717) 772-2151.

If your response to any of the items on this application changes during the pendency of your application or if the information relative to any item herein changes while you are operating as an approved CSP within the Commonwealth of Pennsylvania, you are under a duty to so inform the Commission as to the specifics of any changes by completing a Petition for Update of Conservation Service Provider Application. A template for this Petition is provided on the Commission’s website at: [http://www.puc.state.pa.us/utility\\_industry/electricity/conservation\\_service\\_providers\\_registry.aspx](http://www.puc.state.pa.us/utility_industry/electricity/conservation_service_providers_registry.aspx).

#### On Matters Concerning Confidentiality:

If any of your answers require you to disclose what you believe to be privileged or confidential information not otherwise available to the public, you should designate at each point in the Application that the answer requires you to disclose privileged and confidential information. You should then submit the information on documents stamped “CONFIDENTIAL” at the top in clear and conspicuous letters and submit one copy of the information under seal to the Secretary’s Office along with the Application. Applicant must fully support its request to maintain confidentiality for the information which it believes to be confidential or proprietary. Such request shall be deemed to be a Petition for Protective Order and will be ruled upon by the Commission in conjunction with the license application. Pending disposition, the information will be used solely for the purpose of evaluating the license application, and the confidentiality of this information will be maintained consistent with the Commission’s rules and regulations pertaining to confidentiality.

### CONSERVATION SERVICE PROVIDER (“CSP”) APPLICATION FOR REGISTRATION IN THE COMMONWEALTH OF PENNSYLVANIA

Conservation Service Providers (“CSPs”) have a specific role under Act 129, which requires a covered Electric Distribution Company’s Energy Efficiency and Conservation (EE&C) plan to include one or more CSPs to “provide information and technical assistance on *measures* [italics emphasized] that enable a person to increase energy efficiency or reduce energy consumption.” 66 Pa.C.S. §§ 2806.1(b)(1)(i)(e) & 2806.1(m). As such, registration of business entities as approved CSPs is required before entering into a contract agreement with an EDC exclusively for the provision of consultation, design, administration, management or advisory services regarding that EDC’s EE&C plan. This registry is not intended as a resource of business, whose sole purpose is the installation of measures, supplying equipment or other contracting work for use by the general public and EDC customers. If providing such services, registration as a CSP is not required for entering into an agreement with an EDC.

#### 1. IDENTITY OF THE APPLICANT

##### a. Legal Name of Applicant:

Attach proof of compliance with appropriate Pennsylvania Department of State filing requirements.<sup>8</sup>

##### b. Trade or Commercial or Fictitious Names Used by Applicant (d/b/a)—List all that apply.

- The Applicant will be using a fictitious name or doing business as (“d/b/a”). Identify names below. If more space is needed, list names on the back of this page or append list to completed application.

- The Applicant will not be using a fictitious name.

##### c. Applicant Address:

##### d. Applicant Telephone No:

##### e. Applicant FAX No:

##### f. Applicant Email Address:

g. Contact Information for Applicant, *if different from that listed above*. PLEASE NOTE: Upon approval of this application, this Contact Information will be listed on the Commission’s CSP Registry. If this information is the same as above, please note below.

- Name
- Mailing Address
- Telephone and FAX Nos.
- Email Address

h. Predecessor(s) & Other Names used by Applicant for past five (5) years of date of this application. Provide Name(s), Address(es) and Telephone No.(s).

- Check Box if any Predecessor(s) is currently or was previously registered in Pennsylvania as a CSP. If affirmative, please provide Docket No(s). (A-[Year]-[Seven (7) Digits]) and names for all registered CSPs.

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<sup>8</sup> A copy of any document from the Pennsylvania Department of State (Pa. Dept. of State) documenting the Applicant’s Pa. Dept. of State entity number is adequate. However, the document must indicate that the Applicant’s Pa. Dept. of State registration is “active.” Certified copies of Pa. Dept. of State documents are not required.

i. Parent & Subsidiary Companies & Affiliates:

Parent Name and Contact Information. Check Box if any affiliate is currently doing business in Pennsylvania as a CSP or Electric Distribution Company (EDC).

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Subsidiaries and Contact Information. Check Box if any affiliate is currently doing business in Pennsylvania as a CSP or Electric Distribution Company (EDC).

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Affiliate(s) and Contact Information. Check Box if any affiliate is currently doing business in Pennsylvania as a CSP or Electric Distribution Company (EDC).

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j. Contracts & Business Partnerships:

Check Box if within the past five (5) years, Applicant has operated under contract or has sub-contracted with or has partnered with a CSP or EDC. Provide company name and contact information and briefly describe the nature of business services associated with each contract and/or partnership. If "None," do not check the box and answer "None" below.

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k. Identify principal officers (owners, executives, partners and/or directors), as appropriate for Applicant's organizational structure. Provide an organizational chart and the names, titles, business addresses and telephone numbers for each office.

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l. Attach to this Application a brief biography or single page professional resume for all principal officers and management directly responsible for Applicant's operations.

2. REGISTERED AGENT

a. If the Applicant does not maintain a principal office in the Commonwealth, the Applicant is required by the Pennsylvania Department of State to designate an approved Registered Agent as its representative in the Commonwealth. Check one of the Boxes below, as applicable:

YES, the Applicant has registered its business with the Pennsylvania Department of State. Following is the Name and Contact information for the Applicant's Department-Approved Registered Agent.

- Registered Agent's Name
- Registered Agent's Mailing Address
- Registered Agent's Telephone and FAX Nos.
- Registered Agent's Email Address

NO, the Applicant has not registered its business with the Pennsylvania Department of State. STOP—To avoid denial of your application and forfeiture of your application fee, you should contact the Pennsylvania Department of State Bureau of Corporations to register as a business entity within the Commonwealth PRIOR TO completion and filing of this application with the Pennsylvania Public Utility Commission.

b. Applicant has registered its business with the Pennsylvania Department of State. Please check appropriate registration type for Applicant as designated with the Department.

- Sole proprietor (15 Pa.C.S. § 4124)
- Domestic corporation (none)
- Domestic general partnership (15 Pa.C.S. § 4124)
- Domestic limited liability company (15 Pa.C.S. § 8913)
- Domestic limited liability partnership (15 Pa.C.S. § 8201)
- Foreign corporation (15 Pa.C.S. § 4124)
- Foreign general or limited partnership (15 Pa.C.S. § 4124)
- Foreign limited liability company (15 Pa.C.S. § 8981)
- Foreign limited liability general partnership (15 Pa.C.S. § 8211)
- Foreign limited liability limited partnership (15 Pa.C.S. § 8211)
- If Applicant is not domiciled in the Commonwealth of Pennsylvania and is registered as a "foreign" entity, please identify all other states where applicant is registered by the appropriate state department:

3. APPLICANT'S OPERATIONS

Respond to each of the following four questions relating to Applicant's operations and its technical and financial fitness. Respond to each item and attach any additional information and/or statements to this Application as appropriate.

a. Describe nature of business:

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- Applicant is presently doing business in Pennsylvania
- Applicant is presently not doing business in Pennsylvania

b. The Applicant proposes to provide the following information and technical services to an EDC. Check all services that apply and identify all EDCs with whom Applicant intends to conduct business.

- Consultation \_\_\_\_\_ EDCs: \_\_\_\_\_
- Design \_\_\_\_\_
- Administration \_\_\_\_\_
- Management \_\_\_\_\_
- Advisory \_\_\_\_\_

c. Attach to this Application a copy of any certification(s) or similar documentation that would demonstrate the technical fitness of Applicant, such as membership in trade associations, professional licenses, technical certifications, and/or names of current or past clients with a description of dates and types of services provided by Applicant.

d. Attach to this Application proof of current liability insurance coverage.

4. COMPLIANCE

Respond to each of the following Questions. Provide a statement as to the resolution or present status of any such proceedings, if applicable.

a. In the past three years has the Applicant, the parent company, an affiliate or predecessor or partner (contractor/subcontractor business relationship) of the Applicant, or any person identified by the Applicant in this Application, been investigated or convicted of a crime involving fraud, theft, larceny, deceit, violation of consumer protection law, violation of deceptive trade law or similar activity, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent?

- No
- Yes. Provide explanation.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b. Is the Applicant, the parent company, an affiliate, or a predecessor of either, currently delinquent with any state or federal taxing authority?

- No
- Yes. Provide explanation.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Identify all bankruptcy or liquidation proceedings for the prior three years. If none, provide a statement to this effect.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d. Identify all customer complaints filed with a regulatory or prosecutor agency for the prior three years of the date of this application. In none, provide a statement to this effect.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. FALSIFICATION

The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application, or if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa.C.S. §§ 4903 and 4904, relating to perjury and falsification in official matters.

6. FEES

The Applicant must submit a check payable to the Commonwealth of Pennsylvania with this Application. The fee for this Initial Application is \$125. Check should be made payable to the Commonwealth of Pennsylvania.

7. AFFIDAVIT

Applicant must complete and submit with this Application and any subsequent documentation submitted to the Commission, such as emails, letters, and written responses to Commission data requests, the attached Affidavit, which must be signed by the Affiant and signed and dated by the official administering the oath, that to the best of the Applicant's knowledge, information and belief that the facts set forth in this Application and all subsequent submissions are true and correct.

8. FILING & SIGNING OF APPLICATION

File a signed and verified original and one copy of the completed application along with any attachments in person or by first class mail, with your check (if applicable) to the following address:

Filing in person: Secretary  
 Pennsylvania Public Utility Commission  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

Filing by first-class Mail: Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Signature of Principal Official: \_\_\_\_\_  
 Official's Name & Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**AFFIDAVIT**

[Commonwealth/State] of \_\_\_\_\_ :  
 : ss.  
 County of \_\_\_\_\_ :  
 \_\_\_\_\_, Affiant, being duly [sworn/  
 affirmed] according to law, deposes and says that:  
 [He/she is the \_\_\_\_\_ (Office of Affiant) of  
 \_\_\_\_\_ (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]

That the Applicant herein \_\_\_\_\_ has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be registered as a conservation service provider pursuant to Act 129 of 2008.

That the Applicant herein \_\_\_\_\_ acknowledges that it has answered the questions on the application correctly, truthfully and completely and has provided supporting documentation as required.

That the Applicant herein \_\_\_\_\_ acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein \_\_\_\_\_ acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

\_\_\_\_\_  
 Signature of Affiant  
 Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Signature of official administering oath  
 My commission expires: \_\_\_\_\_.

**ANNEX B**  
**TEMPLATE FOR RENEWAL OR UPDATE OF CONSERVATION SERVICE PROVIDER (CSP) REGISTRATION**

*Instructions:* One of the following templates may be used by a registered Conservation Service Provider (CSP) to renew or update CSP Registration as follows:

*I am renewing my CSP Registration according to the normal two year renewal cycle and have no changes to my prior application—Use Template No. 1 Application for Renewal of CSP Registration—No Changes Incurred to Application of Record. This template should be used when there are NO CHANGES to the CSP Application of record. The filing fee for renewal is \$25.*

*I am renewing my CSP Registration according to the normal two year renewal cycle and have changes to my prior application—Use Template No. 2 Application for Renewal of CSP Registration—Changes Incurred to Application of Record. This template should be used when there are one or more CHANGES to the CSP Application*

of record. The Applicant is also required to submit a newly completed CSP Application. The filing fee for renewal is \$25.

*I am updating my CSP Registration information prior to my next required renewal—Use Template No. 3 Application to Update CSP Registration. This template should be used by a currently approved, registered CSP in order to update one or more items of the CSP Application of record. The Applicant is also required to submit a newly completed CSP Application. There is no filing fee to update CSP Registration information of record.*

In all three cases listed above, the registered CSP is required to conduct a thorough review of the individual items, parts and subparts of the Applicant's CSP Application of record, which may be obtained by searching the Pennsylvania Public Utility Commission (PUC) website at <http://www.puc.state.pa.us>.

- Double click “Search Documents” located on the upper right-hand corner of the PUC website.
- Type the last seven (7) digits of your PUC Docket No. for “Docket No.”
- Click button labeled “Search.”

An entity that uses one of the three templates to renew CSP Registration or to update CSP Registration information, shall be held accountable for identifying each and every item that has changed or contains information that has changed relating to the Commission-approved Application currently on file at the Commission.

**TEMPLATE NO. 1**  
**APPLICATION FOR RENEWAL OF CSP REGISTRATION**  
**NO CHANGES INCURRED TO APPLICATION OF RECORD**

The Applicant is filing with the Commission this Application for Renewal of CSP Registration. There are NO CHANGES to the Applicant's CSP Application of record on file at the Commission at the Docket Number appearing at the bottom of this Petition.

I have reviewed the Applicant's CSP Application of record and no information contained therein has changed or requires updating. Furthermore, no compliance issues have occurred relating to the Applicant's CSP Application regarding responses to Questions 4.1—4.4. Enclosed are the following items:

- a. Cover sheet providing all information relating to “Identity of the Applicant,” pursuant to Question Nos. 1(a)—1(j) of the CSP Application;
- b. Renewal application fee of \$25;
- c. Affidavit, attesting to the truth and knowledge of these facts; and
- d. Proof of current liability insurance coverage.

(Typed name and title of authority on behalf of Applicant identified on the attached cover sheet)

(Date and Signature of named authority)

The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application for Renewal of Conservation Service Provider Registration, or if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa.C.S. §§ 4903 and 4904, relating to perjury and falsification in official matters.

TEMPLATE NO. 2
APPLICATION FOR RENEWAL OF CSP
REGISTRATION

CHANGES INCURRED TO APPLICATION OF RECORD

The Applicant is filing with the Commission this Application for Renewal of CSP Registration. There are one or more CHANGES to Applicant's CSP Application of record on file at the Commission at the Docket Number appearing at the bottom of this Petition.

I have reviewed the Applicant's CSP Application of record and the information contained therein has changed. In addition no changes have occurred for those individual items, parts and subparts of the Application, which have not been identified on this Application for Renewal of CSP Registration. Below are listed the items, parts and subparts by title, relating to the numbered questions on the CSP Application that have changed. Enclosed are the following items:

- a. Completed CSP Application;
b. Renewal application fee of \$25;
c. Affidavit, attesting to the truth and knowledge of these facts; and
d. List of CSP Application items, parts and subparts by title, which have changed, provided as follows. (If more space is needed, please append additional pages to this Petition)

- 1. Identity of the Applicant
2. Registered Agent
3. Applicant's Operations
4. Compliance

(Typed name and title of authority on behalf of Applicant identified in the attached CSP Application)

(Date and Signature of named authority)

The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application for Renewal of Conservation Service Provider Registration, or if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa.C.S. §§ 4903 and 4904, relating to perjury and falsification in official matters.

TEMPLATE NO. 3
APPLICATION TO UPDATE CSP
REGISTRATION

The Applicant is filing with the Commission this Application to Update CSP Registration information. The Applicant acknowledges that there is no fee associated with the update of CSP registration information contained in its Application on file at the Docket Number appearing at the bottom of this template.

I have reviewed the Applicant's CSP Application of record and the information contained therein has changed. In addition no changes have occurred for those individual items, parts and subparts of the Application, which have not been identified on this Application to Update CSP Registration information. Below are listed the items, parts and subparts by title, relating to the numbered questions on the CSP Application that have changed. Enclosed are the following items:

- a. Completed CSP Application;
b. Affidavit, attesting to the truth and knowledge of these facts; and

c. List of CSP Application items, parts and subparts by title, which have changed, provided as follows. (If more space is needed, please append additional pages to this Petition)

- 1. Identity of the Applicant;
2. Registered Agent;
3. Applicant's Operations;
4. Compliance;

(Typed name and title of authority on behalf of Applicant identified in the attached CSP Application)

(Date and Signature of named authority)

The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application to Update Conservation Service Provider Registration, or if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa.C.S. §§ 4903 and 4904, relating to perjury and falsification in official matters.

AFFIDAVIT

[Commonwealth/State] of \_\_\_\_\_ :

: ss.

County of \_\_\_\_\_ :

\_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the \_\_\_\_\_ (Office of Affiant) of \_\_\_\_\_ (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]

That the Applicant herein \_\_\_\_\_ has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be registered as a conservation service provider pursuant to Act 129 of 2008.

That the Applicant herein \_\_\_\_\_ acknowledges that it has answered the questions on the application correctly, truthfully and completely and has provided supporting documentation as required.

That the Applicant herein \_\_\_\_\_ acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein \_\_\_\_\_ acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature of official administering oath

My commission expires: \_\_\_\_\_

[Pa.B. Doc. No. 13-165. Filed for public inspection January 25, 2013, 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 (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 11, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2012-2329551. Stephanie Lowry** (158 Honeybee Lane, Center Hall, PA 16828) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Centre, Mifflin, Huntingdon, Clearfield, Clinton and Union, and from said points in said counties, to points in Pennsylvania, and return.

**A-2012-2329755. Mercy Ambulance & EMS, Inc., t/a Mercy Ambulance** (2840 Pine Road, Suite B-1, Huntingdon Valley, PA 19006) for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service from the City and County of Philadelphia to facilities in Pennsylvania, and return.

#### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

**A-2012-2329019. Moving Made Awesome, LLC** (2853 Robin Road, York, York County, PA 17404)—from points in the Counties of Adams, Chester, Berks, Dauphin, Franklin, Lancaster, Lebanon, Perry and York, to points in Pennsylvania, and vice versa.

#### Application of the following for approval to *begin operating as a broker for transportation of household goods as described under the application.*

**A-2012-2330559. First Call Ventures, LLC, t/a First Call Movers** (2700 West Cypress Creek Road, Suite A110, Ft. Lauderdale, Broward County, FL 33309)—for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of household goods in use between points in Pennsylvania.

#### Application of the following for the approval of the *transfer of stock as described under the application.*

**A-2012-2329967. DM Fuhrer, LLC** (809 West Waldheim Road, Pittsburgh PA 15215) a limited liability company of the Commonwealth of Pennsylvania—ownership transfer—for the approval of the transfer of all (100%) membership interest of the issued and outstanding membership interest from David M. Fuhrer (66.7%) to Gary M. Tissue (33.3%). *Attorney:* Ronald M. Del Duca, Jr., Malone Middleman, PC, 117 VIP Drive, Suite 310, Wexford, PA 15090.

#### Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

**A-2012-2333043. 24-7 Limo, Inc.** (123 Blanch Street, Rices Landing, Greene County, PA 15317)—a corporation of the Commonwealth of Pennsylvania—discontinuance of service—persons, in limousine service, from points in Greene County, and from within a 60-mile radius of said county, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2012-2334044. Rescue Hose and Ladder Company** (408-410 Filbert Street, Curwensville, Clearfield County, PA 16833)—discontinuance of service—persons, in paratransit service, between points in the Counties of Cameron, Centre, Clearfield, Jefferson and Indiana and from points in said counties, to points in Pennsylvania, and vice versa.

**A-2012-2334046. Henry K. Umble, t/d/b/a Umble Taxi Service** (314 Highland Road, Atglen, Chester County, PA 19310)—discontinuance of service—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster and those points in Chester County west of Route 10, and from points in said territory, to points in Pennsylvania, and return.

**A-2012-2334243. G.G.&C Bus Company, Inc.** (2924 Jefferson Avenue, Washington, Washington County, PA 15301)—a corporation of the Commonwealth of Pennsylvania—discontinuance of service—persons, upon call or demand in the City of Washington and the Borough of East Washington, and the Townships of Canton, North Franklin, North Strabane and South Strabane, Washington County

**A-2012-2335292. Cameron County Ambulance Service, Inc.** (299 East Second Street, Emporium, Cameron County, PA 15834)—a corporation of the Commonwealth of Pennsylvania—discontinuance of service—persons, in paratransit service, between points in Cameron County, and from points in said county, to points in Pennsylvania, and return.

**A-2012-2336025. Harold and Anna Marie Groff, Tenants By Entirety** (211 Miller Street, Strasburg, Lancaster County, PA 17579)—discontinuance of service—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the county of Lancaster to points in Pennsylvania, and return.

**A-2012-2336398. Premier Limo, Inc.** (40 Maple Avenue, Williamsport, Lycoming County, PA 17701)—a corporation of the Commonwealth of Pennsylvania—discontinuance of service—persons, in limousine service, from points in the Counties of Lycoming, Union, Snyder, Clinton, Centre, Tioga, Sullivan, Northumberland and Columbia, to points in Pennsylvania, and return, excluding service which is under the jurisdiction of the Philadelphia Parking Authority.

**A-2012-2339445. Arden G. McConnell** (11214 Atlantic Road, Atlantic, Crawford County, PA 16111) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service, limited to persons whose personal convictions prevent



them from owning or operating motor vehicles, from points in the County of Crawford, to points in Pennsylvania, and return.

**A-2012-2339482. Elam L. Stoltzfus** (31 South Ronks Road, Ronks, Lancaster County, PA 17572)—for the discontinuance of service and cancellation of his Certificate of Public Convenience as a common carrier, by motor vehicle, at A-00120353 authorizing the transportation of persons in paratransit service, between points in the counties of Lancaster and that portion of Chester, west of U.S. Highway Route 10, and from points in said territory, to points in Pennsylvania, and return, limited to persons whose personal convictions prevent them from owning or operating motor vehicles.

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*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Network US, Inc.;  
Doc. No. C-2012-2332987*

### COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against Network US, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

#### Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
stwimer@pa.gov

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
717.783.6150  
wascott@pa.gov

4. Respondent is Network US, Inc. and maintains its principal place of business at 6825 Hobson Valley Drive, Suite 101, Woodridge, IL 60517-1454, Attention: Brian Sledz, President.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 9, 2001, at A-311097, for interexchange carrier reseller authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in conveying or transmitting messages or communications by telephone for the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

#### Factual Background

##### 2008-2009 Fiscal Year

12. On or about September 22, 2008, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2008 to June 30, 2009 Fiscal Year. Respondent's assessment was \$122.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission received no objections from Respondent to the 2008-2009 Fiscal Year Assessment.

15. Respondent failed to pay the total amount set forth in its 2008-2009 Fiscal Year Assessment.

##### 2009-2010 Fiscal Year

16. On or about September 17, 2009, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2009 to June 30, 2010 Fiscal Year. Respondent's assessment was \$122.

17. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

18. The Commission received no objections from Respondent to the 2009-2010 Fiscal Year Assessment.

19. Respondent failed to pay the total amount set forth in its 2009-2010 Fiscal Year Assessment.

##### 2010-2011 Fiscal Year

20. On or about September 9, 2010, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year. Respondent's assessment was \$143.

21. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

22. The Commission received no objections from Respondent to the 2010-2011 Fiscal Year Assessment.

23. Respondent failed to pay the total amount set forth in its 2010-2011 Fiscal Year Assessment.

2011-2012 Fiscal Year

24. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

25. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

26. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

27. On or about September 14, 2011, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2010 calendar year. Respondent's assessment was \$19.

28. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

29. The Commission received no objections from Respondent to the 2011-2012 Fiscal Year Assessment.

30. Respondent failed to pay the total amount set forth in its 2011-2012 Fiscal Year Assessment.

31. The total outstanding assessment balance for Respondent is \$369.34 for the above-referenced fiscal years.

Violations

COUNT 1

32. That Respondent, by failing to file an assessment report to demonstrate its gross intrastate operating revenues for the 2010 calendar year violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$50.

COUNT 2

33. That Respondent, by failing to pay the Commission's assessments for four (4) fiscal years, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$55 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$474.34, which consists of its outstanding assessment balance, which totals \$369.34 and a civil penalty of \$105 for the above-described violations.

(b) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer  
Prosecutor  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Date: November 7, 2012

VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: November 7, 2012

Susan A. Daub, Accountant  
Assessment Section  
Bureau of Administrative Services  
PA. Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott  
First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the

Pennsylvania Public Utility Commission at 717-787-5620.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-166. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2343235. Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Phone of Pennsylvania.** Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Phone of Pennsylvania for approval of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Phone of Pennsylvania, by its counsel, filed on January 14, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Comcast Phone of Pennsylvania joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-167. Filed for public inspection January 25, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2343018. North Penn Long Distance Corporation, d/b/a North Penn Access.** Application of North Penn Long Distance Corporation, d/b/a North Penn Access for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 11, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at <http://www.puc.pa.gov/> and at the applicant's business address.

*Applicant:* North Penn Long Distance Corporation, d/b/a North Penn Access

*Through and By Counsel:* John Pattison, Esq., Harter, Secrest & Emery, LLP, 1600 Bausch and Lomb Place, Rochester, NY 14604-2711

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-168. Filed for public inspection January 25, 2013, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

March 6, 2013	Rochelle L. Burns (Disability)	1 p.m.
March 27, 2013	Theresa A. Boettcher (Purchase of Credit for United States Government Service)	1 p.m.
May 8, 2013	Patricia C. Walters (Effective Date of Retirement)	1 p.m.

Persons with a disability, who wish to attend the previously listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Book, Assistant to the Executive Director at (717) 720-4617 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 13-169. Filed for public inspection January 25, 2013, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on February 14, 2013, at 1 p.m. at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, PA. The public hearing will end at 2:45 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 21, 2013, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is February 25, 2013.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission Water Resource Portal at [www.srbc.net/wrp](http://www.srbc.net/wrp). Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF](http://www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF).

#### *Opportunity to Appear and Comment*

Interested parties may appear at the hearing to offer comments to the Commission on any project listed as follows. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's web site, [www.srbc.net](http://www.srbc.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement the rules at the hearing. Written comments on any project listed as follows may also be mailed to Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721

North Front Street, Harrisburg, PA 17102-2391, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before February 25, 2013, to be considered.

#### *Supplementary Information*

The public hearing will cover the following projects:

#### *Projects Scheduled for Rescission Action:*

1. Project Sponsor: AES Westover, LLC. Project Facility: AES Westover Generating Station, Town of Union and Village of Johnson City, Broome County, NY (Docket No. 20070902).
2. Project Sponsor and Facility: Clark Trucking, LLC Northeast Division (Lycoming Creek), Lewis Township, Lycoming County, PA (Docket No. 20111207).
3. Project Sponsor and Facility: Southwestern Energy Production Company (Tuscarora Creek), Tuscarora Township, Bradford County, PA (Docket No. 20110313).

4. Project Sponsor and Facility: EQT Production Company (Frano Freshwater Impoundment), Washington Township, Jefferson County, PA (Docket No. 20110913).

#### *Projects Scheduled for Action:*

1. Project Sponsor and Facility: Anadarko E&P Company, LP (West Branch Susquehanna River), Nippenose Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20090307).

2. Project Sponsor and Facility: Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Modification to increase surface water withdrawal by an additional 0.500 mgd (peak day), for a total of 0.900 mgd (peak day) (Docket No. 20120303).

3. Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, PA. Application for renewal of groundwater withdrawal of up to 0.080 mgd (30-day average) from Well 6 (Docket No. 19820912).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Mehoopany Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20080923).

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wysox Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20080914).

7. Project Sponsor and Facility: Citrus Energy (Susquehanna River), Washington Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 1.994 mgd (peak day) (Docket No. 20081205).

8. Project Sponsor and Facility: Equipment Transport, LLC (Pine Creek), Gaines Township, Tioga County, PA. Application for surface water withdrawal of up to 0.467 mgd (peak day).

9. Project Sponsor and Facility: Galetton Borough Water Authority, Galetton Borough, Potter County, PA. Applica-

tion for groundwater withdrawal of up to 0.288 mgd (30-day average) from the Germania Street Well.

10. Project Sponsor and Facility: Houtzdale Municipal Authority (Beccaria Springs), Gulich Township, Clearfield County, PA. Application for surface water withdrawal of up to 5.000 mgd (peak day).

11. Project Sponsor and Facility: Hydro Recovery-Antrim, LP, Duncan Township, Tioga County, PA. Application for consumptive water use of up to 1.872 mgd (peak day).

12. Project Sponsor and Facility: Mark Manglaviti and Scott Kresge (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.999 mgd (peak day).

13. Project Sponsor and Facility: Mountain Energy Services, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Modification to increase surface water withdrawal by an additional 0.499 mgd (peak day), for a total of 1.498 mgd (peak day) (Docket No. 20100309).

14. Project Sponsor: Perdue Grain and Oilseed, LLC. Project Facility: Perdue Soybean Crush Plant, Conoy Township, Lancaster County, PA. Application for consumptive water use of up to 0.300 mgd (peak day).

15. Project Sponsor: Perdue Grain and Oilseed, LLC. Project Facility: Perdue Soybean Crush Plant, Conoy Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from Well AP-2.

16. Project Sponsor: R.R. Donnelley & Sons Company. Project Facility: West Plant, City of Lancaster, Lancaster County, PA. Modification to increase consumptive water use by an additional 0.019 mgd (peak day), for a total of 0.099 mgd (peak day) (Docket No. 19910702).

17. Project Sponsor and Facility: Talisman Energy USA, Inc. (Sugar Creek), West Burlington Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20090327).

18. Project Sponsor and Facility: Talisman Energy USA Inc. (Towanda Creek—Franklin Township Volunteer Fire Department), Franklin Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20081210).

19. Project Sponsor and Facility: Titanium Metals Corporation (TIMET), Caernarvon Township, Berks County, PA. Modification to increase consumptive water use by an additional 0.044 mgd (peak day), for a total of 0.177 mgd (peak day) (Docket No. 20080616).

20. Project Sponsor and Facility: Ultra Resources, Inc. (Cowanesque River), Deerfield Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.217 mgd (peak day) (Docket No. 20081229).

21. Project Sponsor and Facility: Ultra Resources, Inc. (Pine Creek), Pike Township, Potter County, PA. Application for renewal of surface water withdrawal of up to 0.936 mgd (peak day) (Docket No. 20090332).

22. Project Sponsor and Facility: WPX Energy Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20090303).

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* January 11, 2013.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 13-170. Filed for public inspection January 25, 2013, 9:00 a.m.]