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PENNSYLVANIA BULLETIN

Volume 35

Number 10

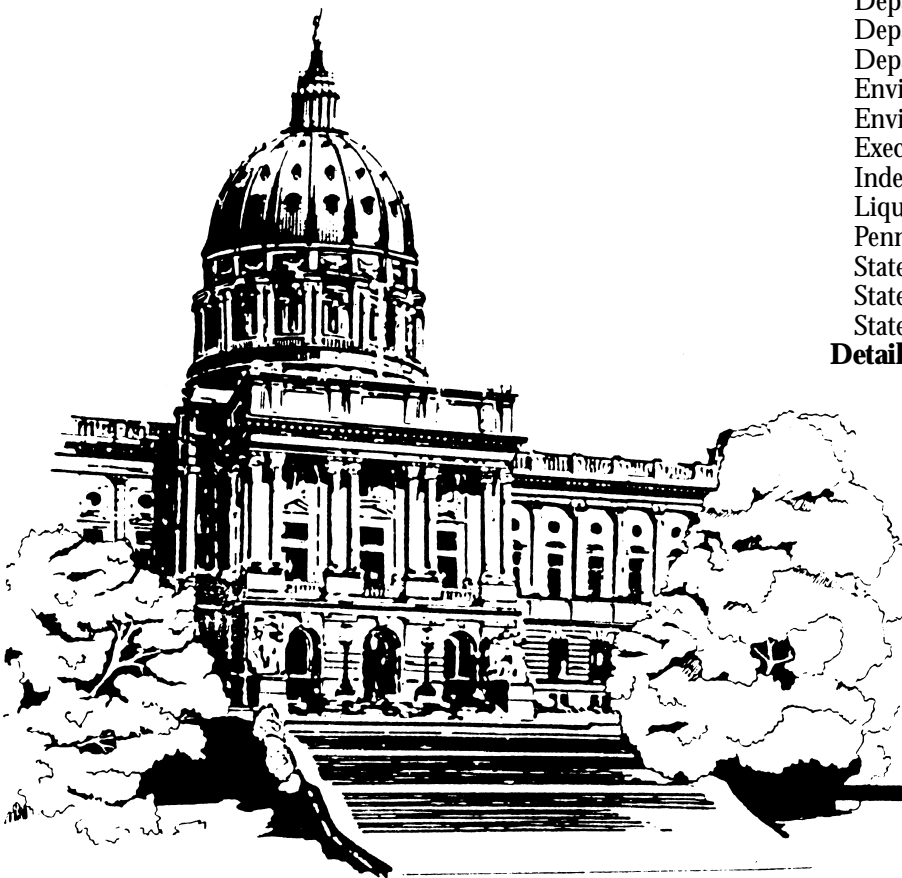
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Agencies in this issue:

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Delaware River Basin Commission
Department of Banking
Department of Community and Economic
Development
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Department of General Services
Department of Public Welfare
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Environmental Quality Board
Executive Board
Independent Regulatory Review Commission
Liquor Control Board
Pennsylvania Public Utility Commission
State Board of Accountancy
State Board of Psychology
State Real Estate Commission

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No. 364, March 2005

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

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13	1208	1	1331
16	1210	Proposed Rules	
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THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. COMMISSION ON SENTENCING [204 PA. CODE CH. 303]

Adoption of Sentencing Guidelines

The Pennsylvania Commission on Sentencing is hereby submitting revised sentencing guidelines, 204 Pa. Code §§ 303.1—303.18, for consideration by the General Assembly. The Commission adopted the revised sentencing guidelines on August 11, 2004, published them for comment at 34 Pa.B. 5746 (October 23, 2004), and held public hearings on December 1, 2004, December 2, 2004, December 9, 2004 and December 14, 2004. The Commission modified the proposed guidelines on December 15, 2004, published them for comment at 35 Pa.B. 198 (January 8, 2005), and held a public hearing on February 8, 2005. The Commission adopted the revised sentencing guidelines, found in Annex A, on February 9, 2005.

As specified by statute, 42 Pa.C.S. § 2155, the General Assembly has ninety days from the date of this publication (March 5, 2005) to review the revisions to the sentencing guidelines. Unless rejected by concurrent resolution during that period, these revised guidelines will become effective on Friday, June 3, 2005 and will apply to all offenses committed on or after that date.

REPRESENTATIVE FRANK DERMODY,
Chair

Commentary on Annex A

Reasons for Revisions to Sentencing Guidelines

Pennsylvania's initial sentencing guidelines became effective June 22, 1982, and were subsequently amended on eight occasions, most recently in 1997. The current sentencing guidelines (5th Edition) became effective June 13, 1997 and apply to offenses committed on or after that date. The Commission herein proposes revisions to the 5th Edition sentencing guidelines for several reasons. First, during the past seven years, the General Assembly has enacted, amended or repealed more than 120 statutes that impact on the sentencing guidelines. In addition, the Commission has received requests from practitioners to change the sentence recommendations for a number of offenses, including violations of the Uniform Firearms Act, crimes of violence, weapons of mass destruction, controlled substances, and driving under the influence of alcohol or controlled substance. As a result, the Commission undertook a comprehensive review of all Offense Gravity Score (OGS) and Prior Record Score (PRS) point assignments for offenses covered under the sentencing guidelines. A second and related reason for the proposed revisions is that the Commission has received feedback that the 'totally concurrent' Prior Record Score policy, adopted in 1997, has been difficult to implement due to the complexity of the policy and missing or incomplete prior conviction and sentencing information. A third reason for the revisions is that the Commission is required, pursuant to Act 2002-229, to provide a sentencing enhancement for the offense of homicide by vehicle when the violation occurs in an active work zone. A fourth and

final reason for the proposed revisions is that the Commission seeks to clarify several issues raised by the appellate courts and relating to the sentencing guidelines, such as the definition of school zone for purposes of the Youth/School Enhancement and the use of a previous court-martial in the Prior Record Score calculation.

Revisions to Section 303.1—Sentencing guidelines standards

The standards contained in this section identify offenses for which courts must consider the sentencing guidelines, and offenses to which the guidelines do not apply; describe the application of the various editions of the guidelines; and describe the requirements for reporting sentences to the Commission.

The Commission included in previous *Sentencing Guidelines Implementation Manuals* commentary regarding the merger of sentences, advising courts that the guidelines do not apply to convictions for lesser offenses which merge for sentencing purposes into greater offenses. Consistent with this long-standing policy, and in light of the recent enactment of a merger statute, 42 Pa.C.S. § 9765, the Commission has proposed including a specific reference to merger of sentences in Section 303.1(a).

As required by statute, 42 Pa.C.S. § 9721(b), all courts must consider the guidelines when imposing sentences for felonies and misdemeanors. While this requirement to consider the guidelines has consistently been interpreted by the Commission to apply to the minor judiciary, the Commission has only required the completion and submission of guideline sentence forms, as required by 42 Pa.C.S. § 2153(a)(14), from courts of record. The Commission has proposed several changes to Section 303.1(c) to clarify this policy. In January 2002 the Commission launched SGS Web, a JNET-based sentencing application that allows authorized users to prepare sentencing guidelines and submit completed forms electronically using the secure JNET infrastructure. The Commission notified all courts in February 2004 of a requirement that SGS Web be used to report all sentences beginning in January 2005. The Commission has proposed including language to this effect in Section 303.1(d) and (e).

Revisions to Section 303.2—Procedures for determining the guideline sentence

The standards contained in this section identify procedures for determining the guideline sentence. During the development of the 5th Edition guidelines in 1997, the Commission adopted the term 'judicial proceeding' to describe a hearing in which all offenses for which an offender has been convicted are pending before the court for sentencing at the same time. While this term was used in describing the procedure for completing a guideline sentence form, it was not defined in the text of the guidelines. The Commission has proposed including this definition in Section 303.2(b).

Revisions to Section 303.3—Offense Gravity Score

The standards contained in this section relate to the assignment of the Offense Gravity Score (OGS), which measures the seriousness of the current conviction offense. The OGS is the primary determinant of the sentencing guidelines recommendation. For controlled substances, the OGS assignment is generally based on the type and quantity or weight of the controlled substance. The 4th Edition (1994) sentencing guidelines

introduced an exception for fraudulent prescriptions, in which the number of prescription pills rather than the weight of the pills would be used to determine the OGS assignment. The concern was that since only a small amount of the controlled substance was contained in each pill, the weight of the pills would over-estimate the seriousness of the offense. The Commission has proposed expanding this exception to two other sections of the Drug Act: Delivery by practitioner, 35 P.S. § 780-113(a)(14), and Possession with intent to deliver, 35 P.S. § 780-113(a)(30), but limiting the prescription pills exception in all three sections to narcotics.

Revisions to Sections 303.4 through 303.8—Prior Record Score

The standards contained in this section relate to Prior Record Score (PRS) policies, including the PRS categories, identification of previous adjudications and convictions included in the calculation of the PRS, and the relative weight of those previous adjudications and convictions in determining the PRS category. The PRS reflects both the number and severity of previous adjudications and convictions. The PRS is not a separate punishment, but rather a reflection of the seriousness of previous offenses.

In the 5th Edition (1997) sentencing guidelines, the Commission moved from transaction-based sentencing guidelines to offense-based sentencing guidelines. Under transaction-based guidelines, only the most serious offense of a previous transaction was included in the calculation of the PRS, and the PRS was only used to determine the sentence recommendation for the most serious offense of the current transaction. Under the offense-based guidelines, the presumption is that all previous convictions are included in the calculation of the PRS, and that the PRS is used to determine the sentence recommendation for each current offense. The exception to this 'everything counts' policy is a totally concurrent sentence. A conviction is considered totally concurrent if the sentence imposed did not increase the term of probation, intermediate punishment, partial or total confinement of any sentence. The Commission has received numerous requests to simplify this policy, particularly since implementation is often hampered by missing or incomplete prior conviction and sentencing information, and further complicated by multi-jurisdiction sentencing and credit for time served. The Commission has proposed a streamlined policy in Section 303.5 that requires the most serious offense of each judicial proceeding to be included in the calculation of the PRS, and includes in the calculation any other offense from the judicial proceeding for which a consecutive sentence of supervision or confinement within the proceeding has been imposed. Consistent with the current policy, the PRS continues to be used to determine the sentence recommendation for each current offense. The Commission has also clarified the policy related to un-sentenced convictions, and specifically permits the court to consider at sentencing previous convictions or dispositions not counted in the calculation of the PRS.

In Section 303.7 the Commission has proposed several new PRS point assignments, based on expansion of the definition of crimes of violence, 42 Pa.C.S. § 9714(g), and the increase in the classification of certain offenses. Four point are now assigned to the following: murder and murder of unborn child; attempt, solicitation or conspiracy to commit murder or murder of unborn child; all completed crimes of violence, excluding inchoates; offenses with OGS 11 or greater, excluding inchoates and violations of the Controlled Substance Act; and ethnic

intimidation to any Felony 1 offense. As a result of the comprehensive changes to the DUI statute, and the related re-classification of DUI offenses, the Commission has proposed assigning all but a first DUI one point in the PRS.

In Section 303.8 the Commission has proposed including in the text of the sentencing guidelines information previously contained in the *Sentencing Guidelines Implementation Manual Commentary*. This includes a clarification that a court-martial for a criminal offense is considered a federal conviction; and that contempt of court, violations of PFA orders, and nolle prossed or dismissed charges are excluded from the PRS.

Revisions to Sections 303.9 through 303.14—Guideline sentence recommendations

The standards contained in this section relate to guideline sentence recommendations, including general provisions, enhancements for possession or use of a deadly weapon, enhancements for distribution of a controlled substance to a minor or in a school zone, sentencing levels and programs, aggravated and mitigated circumstances, and economic sanctions.

In Section 303.10 the Commission has proposed a narrowing of the circumstances for which the deadly weapon/used enhancement would apply. The enhancement would continue to apply if an offender used a deadly weapon to threaten or injure another individual, but not if it was otherwise used in the furtherance of the crime. Neither deadly weapon enhancement would apply to a theft when the property stolen was a firearm. The Commission also has proposed a refinement of the definition of 'school' in the Youth/School Enhancement to reflect that the enhancement applies when the distribution occurs within 1000 feet of the real property on which the school is located. Both of these proposals are in response to recent decisions by the Pennsylvania Superior Court.

In Section 303.11 the Commission has proposed expansion of the description of sentencing levels to target the use of county intermediate punishments for those eligible offenders with a minimum sentence recommendation of less than 30 months, and state intermediate punishments for those eligible offenders with a minimum sentence recommendation of 30 months or greater. The Commission has also proposed modifications to the definitions of sentencing levels 3 and 4 to include offenses for which a mandatory minimum sentence to a county facility apply and for which an intermediate punishment sentence is authorized. While some offenses, such as DUI, may be assigned to lower sentencing levels due to the grade of the offense and the OGS assignment, the mandatory sentencing provision and the intermediate punishment eligibility are consistent with the general description of levels 3 and 4: standard range requires incarceration or restrictive intermediate punishment but in all cases permits incarceration in a county facility. The Commission has further proposed modifications to the definitions of sentencing levels 3, 4 and 5 to incorporate state intermediate punishment as an available sentencing option.

In Section 303.12 the Commission has proposed language relating to county intermediate punishments consistent with statute. The Commission has further proposed addition of a section relating to state intermediate punishment.

In Section 303.13 the Commission has proposed removal of an aggravated range for OGS 14, as the standard range includes the statutory limit.

In Section 303.14 the Commission has proposed expansion of the previous fines and restitution section in recognition of the increased attention in statute to a broad range of economic sanctions, including fines, costs, fees and restitution.

Revisions to Section 303.15—Offense listing

As noted previously, during the past seven years the General Assembly has enacted, amended or repealed more than 120 statutes that impact on the sentencing guidelines. In addition, the Commission has received requests from practitioners to change the sentence recommendations for a number of offenses. As a result, the Commission undertook a comprehensive review of all Offense Gravity Score (OGS) and Prior Record Score (PRS) point assignments for offenses covered under the sentencing guidelines. The proposed assignments are found in Section 303.15. Bold type is used to identify all proposed changes and additions; brackets are used to identify deletions. In response to a mandate from the General Assembly to provide a sentencing enhancement for homicide by vehicle that occurs in an active work zone, the Commission has proposed a further sub-categorization of homicide by vehicle as follows:

OGS 6	Homicide by vehicle	
OGS 8	Homicide by vehicle	(when conviction for DUI in same incident)
OGS 8	Homicide by vehicle	(occurs in active work zone)
OGS 10	Homicide by vehicle	(when conviction for DUI in same incident and occurs in active work zone)

Revisions to Sections 303.16 through 303.18—Matrices

The Basic and Deadly Weapon Enhancement matrices provide specific sentence recommendations based on a combination of OGS and PRS. The sentence recommendations, contained in the cells of the matrix, are presented as a range of months, and reflect the recommended minimum period of incarceration. In Pennsylvania, courts are required to impose a minimum and maximum term for an incarceration sentence; generally, the minimum term cannot exceed one-half of the maximum term. As a result, the longest minimum sentence (i.e., statutory limit or SL), and therefore the longest recommendation under the sentencing guidelines, is one-half the statutory maximum. For a Felony 1 offense with a statutory maximum of 20 years, the statutory limit and upper boundary of the sentencing guidelines is 10 years, or 120 months.

During the 1995 Special Session on Crime, the General Assembly increased the statutory maximum for certain Felony 1 offenses beyond the traditional 20 years up to 40 years. The 5th Edition sentencing guidelines responded by creating an OGS 14 with an upper limit of 240 months, reflecting a statutory limit of 20 years. Recently, the General Assembly has increased the statutory maximum for certain Felony 1 offenses to life imprisonment. In response, the Commission has proposed the assignment of an OGS 14 to each of these offenses. Further, the Commission has proposed increasing the upper limit for OGS 14 from 240 months to the statutory limit (SL) in recognition of the differing classifications of offenses assigned an OGS 14. Finally, as noted previously, the Commission has proposed removal of an aggravated range for OGS 14, as the standard range includes the statutory limit.

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 higher graded offense.**

(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. **[A revised] Revised** sets of guidelines became effective August 12, 1994 **and June 13, 1997.**

(d) In every case in which **[the]** 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 **[the]** a court of record imposes a sentence outside the sentencing guidelines, **[the court shall provide a contemporaneous written statement of]** the reason or reasons for the deviation from the guidelines. **[These reasons]** shall be recorded on the Guideline Sentence Form, a copy of which **[is forwarded]** shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in § 303.1(e).

(e) **[A Pennsylvania Commission on Sentencing Guideline Sentence Form shall be completed at the court's direction and shall be made a part of the record no later than 30 days after the date of each sentencing and a copy shall be forwarded to the**

Pennsylvania Commission on Sentencing.] 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.

§ 303.2. Procedure for determining the guideline sentence.

(a) **For each conviction offense of a judicial proceeding, t[T]he 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 (§ 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. The exception to subsection (e) above is for violations of 35 P.S. § 780-113 (a)(12) **[(relating to fraudulent prescriptions)], (a)(14), and (a)(30)** when narcotic prescription pills of Schedule II are involved. For such violations it is the number of pills rather than the amount of the controlled substance which is considered in determining the Offense Gravity Score. (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. 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) All prior convictions shall be counted in the Prior Record Score, except certain prior convictions from sentences described in (b).

(b) When a sentence for a prior conviction was imposed totally concurrent to another sentence, or was served totally concurrent to another sentence, only the conviction with the greatest number of points under § 303.7 shall be counted.

(c) Totally concurrent. A conviction is considered totally concurrent if the sentence imposed did not increase the term of probation, intermediate punishment, partial or total confinement of any sentence.]

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

(b) If there are multiple offenses in the 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 previous 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 the offender was 28 years of age or older at the time the current offense was committed.

(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

[**Voluntary Manslaughter**

Drug Delivery Resulting in Death

Aggravated Assault (causing serious bodily injury)

Kidnapping

Rape

Involuntary Deviate Sexual Intercourse

Arson (resulting in bodily injury or a person inside at start)

Burglary (adapted structure, person present)

Robbery (inflicts serious bodily injury)

Robbery of Motor Vehicle (inflicts serious bodily injury)]

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

Murder of 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).

[**Sexual Assault**

Aggravated Indecent Assault]

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 (**[involving minors] complainant is less than 13 years of age**)

Indecent Exposure (persons **present are less than age 16 [present]**)

Endangering Welfare of Children

Dealing in Infant Children

Corruption of Minors (of a sexual nature)

Unlawful contact or communication with minor

[Homicide by Vehicle]

Driving Under the Influence of Alcohol or Controlled Substance **[when the grade is a Misdemeanor 1.], except for a first offense.**

(5) *Other Misdemeanor Offenses.* All other misdemeanor offenses 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 **[175—186] 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)**[, shall not be used in computing the Prior Record Score].**

(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. [shall not be used in computing the Prior Record Score.]

§ 303.9. Guideline sentence recommendation: general.

(a) *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). 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].

(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). 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). 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), 12 months shall be added to the lower limit of the standard range of the applicable sentencing matrix and 36 months shall be added to the upper limit of the standard range of the applicable sentencing matrix. 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) *Aggravated and mitigated sentence recommendations.* To determine the aggravated and mitigated sentence recommendations, apply § 303.13.

(e) *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) *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), and include § 9763 (intermediate punishment) when limited to restorative sanction programs (see § 303.12(a)(5)). 42 Pa.C.S. § 9721(c) (mandatory restitution) is also included in RS. No specific recommendations are provided for periods of supervision or amounts of fines for these non-confinement sentencing alternatives. RIP in the sentence recommendation, an abbreviation for Restrictive Intermediate Punishments, suggests use of Restrictive Intermediate Punishments pursuant to § 303.12(a)(4).

(g) 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) *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) *Driving Under the Influence.* The court shall consider the sentence recommendations pursuant to this section (§ 303.9) for an offender convicted under 75 Pa.C.S. [§ 3731] 3802 (Driving Under the Influence of Alcohol or Controlled Substance). The court may use a [q]Qualified [Restrictive [i]Intermediate [p]Punishment pursuant to § 303.12(a)(6) to satisfy the mandatory minimum requirement.

§ 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). 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). 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 [or in the furtherance of the crime]:

(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 either distributed a controlled substance to a person or persons under the age of 18 in violation of 35 P. S. § 780-114, or manufactured, delivered or possessed with intent to deliver a controlled substance within 1000 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).

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

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

§ 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. **In any case where an individual or aggregate sentence recommendation may include total confinement, county intermediate punishment is recommended for eligible offenders with a minimum sentence recommendation of less than 30 months, and state intermediate punishment is recommended for eligible offenders with a minimum sentence recommendation of 30 months or greater.** 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]] (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))

(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]] (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 under a county sentence (see 61 P. S. § 331.17).

Partial confinement in a county facility

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

Restorative Sanctions (§ 303.9(f))

(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 [a Restrictive] Intermediate Punishment [[RIP]]**, 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 less than 12 months applies and for which a [n] 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 under a state or county sentence (see 61 P. S. § 331.17).

Partial confinement in a county facility.

County [Restrictive] 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. The standard range is defined as having a lower limit of incarceration of greater than 12 months 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 [n] 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, and some non-violent offenders may benefit from drug and alcohol treatment. **If eligible, state 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 as a state offender. (see 61 P. S. § 331.17).

County [Restrictive] Intermediate Punishment (see § 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 [30] 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 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 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)

§ 303.12. Guideline sentence recommendations: sentencing programs.

(a) County intermediate punishment [program].

(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. § 9729, § 9763, [and] § 9773 and Chapter 98.

[61 P. S. § 1101—§ 1114.]

204 Pa.Code § 303.8 and § 303.9.

(ii) Sentence recommendations which include an option of **County [Restrictive] Intermediate Punishment[s]** for certain offenders are designated as shaded cells 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) Intermediate punishments classifications. In order to incorporate intermediate punishment programs into the sentencing levels, the Commission has classified intermediate punishment programs as Restrictive Intermediate Punishments (RIP) and restorative sanction programs. Additionally, specific 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 conviction under 75 Pa.C.S. § [3731(e)] 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance); the Commission has classified these programs as [q] Qualified Restrictive Intermediate Punishments.

(4) *Restrictive Intermediate Punishments (RIP).* Restrictive Intermediate Punishments are defined as programs that provide for strict supervision of the offender. **[Restrictive Intermediate Punishments may be imposed only if the court has been granted sentencing authority by the Pennsylvania Commission on**

Crime and Delinquency (pursuant to 42 Pa.C.S. § 9729).] 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 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 [Office] Bureau of Drug and Alcohol Programs ([O] BDAP) or a designee; the county authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the [Office] 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 [q] Qualified Restrictive Intermediate Punishment in lieu of incarceration for [any] certain convictions under 75 Pa.C.S. § [3731] 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[.52 (relating to sentencing restrictions for driving under the influence convictions)],

[**q**] Qualified Restrictive Intermediate Punishment programs may be used to satisfy the mandatory minimum sentencing requirements of **certain convictions under 75 Pa.C.S. § [3731] 3802.**

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

(A) [**residential inpatient drug and alcohol programs or residential rehabilitative center programs; or**] if the defendant is determined to be in need of drug and alcohol treatment, a sentence to intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. house arrest with electronic surveillance; or
2. a partial confinement program such as work release, a work camp or a halfway facility.

(B) [**house arrest and electronic monitoring combined with drug and alcohol treatment**] if the defendant is determined not to be in need of drug and alcohol treatment, a sentence to 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.*

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp:

61 P. S. § 1121—§ 1129

(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).

(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.*

(1) *Eligibility.*

(i) **The following statute governs operation of and eligibility for State Intermediate Punishment:**

42 Pa.C.S. Chapter 99

(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 [and 14] 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.

(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.

(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.

(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 [**forwarded**] **electronically transmitted** to the Commission on Sentencing in the manner described in § 303.1(e).

§ 303.14. **Guideline sentence recommendations—[fines and restitution] economic sanctions.**

(a) *Fines [and restitution]*.

(1) Fines [**and restitution, as provided by law,**] 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 [**2.5 or more grams of**] 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 [**or more**] 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 [**and restitution**] may be utilized as part of an intermediate punishment sentence or as a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

(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.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
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)	M1	3	[1] m
907 (b)	Possessing Instruments of Crime (weapon)	M1	4	1
907 (c)	Possessing Instruments of Crime (unlawful body armor)	F3	5	1
908	Prohibited Offensive Weapons	M1	4	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
908.1 (a)(1)	Use of electric or electronic incapacitation device (intent to commit felony)	F2	8	2
908.1 (a)(1)	Use or possession of electric or electronic incapacitation device (no intent to commit felony)	M1	5	1
908.1 (a)(2)	Possess electric or electronic incapacitation device (intent to commit felony)	F2	7	2
908.1 (a)(2)	Possess possession of electric or electronic incapacitation device (no intent to commit felony)	M1	4	1
909	Manufacture, Distribution or Possession of Master Key for Motor Vehicles	M1	3	m
910 (b)(1)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (first offense)	M1	[3] 4	m
910 (b)(2)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (second offense or 10-50 devices)	F3	[5] 6	1
910 (b)(3)	Manufacture, Distribution or Possession of Devices for Theft of Telecommunications (third or subsequent offense or more than 50 devices)	F2	8	2
911	Corrupt Organizations	F1	8	3
912	Weapon on School Property	M1	4	[m] 1
913 (a)(1)	Possession of Firearm or Other Dangerous Weapon in Court Facility	M3	1	m
913 (a)(2)	Possession of Firearm or Other Dangerous Weapon in Court Facility (intend for crime)	M1	3	[m] 1
2102	Desecration of Flag	M3	1	m
2103	Insults to Flag	M2	2	m
2502 (a)	Murder, First Degree	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2502 (a) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to First Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (a) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to First Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2502 (b)	Murder, Second Degree	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2502 (b) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Second Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (b) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to Second Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2502 (c)	Murder, Third Degree	F1	14	4

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2502 (c) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Third Degree Murder	18 Pa.C.S. § 1102(c)	14	4
2502 (c) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to Third Degree Murder	18 Pa.C.S. § 1102(c)	13	4
2503	Manslaughter, Voluntary	F1	11	4
2503 INCHOATE	—Attempt/Solicitation/Conspiracy to Voluntary Manslaughter	18 Pa.C.S. § 905	10	3
2504*	Manslaughter, Involuntary (when there is also a conviction for DUI arising from the same INCIDENT)	M1	8	1
2504*	Manslaughter, Involuntary (when there is not a conviction for DUI arising from the same INCIDENT)	M1	6	1
2504	Manslaughter, Involuntary (victim under 12 years)	F2	8	2
2505 (b)	Suicide, Aids or Solicits	F2	6	2
2505 (b)	Suicide, Aids or Solicits	M2	2	m
2506	Drug Delivery Resulting in Death	F1	13	4
2506 INCHOATE	—Attempt/Solicitation/Conspiracy to Drug Delivery Resulting in Death	18 Pa.C.S. § 905	12	3
2604 (a)	Murder, First Degree, unborn child	Murder of the First Degree	18 Pa.C.S. § 1102(a)	4
2604 (a) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to First Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (a) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to First Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2604 (b)	Murder, Second Degree, unborn child	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2604 (b) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Second Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (b) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to Second Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2604 (c)	Murder, Third Degree, unborn child	F1	14	4
2604 (c) INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Third Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	14	4
2604 (c) INCHOATE	—Attempt/Solicitation/Conspiracy [No SBI] to Third Degree Murder of unborn child	18 Pa.C.S. § 1102(c)	13	4
2605	Manslaughter, Voluntary, of unborn child	F1	11	4

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2605 INCHOATE	—Attempt/Solicitation/Conspiracy to Voluntary Manslaughter of unborn child	18 Pa.C.S. § 905	10	3
2606*	Aggravated assault of unborn child (caused serious bodily injury)	F1	11	4
2606*	Aggravated assault of unborn child (attempted to cause serious bodily injury)	F1	10	3
2701	Simple Assault	M2	3	m
2701 (b)(1)	Simple Assault (mutual consent)	M3	1	m
2701 (b)(2)	Simple Assault (against child by adult)	M1	4	1
2702 (a)(1)*	Aggravated Assault (causes serious bodily injury)	F1	11	4
2702 (a)(1)* INCHOATE	—Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI)	18 Pa.C.S. § 905	10	3
2702 (a)(1)*	Aggravated Assault (attempts to cause serious bodily injury)	F1	10	[3] 4
2702 (a)(2)*	Aggravated Assault (causes serious bodily injury police, etc.)	F1	11	4
2702 (a)(2)* INCHOATE	—Attempt/Solicitation/Conspiracy to Aggravated Assault (causes SBI to police,)	18 Pa.C.S. § 905	10	3
2702 (a)(2)*	Aggravated Assault (attempts to cause serious bodily injury, police, etc.)	F1	10	[3] 4
2702 (a)(3)	Aggravated Assault (causes or attempts to cause bodily injury, police, etc.)	F2	6	2
2702 (a)(4)	Aggravated Assault (causes or attempts to cause bodily injury with a deadly weapon)	F2	8	2
2702 (a)(5)	Aggravated Assault ([teacher] teaching staff, etc.)	F2	6	2
2702 (a)(6)	Aggravated Assault (physical menace, fear of imminent SBI)	F2	6	2
2702 (a)(7)	Aggravated Assault (tear or noxious gas)	F2	6	2
2703	Assault by Prisoner	F2	[6] 7	2
2703.1	Aggravated harassment by prisoner	F3	6	1
2704	Assault by life prisoner	Murder of the Second Degree	18 Pa.C.S. § 1102(b)	4
2704 INCHOATE	—Attempt/Solicitation/Conspiracy [SBI] to Assault by Life Prisoner	18 Pa.C.S. § 1102(c)	14	4
2704 INCHOATE	—Attempt/Solicitation/Conspiracy [no SBI] to Assault by Life Prisoner	18 Pa.C.S. § 1102(c)	13	4

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2705	Recklessly Endangering Another Person	M2	3	m
2706	Terroristic Threats	M1	3	m
2706	Terroristic threats (diverted from activities)	F3	5	1
2707 (a)	Propulsion of Missiles into an Occupied Vehicle	M1	3	m
2707 (b)	Propulsion of Missiles onto a Roadway	M2	2	m
2707.1	Discharge of firearm into an occupied structure	F3	10	1
2708	Use of Tear Gas in Labor Dispute	M1	3	m
2709 (a)	Harassment	M3	1	m
2709.1 [(b)] (c)(1)	Stalking (first offense)	M1	3	m
2709.1 [(b)] (c)(2)	Stalking (second/subsequent offense or prior crime of violence)	F3	[5] 6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712	Assault on Sports Official	M1	3	m
2713 (a)(1)(2)	Neglect of Care-dependent Person (SBI)	F1	10	3
2713 (a)(1)(2)	Neglect of Care-dependent Person (BI)	M1	4	m
2714	Unauthorized administration of intoxicant	F3	8	1
2715 (b)(1)	Threat to use weapons of mass destruction (reports or threatens)	M1	3	m
2715 (b)(2)	Threat to use weapons of mass destruction (diverted from activities)	F3	5	1
2715 (b)(3)	Threat to use weapons of mass destruction (during state of emergency)	F2	7	2
2716 (a)	Weapons of mass destruction (possession/first offense)	F2	7	2
2716 (a)	Weapons of mass destruction (possession/subsequent offense)	F1	11	4
2716 (b)(1)	Weapons of mass destruction (use/cause injury or illness)	F1	13	4
2716 (b)(1)	Weapons of mass destruction (use/results in death)	Life	Life	4
2716 (b)(2)	Weapons of mass destruction (damage/disrupt water, food)	F1	13	4
2716 (b)(3)	Weapons of mass destruction (evacuation)	F1	13	4
2901	Kidnapping	F1	10	4

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
2901 INCHOATE	—Attempt/Solicitation/Conspiracy to Kidnapping	18 Pa.C.S. § 905	9	3
2902 (b)(1)	Unlawful restraint (victim 18 yrs. or older)	M1	3	m
2902 (b)(2)	Unlawful restraint (victim under 18 years of age)	F2	8	2
2903 (b)(1)	False imprisonment (victim 18 yrs. or older)	M2	2	m
2903 (b)(2)	False imprisonment (victim under 18 years of age)	F2	7	2
2904 (c)	Interference with the Custody of Children	F3	4	1
2904 (c)(1)	Interference with the Custody of Children	F2	6	2
2904 (c)(2)	Interference with the Custody of Children	M2	2	m
2905	Interference w/Custody of Committed Persons	M2	4	m
2906	Criminal Coercion	M1	3	m
2906	Criminal Coercion	M2	2	m
2907	Disposition of Ransom	F3	5	1
2909	Concealment of Whereabouts of a Child	F3	4	1
2910	Luring a Child into a Motor Vehicle	M1	5	1
3121 (a)	Rape	F1	12	4
3121 (a) INCHOATE	—Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	11	3
3121 (b)	Rape (uses substance to impair victim)	F1	13	4
3121 (b) INCHOATE	—Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	12	3
3121 (c)	Rape (child < 13 yrs.)	F1	14	4
3121 (c) INCHOATE	—Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	13	3
3121 (d)	Rape (child < 13 yrs., sbi)	F1	14	4
3121 (d) INCHOATE	—Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. § 905	13	3
3122.1	Statutory Sexual Assault	F2	7	2
3123 (a)	Involuntary Deviate Sexual Intercourse	F1	12	4
3123 (a) INCHOATE	—Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	11	3
3123 (b)	Involuntary Deviate Sexual Intercourse (child < 13 yrs.)	F1	14	4
3123 (b) INCHOATE	—Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3123 (c)	Involuntary Deviate Sexual Intercourse (child < 13 yrs., sbi)	F1	14	4
3123 (c) INCHOATE	—Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. § 905	13	3
3124.1	Sexual Assault	F2	11	[3] 4
3124.1 INCHOATE	—Attempt/Solicitation/Conspiracy to Sexual Assault	18 Pa.C.S. § 905	11	3
3124.2	Institutional sexual assault	F3	5	1
3125 (a)	Aggravated Indecent Assault	F2	10	[3] 4
3125 (b)	Aggravated Indecent Assault (child)	F1	12	4
3125 INCHOATE	—Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault	18 Pa.C.S. § 905	10	3
3126 (a)(1)—(6), (8)	Indecent Assault	M2	4	m
3126 (a)(7)	Indecent Assault [(involving minors)](child < 13 years)	M1	5	1
3127	Indecent Exposure (person present is 16 years of age or older)	M2	3	m
3127	Indecent Exposure (person present is less than 16 years of age)	M1	4	1
3129	Sexual intercourse with animal	M2	2	m
3301(a)*	Arson Endangering Persons (where a person is inside the structure when the fire is started or when bodily injury results, either directly or indirectly, at the scene of the fire)	F1	10	4
3301 (a)* INCHOATE	—Attempt/Solicitation/Conspiracy to Arson Endangering Persons (person inside or bodily injury results)	18 Pa.C.S. § 905	9	3
3301(a)*	Arson Endangering Persons (where no person is inside the structure when the fire is started and no bodily injury results either directly or indirectly, at the scene of the fire)	F1	9	[3] 4
3301(c)	Arson, Endangering Property	F2	6	2
3301(d)	Arson, Reckless Burning	F3	5	1
3301(e)	Arson, Failure to Report	M1	3	m
3301(f)	Arson, Possess Explosive Material	F3	5	1
3301(g)	Arson, Disclosure of True Owner	M3	1	m
3302(a)	Catastrophe, Causing	F1	10	3
3302(a)	Catastrophe, Recklessly Causing	F2	6	2
3302(b)	Catastrophe, Risking	F3	4	1
3303	Failure to Prevent Catastrophe	M2	2	m
3304	Criminal Mischief (over \$5,000)	F3	5	1
3304	Criminal Mischief (over \$1,000)	M2	2	m
3304	Criminal Mischief (over \$500)	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3304	Criminal Mischief (over \$150 under (a)(4))	M3	1	m
3305	Tampering w/Fire Hydrants	M3	1	m
3307	Institutional Vandalism (over \$5,000)	F3	5	1
3307	Institutional Vandalism	M2	2	m
3309	Agricultural Vandalism (over \$5,000)	F3	5	1
3309	Agricultural Vandalism (over \$1,000)	M1	3	m
3309	Agricultural Vandalism (over \$500)	M2	2	m
3309	Agricultural Vandalism (\$500 or less)	M3	1	m
3310	Agricultural crop destruction	F2	7	2
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense any person is present)	F1	9	4
3502* INCHOATE	—Attempt/Solicitation/Conspiracy to Burglary (structure adapted for overnight accommodation, person present)	18 Pa.C.S. § 905	8	3
3502*	Burglary (of a structure adapted for overnight accommodation in which at the time of the offense no person is present)	F1	7	3
3502*	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense any person is present)	F1	6	3
3502	Burglary (of a structure not adapted for overnight accommodation in which at the time of the offense no person is present)	F2	5	2
3503 (a)(1)(ii)	Trespass, Criminal	F2	4	2
3503 (a)(1)(i)	Trespass, Criminal	F3	3	1
3503 (b)(1)(i)—(iv)	Trespass, Defiant (notice against trespass given)	M3	1	m
3503 (b)(1)(v)	Trespass, Defiant (notice given by official or law enforcement)	M1	3	m
3503(b.2)(1)(i)	Trespass, Agricultural (posted)	M3	1	m
3503 (b.2)(1)(ii)	Trespass, Agricultural (defies order)	M2	3	m
3504 (a)	Railroad protection, railroad vandalism, etc. (damage to railroad, etc.)	M3	1	m
3504 (b)	Railroad protection, railroad vandalism, etc. (stowaways prohibited)	M3	1	m
3701 (a)(1)(i)	Robbery (inflicts serious bodily injury)	F1	12	4
3701 (a)(1)(i) INCHOATE	—Attempt/Solicitation/Conspiracy to Robbery (SBI)	18 Pa.C.S. § 905	11	3

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3701 (a)(1)(ii)	Robbery (threatens another with or intentionally puts him in fear of immediate serious bodily injury)	F1	10	[3] 4
3701 (a)(1)(iii)	Robbery (commits or threatens immediately to commit any F1 or F2)	F1	9	[3] 4
3701 (a)(1)(iv)	Robbery (threatens or inflicts bodily injury or intentionally puts him in fear of immediate bodily injury)	F2	7	2
3701 (a)(1)(v)	Robbery (physically takes or removes property by force, however slight)	F3	5	1
3702*	Robbery or Motor Vehicle (inflicts serious bodily injury)	F1	12	4
3702* INCHOATE	—Attempt/Solicitation/Conspiracy to Robbery of a Motor Vehicle (SBI)	18 Pa.C.S. § 905	11	3
3702*	Robbery of a Motor Vehicle (does not inflict serious bodily injury)	F1	9	[3] 4
3921	Theft by Unlawful Taking or Disposition (during disaster or firearm)	F2	[7] 8	2
3921*	Theft by Unlawful Taking or Disposition (over \$100,000)	F3	8	1
3921*	Theft By Unlawful Taking or Disposition (over \$50,000 to \$100,000)	F3	7	1
3921*	Theft By Unlawful Taking or Disposition (over \$25,000 to \$50,000)	F3	6	1
3921*	Theft by Unlawful Taking or Disposition (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3921	Theft by Unlawful Taking or Disposition (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$200 to \$2,000)	M1	3	m
3921	Theft by Unlawful Taking or Disposition (\$50 to less than \$200)	M2	2	m
3921	Theft by Unlawful Taking or Disposition (less than \$50)	M3	1	m
3922	Theft by Deception (firearm)	F2	8	2
3922*	Theft by Deception (over \$100,000)	F3	8	1
3922*	Theft By Deception (over \$50,000 to \$100,000)	F3	7	1
3922*	Theft By Deception (over \$25,000 to \$50,000)	F3	6	1

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CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3922*	Theft by Deception (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3922	Theft by Deception (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3922	Theft by Deception (\$200 to \$2,000)	M1	3	m
3922	Theft by Deception (\$50 to less than \$200)	M2	2	m
3922	Theft by Deception (less than \$50)	M3	1	m
3923	Theft by Extortion (firearm)	F2	8	2
3923*	Theft by Extortion (over \$100,000)	F3	8	1
3923*	Theft by Extortion (over \$50,000 to \$100,000)	F3	7	1
3923*	Theft by Extortion (over \$25,000 to \$50,000)	F3	6	1
3923*	Theft by Extortion (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3923	Theft by Extortion (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	4	m
3923	Theft by Extortion (\$200 to \$2,000)	M1	4	m
3923	Theft by Extortion (\$50 to less than \$200)	M2	2	m
3923	Theft by Extortion (less than \$50)	M3	1	m
3924	Theft by Property Lost, Mislaid, or Delivered by Mistake (firearm)	F2	8	2
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$100,000)	F3	8	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$50,000 to \$100,000)	F3	7	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$25,000 to \$50,000)	F3	6	1
3924*	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3924	Theft of Property Lost, Mislaid or Delivered by Mistake (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m

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CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3924	Theft of Property Lost, Mislaid or Delivered by Mistake (\$200 to \$2,000)	M1	3	m
3924	Theft of Property Lost, Mislaid or Delivered by Mistake (\$50 to less than \$200)	M2	2	m
3924	Theft of Property Lost, Mislaid or Delivered by Mistake (less than \$50)	M3	1	m
3925	Theft by Receiving Stolen Property (during disaster or firearm)	F2	[7] 8	2
3925*	Theft by Receiving Stolen Property (over \$100,000)	F3	8	1
3925*	Theft by Receiving Stolen Property (over \$50,000 to \$100,000)	F3	7	1
3925*	Theft by Receiving Stolen Property (over \$25,000 to \$50,000)	F3	6	1
3925*	Theft by Receiving Stolen Property (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle, or if the receiver is in the business of buying or selling stolen property)	F3	5	1
3925	Theft by Receiving Stolen Property (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3925	Theft by Receiving Stolen Property (\$200 to \$2,000)	M1	3	m
3925	Theft by Receiving Stolen Property (\$50 to less than \$200)	M2	2	m
3925	Theft by Receiving Stolen Property (less than \$50)	M3	1	m
3926	Theft of Services (firearm)	F2	[7] 8	2
3926*	Theft of Services (over \$100,000)	F3	8	1
3926*	Theft of Services (over \$50,000 to \$100,000)	F3	7	1
3926*	Theft of Services (over \$25,000 to \$50,000)	F3	6	1
3926*	Theft of Services (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motor-boat, or other motor-propelled vehicle)	F3	5	1
3926	Theft of Services (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3926	Theft of Services (\$200 to \$2,000)	M1	3	m
3926	Theft of Services (\$50 to less than \$200)	M2	2	m

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CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3926	Theft of Services (less than \$50)	M3	1	m
3926 (e)	Theft of Services (sale/transfer of device for diversion of services)	M3	1	m
3927	Theft by Failure to Make Required Disposition of Funds Received (firearm)	F2	8	2
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$100,000)	F3	8	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$50,000 to \$100,000)	F3	7	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$25,000 to \$50,000)	F3	6	1
3927*	Theft by Failure to Make Required Disposition of Funds Received (over \$2,000 to \$25,000, or if the property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3927	Theft by Failure to Make Required Disposition of Funds Received (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received (\$200 to \$2,000)	M1	3	m
3927	Theft by Failure to Make Required Disposition of Funds Received(\$50 to less than \$200)	M2	2	m
3927	Theft by Failure to Make Required Disposition of Funds Received (less than \$50)	M3	1	m
3928	Unauthorized Use of Auto (during disaster)	F2	[7] 8	2
3928	Unauthorized Use of Auto	M2	2	m
3929	Theft, Retail (during disaster)	F2	[7] 8	2
3929	Theft, Retail (> \$2,000, firearm, motor veh.)	F3	5	1
3929	Theft, Retail (third or subsequent conviction)	F3	3	1
3929	Theft, Retail (first or second offense, \$150 or more)	M1	2	m
3929	Theft, Retail (second offense, less than \$150)	M2	2	m
3929.1	Library Theft (3rd; subsequent offense)	F3	5	1
3929.1	Library Theft (1st; 2nd over \$150)	M1	3	m
3929.1	Library Theft (2nd less than \$150)	M2	2	m

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CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3929.2	Unlawful possession of retail or library theft instruments	M1	3	m
3930	Theft of Trade Secrets by Force, Violence, or Burglary	F2	7	2
3930	Theft of Trade Secrets	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions (over \$2,000 [or if the property is a firearm, automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle])	F3	5	1
3931	Theft of Unpublished Dramas and Musical Compositions (\$2,000 or less, from person or by threat or in breach of fiduciary obligation)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$200 to \$2,000)	M1	3	m
3931	Theft of Unpublished Dramas and Musical Compositions (\$50 to less than \$200)	M2	2	m
3931	Theft of Unpublished Dramas and Musical Compositions (less than \$50)	M3	1	m
3932	Theft by Leased Property (firearm)	F2	8	2
3932*	Theft of Leased Property (over \$100,000)	F3	8	1
3932*	Theft of Leased Property (over \$50,000 to \$100,000)	F3	7	1
3932*	Theft of Leased Property (over \$25,000 to \$50,000)	F3	6	1
3932*	Theft of Leased Property (over \$2,000 to \$25,000, or if property is an [firearm,] automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle)	F3	5	1
3932	Theft of Leased Property (\$2,000 or less from person or by threat or in breach of fiduciary obligation)	M1	3	m
3932	Theft of Leased Property (\$200 to \$2,000)	M1	3	m
3932	Theft of Leased Property (\$50 to less than \$200)	M2	2	m
3932	Theft of Leased Property (less than \$50)	M3	1	m
[3933 (a)(1)]	[Unlawful Use of Computer]	[F3]	[5]	[1]
[3933 (a)(2)(3)]	[Unlawful Use of Computer]	[M1]	[3]	[m]
3934 (b)(1)(i)	Theft from a motor vehicle (less than \$50)	M3	1	m

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

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CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3934 (b)(1)(ii)	Theft from a motor vehicle (\$50 or more but less than \$200)	M2	2	m
3934 (b)(1)(iii)	Theft from a motor vehicle (greater than \$200)	M1	3	m
3934 (b)(2)	Theft from a motor vehicle (third/subseq. in 5 yrs.)	F3	6	1
4101	Forgery (money, stocks, etc.)	F2	4	2
4101	Forgery (will, deed, etc.)	F3	3	1
4101	Forgery (other)	M1	3	m
4102	Simulating Antiques	M1	3	m
4103	Fraudulent Destruction of Recordable Instruments	F3	5	1
4104 (a)	Tampering with Records or Identification	M1	3	m
4105 (c)(1)(ii)	Bad Checks (\$200 - < \$500)	M3	1	m
4501 (c)(1)(iii)	Bad Checks (\$500 - < \$1,000)	M2	2	m
4105 (c)(1)(iv)	Bad Checks (\$1,000 - < \$75,000)	M1	3	m
4105 (c)(1)(v)	Bad Checks (\$75,000 or more)	F3	5	1
4105 (c)(2)	Bad Checks (3rd or subseq./< \$75,000)	M1	3	m
4105 (c)(2)	Bad Checks (3rd or subseq./\$75,000 or more)	F3	5	1
4106 (c)(1)(i)	[Credit Cards (more than \$500)] Access device fraud (\$500 or more)	F3	[3] 5	1
4106 (c)(1)(ii)	[Credit Cards] Access device fraud (\$50 or more but less than \$500)	[M2] M1	[2] 4	m
4106 (c)(1)(iii)	Access device fraud (less than \$50)	M2	3	m
4106 (c)(3)	Access device fraud (provide counterfeit device)	F3	5	1
4106 (c)(4)	Access device fraud (possess counterfeit device)	M3	2	m
4106.1 (a)(1)	Unlawful device-making equipment (produce/traffic equipment)	F3	6	1
4106.1 (a)(2)	Unlawful device-making equipment (possess equipment)	M1	4	m
4107 (a.1)(1)(i)	Deceptive or Fraudulent Business Practices (> \$2,000)	F3	5	1
4107 (a.1)(1)(ii)	Deceptive or Fraudulent Business Practices (\$200—\$2,000)	M1	3	m
4107 (a.1)(1)(iii)	Deceptive or Fraudulent Business Practices (< \$200)	M2	2	m
4107 (a.1)(1)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained)	M2	2	m

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CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4107 (a.1)(3)(i)	Deceptive or Fraudulent Business Practices (>\$2,000; victim 60 yrs.+)	F2	7	2
4107 (a.1)(3)(ii)	Deceptive or Fraudulent Business Practices (\$200—\$2,000; victim 60 yrs. +)	F3	5	1
4107 (a.1)(3)(iii)	Deceptive or Fraudulent Business Practices (<\$200; victim 60 yrs. +)	M1	3	m
4107 (a.1)(3)(iv)	Deceptive or Fraudulent Business Practices (amt. not ascertained; victim 60 yrs. +)	M1	3	m
4107.1	Deception Relating to Kosher Foods	M3	1	m
4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	F3	4	1
4108	Commercial Bribery and Breach of Duty	M2	2	m
4109	Rigging Public Contest	M1	3	m
4110	Defrauding Secured Creditors	M2	2	m
4111	Fraud in Insolvency	M2	2	m
4112	Receiving Deposits; Failed Institution	M2	2	m
4113	Misapplication of Entrusted Property (over \$50)	M2	2	m
4113	Misapplication of Entrusted Property (\$50 or less)	M3	1	m
4114	Securing Execution of Documents by Deception	M2	2	m
4115	Falsely Impersonating Persons Privately Employed	M2	2	m
4116 (g)(1)	Copying; Recording Devices (100 or more motion picture devices or 1,000 or more sound recording devices)	F3	5	1
4116 (g)(1)	Copying; Recording Devices (second or subsequent conviction at time of sentencing)	F2	7	2
4116 (g)(2)	Copying; Recording Devices (any other violation)	M1	3	m
4116 (g)(2)	Copying; Recording Devices (any other violation; second or subsequent conviction at time of sentencing)	F3	5	1
4116.1	Unlawful Operation of Recording Device in Motion Picture Theater (first violation)	M1	3	m
4116.1	Unlawful Operation of Recording Device in Motion Picture Theater (second or subsequent conviction at time of sentencing)	F3	4	1
4117 (a)	Insurance Fraud	F3	4	1
4117 (b)	Insurance Fraud	M1	3	m
4118	Washing titles [vehicles]	F3	4	1

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18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4119 (c)(1)	Trademark Counterfeiting	M1	3	m
4119 (c)(2)	Trademark Counterfeiting	F3	5	1
4119 (c)(3)	Trademark Counterfeiting	F2	7	2
4120 (c)(1)(i)	Identity theft (total value < \$2000)	M1	3	m
4120 (c)(1)(ii)	Identity theft (total value \$2000 or more)	F3	5	1
4120 (c)(1)(iii)	Identity theft (criminal conspiracy, any amount)	F3	5	1
4120 (c)(1)(iv)	Identity theft (third/subsequent offense)	F2	7	2
4120 (c)(2)(i)	Identity theft (victim 60 yrs or older, total value < \$2000)	F3	5	1
4120 (c)(2)(ii)	Identity theft (victim 60 yrs or older, total value \$2000 or more)	F2	7	2
4120 (c)(2)(iii)	Identity theft (victim 60 yrs or older, criminal conspiracy, any amount)	F2	7	2
4120 (c)(2)(iv)	Identity theft (victim 60 yrs or older, third/subsequent offense)	F1	8	3
4301	Bigamy	M2	3	m
4302	Incest	F2	[7] 9	[2] 4
4302 INCHOATE	—Attempt/Solicitation/Conspiracy to Incest	18 Pa.C.S. § 905	9	3
4303	Concealing Death of Child	M1	3	m
4304	Endangering Welfare of Children	M1	5	1
4304	Endangering Welfare of Children (course of conduct)	F3	6	1
4305	Dealing in Infant Children	M1	4	1
4701	Bribery, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	F3	5	1
4702	Threats, Official and Political Matters	M2	2	m
4703	Retaliation for Past Official Action	M2	2	m
4902	Perjury	F3	5	1
4903 (a)	False Swearing	M2	2	m
4903 (b)	False Swearing	M3	1	m
4904 (a)	Unsworn Falsification to Authorities	M2	2	m
4904 (b)	Unsworn Falsification to Authorities	M3	1	m
4905 (b)	False Alarms to agencies of public safety (causes a false alarm)	M1	3	m
4905 (b)	False Alarms to agencies of public safety (during a state of emergency)	F3	5	1
4906 (a)	False Reports to Law Enforcement [Officials] Authorities (falsely incriminating another)	M2	2	m

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CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4906 (a)	False Reports to Law Enforcement [Officials] Authorities (during a state of emergency)	[M2] M1	[2] 3	m
4906 (b)	False Reports to Law Enforcement [Officials] Authorities (fictitious reports)	M3	1	m
4906 (b)	False Reports to Law Enforcement [Officials] Authorities (fictitious reports during a state of emergency)	[M3] M2	[1] 2	m
4909	Witness Taking Bribe	F3	5	1
4910	Tampering with Physical Evidence	M2	2	m
4911	Tampering w/Public Records or Information	F3	4	1
4911	Tampering w/Public Records or Information	M2	2	m
4912	Impersonating a Public Servant	M2	2	m
4913	Impersonating Notary Public	M1	3	m
4914	False identification to law enforcement authorities	M3	1	m
4952	Intimidation of Witnesses or Victims (listed factor and most serious charged offense is F1, Murder 1 or Murder 2)	F1	11	3
4952	Intimidation of Witnesses or Victims (listed factor(s) and most serious charged offense is F2)	F2	9	2
4952	Intimidation of Witnesses or Victims (any other case in which actor sought to influence or intimidate)	F3	7	1
4952	Intimidation of Witnesses or Victims (any other obstruction or interference)	M2	5	m
4953	Retaliation Against Witness or Victim	F3	8	1
4953	Retaliation Against Witness or Victim	M2	5	m
4953.1 (b)(1)–(5)	Retaliation against prosecutor or judicial officer (listed circumstances)	F2	9	2
4953.1 (b)	Retaliation against prosecutor or judicial officer (all other circumstances)	M1	6	m
5101	Obstructing Justice	M2	3	m
5102	Obstruction of Justice by Picketing	M2	2	m
5103	Unlawfully Listening to Jury Deliberations	M3	1	m
5104	Resisting Arrest	M2	2	m
5105	Apprehension, Hindering (if conduct liable to be charged is F1 or F2)	F3	4	1

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CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5105	Apprehension, Hindering	M2	2	m
5107	Aiding Consummation of Crime (of F1/F2)	F3	5	1
5107	Aiding Consummation of Crime	M2	2	m
5108	Compounding	M2	2	m
5109	Barratry	M3	1	m
5110	Contempt of General Assembly	M3	1	m
5111	Dealing in Proceeds of Unlawful Activities	F1	8	3
5112	Obstructing emergency services	M3	1	m
5121 (d)(1)(i)(ii)(iii)*	Escape (from a halfway house, pre-release center, treatment center, work-release center, work-release, or by failing to return from an authorized leave or furlough)	F3	5	1
5121 (d)(1)(i)(ii)(iii)*	Escape (all other escapes from this subsection)	F3	6	1
5121 (d)(2)	Escape	M2	3	m
5122 (a)(1)	Weapons or implements for escape (providing to inmate)	M1	8	m
5122 (a)(2)	Weapons or implements for escape (possessed by inmate)	M1	4	m
[5122 (a)(3)]	[Weapons or Implements for Escape (tools)]	[M2]	[3]	[m]
5123 (a)	Contraband (provide controlled substance to confined person)	F2	7	2
5123 (a.2)	Contraband (possession of controlled substance by confined person)	[M1] F2	[3] 7	[m] 2
5123 (b)	Contraband (money)	M3	1	m
5123 (c)	Contraband (other)	M1	3	m
5123 (c.1)	Contraband (telecommunication devices to inmates)	M1	5	m
5123 (c.2)	Contraband (possession of telecommunication devices by inmates)	M1	3	m
5124	Default in Required Appearance	F3	4	1
5124	Default in Required Appearance	M2	2	m
5125	Absconding Witness	M3	1	m
5126	Avoiding Apprehension	F3	5	1
5126	Avoiding Apprehension	M2	2	m
5301	Official Oppression	M2	2	m
5302	Speculating on Official Action	M2	2	m
5501	Riot	F3	4	1
5502	Failure to Disperse	M2	2	m
5503	Disorderly Conduct	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
[5504]	[Harassment by Communication]	[M3]	[1]	[m]
5506	Loitering and Prowling	M3	1	m
5507	Obstructing Highways	M3	1	m
5508	Disrupting Meetings	M3	1	m
5509	Desecration of Venerated Objects	M2	2	m
5510	Abuse of Corpse	M2	3	m
5511 (a)(1)	Cruelty to Animals	M2	3	m
5511 (a)(2)	Cruelty to Animals	F3	5	1
5511 (a)(2.1)(i)	Cruelty to Animals (killing, maiming, poisoning)	[M2] M1	3	m
5511 (a)(2.1)(ii)	Cruelty to Animals	F3	5	1
5511 (e.1)	Cruelty to Animals (transporting equine animals in cruel manner (2nd/subseq.))	M3	1	m
5511 (h.1)	Cruelty to Animals (animal fighting)	F3	5	1
5511.2 (a)	Police animals (illegal to taunt)	F3	5	1
5511.2 (b)	Police animals (illegal to torture)	F3	7	1
5511.3	Assault with biological agents on animals, fowl or honey bees	F2	7	2
5512	Lotteries	M1	3	m
5513	Gambling Devices	M1	3	m
5514	Pool Selling and Bookmaking	M1	3	m
5515	Prohibiting Paramilitary Training	M1	3	m
5516 (b)	Facsimile weapons of mass destruction (manufacture, sells, etc.)	F3	5	1
5517	Unauthorized school bus entry	M3	1	m
5703	Interception, Disclosure or Use of Wire, Electronic or Oral Communications	F3	5	1
5705	Possession, Sale, Distribution, Manufacture or Advertisement of Interception Devices	F3	5	1
5719	Unlawful Use of Intercepted Communications	M2	2	m
5771	Pen Register and Trap and Trace Devices (general prohibition on use of certain devices and exception)	M3	1	m
5901	Open Lewdness	M3	1	m
5902 [(a)] (a.1)(1)	Prostitution (first/second offense)	M3	1	m
5902 (a.1)(2)	Prostitution (third offense)	M2	3	m
5902 (a.1)(3)	Prostitution (fourth/subsequent offense)	M1	4	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
5902 [(a)(b)(d)(e) when (a.1),(c)(v) or (e.1) applies] (a.1)(4)	Prostitution [and Related Offenses] (HIV or AIDS related)	F3	[5] 7	1
5902 [(b)(d) when (c)(1)(i)(ii)(iv) applies] (c)(1)	Promoting Prostitution [and Related Offenses]	F3	5	1
5902 (b) when (c)(1)(iii) applies	Prostitution Involving Minors	F3	8	1
5902 [(b)] (c)(2)	Promoting Prostitution	M2	3	m
5902 [(e)] (e.1)(1)	Patronizing Prostitutes (first/second offense)	M3	1	m
5902 (e.1)(2)	Patronizing Prostitutes (third offense)	M2	3	m
5902 (e.1)(3)	Patronizing Prostitutes (fourth/subsequent offense)	M1	4	m
5902 (e.1)(4)	Patronizing Prostitutes (HIV/AIDS)	F3	7	1
5903	Obscene Materials	M1	3	m
5903	Obscene Materials [(subsequent offense)]	F3	5	1
5903	Obscene Materials	F2	7	2
5904	Public Exhibition of Insane or Deformed Person	M2	2	m
6105*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (loaded)	[M1] F2	[5] 10	[1] 2
6105*	Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms (unloaded)	[M1] F2	[4] 9	[1] 2
6106 (a)(1)*	Firearms, Not to be Carried Without a License (ineligible ; loaded or ammunition in possession or control of defendant)	F3	[5] 9	1
6106 (a)(1)*	Firearms, Not to be Carried Without a License (ineligible ; unloaded and ammunition not in possession or control of defendant)	F3	[4] 7	1
6106 (a)(2)*	Firearms, Not to be Carried Without a License (eligible; loaded or ammunition in possession or control of defendant)	M1	4	1
6106 (a)(2)*	Firearms, Not to be Carried Without a License (eligible; unloaded and ammunition not in possession or control of defendant)	M1	3	1
6107	Prohibited Conduct during Emergency	M1	3	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (loaded or ammunition in possession or control of defendant)	M1	5	1
6108*	Carrying Firearms on Public Streets or Public Property in Philadelphia (unloaded and ammunition not in possession or control of defendant)	M1	4	1
6110.1 (a)	Possession of Firearm by Minor	M1	3	1
6110.1 (c)	Possession of Firearms by Minor (responsibility of adult)	F3	7	1
6110.2*	Possession of firearm with altered manufacturer's number (loaded or ammunition in possession or control of defendant)	M1	5	1
6110.2*	Possession of firearm with altered manufacturer's number (unloaded and ammunition not in possession or control of defendant)	M1	4	1
6111 (g)(1)	Sale or Transfer of Firearms	M2	2	m
6111 (g)(2)(3)(3.1)(4)	Sale or Transfer of Firearms [(to ineligible; unlawful request for criminal history; false statements)]	F3	5	1
6111 (h)	Sale or Transfer of Firearms(subsequent)	F2	7	2
6112	Retail Dealer Required to be Licensed	M1	3	1
6113	Licensing of Dealers	M1	3	1
6115	Loans, Lending, Giving Firearms Prohibited	M1	3	1
6116	False Evidence of Identity	M1	3	1
6117	Altering Marks of Identification	F2	7	2
6121	Certain Bullets Prohibited	F3	5	1
6122	Proof of License	M1	3	1
6161	Carrying Explosives	M2	3	m
6162	Shipping Explosives	M3	3	m
6301 (a)(1)*	Corruption of Minors (when of a sexual nature)	M1	5	1
6301 (a)(1)*	Corruption of Minors	M1	4	m
6301 (a)(2)	Corruption of Minors (second violation of truancy in year)	M3	1	m
6302	Sale or Lease of Weapons	M1	4	m
6303	Sale of Starter Pistols	M1	4	m
6304	Sale of Air Rifles	M3	1	m
6306	Furnish Cigarettes to Minors (3rd and subsequent offenses)	M3	1	m
6307	Misrepresentation of Age to Secure Alcohol (subsequent offense)	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6309	Representing that Minor is of Age	M3	1	m
6310	Inducement of Minors to Buy Liquor	M3	1	m
6310.1	Selling Liquor to Minors	M3	1	m
6310.2	Manufacture or Sale of False ID	M2	2	m
6310.3	Carrying False ID (subsequent offense)	M3	1	m
6311	Tattooing [(a minor)] and body piercing (first offense)	M3	1	m
6311	Tattooing and body piercing (second/subsequent offense within one year)	M2	2	m
6312 (b)	Sexual Abuse of Children [(taking photos)] (photographing, etc.)	F2	7	2
6312 (c)	Sexual Abuse of Children [(selling photos)] (dissemination, etc.; first offense)	F3	6	1
6312 (c)	Sexual Abuse of Children (dissemination, etc.; second/subsequent offense)	F2	8	2
6312 (d)	Possession of Child Pornography (first offense)	F3	5	1
6312 (d)	Possession of Child Pornography (second/subsequent offense)	F2	8	2
6318	Unlawful contact or communication with minor (if underlying offense is less than M1)	M1	3	1
6318	Unlawful contact or communication with minor (if underlying offense is M1 or greater)	same as underlying offense	same as underlying offense	same as underlying offense
6319 (a)	Solicitation of minors to traffic drugs (general provision)	F2	9	2
6319 (b)	Solicitation of minors to traffic drugs (drug-free school zone)	F1	10	3
6320	Sexual exploitation of children	F2	9	2
6501 (a)(3)	Scattering Rubbish (2nd; subsequent offense)	M1	3	m
6501 (a)(3)	Scattering Rubbish (1st. offense)	M2	2	m
6501 (a)(1)(2)	Scattering Rubbish (2nd; subsequent offense)	M3	1	m
6504	Public Nuisances	M2	2	m
6703	Military Decorations	M3	1	m
6707	False Registration of Domestic Animals	M3	1	m
6709	Use of Union Labels	M3	1	m
6901	Extension of Water Line	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6910	Unauthorized Sale of Tickets	M3	1	m
7102	Drugs to Race Horses	M1	3	m
7103	Horse Racing	M3	1	m
7104	Fortune Telling	M3	1	m
7107	Unlawful Actions by Athlete Agents	M1	3	m
7302 (a)	Sale of Solidified Alcohol	M2	2	m
7302 (b)	Labeling of Solidified Alcohol	M1	3	m
7303	Sale or Illegal Use of Solvents	M3	1	m
7306	Incendiary Devices	M1	3	m
7307	Out of State Convict Made Goods	M2	2	m
7308	Unlawful Advertising of Insurance Business	M2	2	m
7309	Unlawful Coercion in Contracting Insurance	M1	3	m
7310	Furnishing Free Insurance	M3	1	m
7311	Unlawful Collection Agency Practices	M3	1	m
7312	Debt Pooling	M3	1	m
7313	Buying Food Stamps (>\$1,000)	F3	5	1
7313	Buying Food Stamps (<\$1,000)	M1	3	m
7314	Fraudulent Traffic in Food Orders (>\$1,000)	F3	5	1
7314	Fraudulent Traffic in Food Orders (<\$1,000)	M1	3	m
7316	Keeping Bucket-Shop	M3	1	m
7317	Accessories, Bucket-Shop	M3	1	m
7318	Maintaining Bucket-Shop Premises	M3	1	m
7319	Bucket-Shop Contracts	M3	1	m
7321	Lie Detector Tests	M2	2	m
7322	Demanding Property to Secure Employment	M3	1	m
7323	Discrimination on Account of Uniform	M2	2	m
7324	Unlawful Sale of Dissertations, Thesis, Term Papers	M3	1	m
7326	Disclosure of Confidential Tax Information	M3	1	m
7328	Operation of Certain Establishments	M3	1	m
7503	Interest of Certain Architects in Public Works Contracts	M3	1	m
7504	Appointment of Special Police	M3	1	m
7507	Breach of Privacy	M2	2	m
7507.1	Invasion of privacy (single violation)	M3	1	m
7507.1	Invasion of privacy (more than one violation)	M2	3	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7509 (a)	Furnishing drug-free urine (unlawful sale or attempt)	M3	1	m
7509 (b)	Furnishing drug-free urine (use or attempt)	M3	1	m
7510 (b)(1)	Municipal housing code avoidance (4th conviction)	M2	2	m
7510 (b)(2)	Municipal housing code avoidance (5th or subsequent conviction)	M1	3	m
7512	Criminal use of communication facility	F3	5	1
7515	Contingent compensation	M3	1	m
7516	Greyhound racing	M1	3	m
7611	Unlawful use of a computer	F3	7	1
7612	Disruption of computer service	F3	7	1
7613	Computer theft	F3	7	1
7614 (b)(1)	Unlawful duplication (value of \$2,500 or less)	F3	5	1
7614 (b)(2)	Unlawful duplication (value of greater than \$2,500)	F2	7	2
7615	Computer trespass	F3	7	1
7616	Distribution of computer virus	F3	7	1
7624 (1)	Internet service provider (child pornography violation, 1st offense)	M3	1	m
7624 (2)	Internet service provider (child pornography violation, 2nd offense)	M2	2	m
7624 (3)	Internet service provider (child pornography violation, 3rd or subsequent offense)	F3	5	1
7661 (b)(1)	Unlawful transmission of electronic mail (value of less than \$2,500)	M3	1	m
7661 (b)(2)	Unlawful transmission of electronic mail (damage/reckless disregard, value of \$2,500 or greater)	M1	5	m
7661 (b)(3)	Unlawful transmission of electronic mail (damage/malicious act, value of \$2,500 or greater)	F3	7	1
	Offenses not otherwise listed [OMNIBUS]	F1	8	3
		F2	7	2
		F3	5	1

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

CRIMES CODE OFFENSES

18 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

MISCELLANEOUS OFFENSES
(Chop Shop, Crime Victims, Environmental)

18 P. S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
1.1—1.8	MOTOR VEHICLE CHOP SHOP AND ILLEGALLY OBTAINED AND ALTERED PROPERTY ACT			
1.3	Owning, operating or conducting a chop shop	F2	7	2
1.4 (a)	Altered or illegally obtained property (alteration or destruction of vehicle identification number)	F3	5	1
1.4 (b)	Altered or illegally obtained property (disposition of vehicle)	F3	5	1
11.101—11.5102	CRIME VICTIMS ACT			
11.1303	False claim for victim compensation	M3	2	m

35 P. S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
6018.101—6018.1002	SOLID WASTE MANAGEMENT ACT			
	Knowingly Transports, etc. Hazardous Waste Without Permit	F1	9	1
	Transports, etc. Hazardous Without Permit	F2	7	2
	Violation of Act; [DER] DEP Order, etc.	M3	1	m
691.1—691.1001	CLEAN STREAMS LAW Violation of Act; [DER] DEP Order	M3	1	m
4001—4015	AIR POLLUTION CONTROL ACT			
	Knowingly Releases Hazardous Air Pollutant	F1	9	1
	Violation of Act; [DER] DEP Order	M2	2	m
	Negligently Releases Hazardous Air Pollution	M3	1	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

**MISCELLANEOUS OFFENSES
(Chop Shop, Crime Victims, Environmental)**

18 P. S. § 721.1—721.17	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	SAFE DRINKING WATER ACT			
	Knowingly Introduces Contaminant Into Public Water	M1	3	m
	Violation of Act; [DER] DEP Order	M3	1	m

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(1)	Manufacture/Sale/Delivery of Adulterated Drug	M	4	m
(2)	Adulteration of Controlled Substance	M	4	m
(3)	False Advertisement	M	4	m
(4)	Removal of Detained Substance	M	5	m
(5)	Adulteration of Sellable Controlled Substance	M	4	m
(6)	Forging ID Under Act	M	5	m
(7)	Defraud Trademark	M	5	m
(8)	Selling Defrauded Trademark	M	5	m
(9)	Having Equipment to Defraud	M	5	m
(10)	Illegal Sale of Nonproprietary Drug	M	4	m
(11)	Illegal Pharmacy Operations	M	5	m
(12)*	Acquisition of Controlled Substance by Fraud:			
	Heroin (> 1,000g)	F	13	3
	Heroin (100g to 1000g)	F	11	3
	Heroin (50g to < 100g)	F	10	3
	Heroin (10g to < 50g)	F	8	2
	Heroin (1g < 10 g)	F	7	2
	Heroin (< 1g)	F	6	2
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (> 1,000g)	F	13	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50g to < 100g)	F	10	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to < 50g)	F	8	2
	Other Narcotics of Schedule I an II, Cocaine, PCP, Methamphetamine (2.5g to <10g)	F	7	2

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Other Narcotics of Schedule 1 and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (> 1000 pills)	F	[5] 10	[2] 3
	MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - < 1000 pills)	F	[5] 7	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - < 100 pills)	F	5	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - < 50 pills)	F	[5] 3	2
	Narcotic Prescription Pills of Schedule II (> 100 pills)(including OxyContin, Percocet)	F	10	3
	Narcotic Prescription Pills of Schedule II (51-100 pills)(including OxyContin, Percocet)	F	9	2
	Narcotic Prescription Pills of Schedule II (21-50 pills)(including Oxycodone, OxyContin, Percocet)	F	8	2
	Narcotic Prescription Pills of Schedule II (1-20 pills)(including Oxycodone, OxyContin, Percocet)	F	6	2
	Marijuana (1000 lbs. or greater or 5,000 or more live plants)	F	[8] 10	[2] 3
	Marijuana (50 lbs. to < 1000 lbs. [or greater] or 51 to < 5,000 [or more] live plants)	F	8	2
	Marijuana (10 lbs. to < 50 lbs. or 21 to < 51 live plants)	F	7	2
	Marijuana (1 lb. to < 10 lbs. or 10 to < 21 live plants)	F	5	2
	Marijuana (< 1 lb. or < 10 live plants)	F	3	2
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(13)	Dispense of Drugs to Drug Dependent Person	M	4	m
(14)*	Delivery by Practitioner			
	Heroin (>1,000g)	F	13	3
	Heroin (100g to 1000g)	F	11	3
	Heroin (50g to < 100g)	F	10	3
	Heroin (10g to < 50g)	F	8	2
	Heroin (1g to < 10g)	F	7	2
	Heroin (< 1g)	F	6	2

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (> 1,000g)	F	13	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50 g to < 100g)	F	10	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to < 50g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (2.5g to < 10g)	F	7	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (< 2.5g)	F	6	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (>1000 pills)	F	[5] 10	[2] 3
	MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - < 1000 pills)	F	[5] 7	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - < 100 pills)	F	5	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - < 50 pills)	F	[5] 3	2
	Narcotic Prescription Pills of Schedule II (> 100 pills)(including Oxycodone, OxyContin, Percocet)	F	10	[2] 3
	Narcotic Prescription Pills of Schedule II (51 - 100 pills)(including Oxycodone, OxyContin, Percocet)	F	9	2
	Narcotic Prescription Pills of Schedule II (21 - 50 pills)(including Oxycodone, OxyContin, Percocet)	F	8	2
	Narcotic Prescription Pills of Schedule II (1 - 20 pills)(including Oxycodone, OxyContin, Percocet)	F	6	2
	Marijuana (1000 lbs. or greater or 5,000 or more live plants)	F	[8] 10	[2] 3
	Marijuana (50 lbs. to < 1000 lbs. [or greater] or 51 to < 5,000 [or more] live plants)	F	8	2
	Marijuana (10 lbs. to < 50 lbs. or 21 to < 51 live plants)	F	7	2
	Marijuana (1 lb. to < 10 lbs. or 10 to < 21 live plants)	F	5	2

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Marijuana (<1 lb. or <10 live plants)	F	3	2
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(15)	Illegal Retail Sale	M	4	m
(16)	Simple Possession	M	3	m
(17)	Dispensing of Drugs Without Label	M	4	m
(18)	Illegal Sale Container	M	4	m
(19)	Intentional Unauthorized Purchase	M	5	m
(20)	Divulging Trade Secret	M	4	m
(21)	Failure to Keep Records	M	2	m
(22)	Refusal of Inspection	M	2	m
(23)	Unauthorized Removal of Seals	M	5	m
(24)	Failure to Obtain License	M	2	m
(25)	Manufacture by Unauthorized Party	M	5	m
(26)	Distribution by Registrant of Controlled Substance	M	5	m
(27)	Use of Fictitious Registration Number	M	5	m
(28)	False Application Material	M	5	m
(29)	Production of Counterfeit Trademarks	M	5	m
(30)*	Possession With Intent to Deliver (PWID):			
	Heroin (> 1,000g)	F	13	3
	Heroin (100g to 1000g)	F	11	3
	Heroin (50g to <100g)	F	10	3
	Heroin (10g to <50g)	F	8	2
	Heroin (1g to <10g)	F	7	2
	Heroin (< 1g)	F	6	2
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (> 1,000g)	F	13	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (100g to 1000g)	F	11	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (50g to <100g)	F	10	3
	[Heroin,] Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (10g to <50g)	F	8	2
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (2.5g to <10g)	F	7	2

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
	Other Narcotics of Schedule I and II, Cocaine, PCP, Methamphetamine (<2.5g)	F	6	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (>1000 pills)	F	[5] 10	[2] 3
	MDMA (Ecstasy)(Schedule I, non-narcotic) (100 - <1000 pills)	F	[5] 7	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (50 - <100 pills)	F	5	2
	MDMA (Ecstasy)(Schedule I, non-narcotic) (1 - <50 pills)	F	[5] 3	2
	Narcotic Prescription Pills of Schedule II (>100 pills)(including Oxycodone, OxyContin, Percocet)	F	10	[2] 3
	Narcotic Prescription Pills of Schedule II (51 - 100 pills)(including Oxycodone, OxyContin, Percocet)	F	9	2
	Narcotic Prescription Pills of Schedule II (21 - 50 pills)(including Oxycodone, OxyContin, Percocet)	F	8	2
	Narcotic Prescription Pills of Schedule II (1 - 20 pills)(including Oxycodone, OxyContin, Percocet)	F	6	2
	Marijuana (1000 lbs. or greater or 5,000 or more live plants)	F	[8] 10	[2] 3
	Marijuana (50 lbs. to <1000 lbs. [or greater] or 51 to <5,000 [or more] live plants)	F	8	2
	Marijuana (10 lbs. to <50 lbs. or 21 to <51 live plants)	F	7	2
	Marijuana (1 lb. to <10 lbs. or 10 to <21 live plants)	F	5	2
	Marijuana (<1 lb. or <10 live plants)	F	3	2
	Schedule I and II Drugs not listed (including GHB, LSD)	F	5	2
	Schedule III and IV Drugs	F	5	2
	Schedule V Drugs	M	3	m
(31)	Small Amount of Marijuana	M	1	m
(32)	Possession of Paraphernalia	M	1	m
(33)	PWID Paraphernalia (no minor)	M	3	m
(33)	PWID Paraphernalia (minor w/Conditions)	M2	4	m
(34)	Ad for Drug Paraphernalia	M	1	m
(35)	Illegal Sale of Non controlled Substance	F	[6] 5	2
(36)	Designer Drugs	F	5	2

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

DRUG ACT OFFENSES

35 P. S. § 780-113(a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(37)	Possession of Steroids	M	4	m
(38)(i)	Unlawful manufacture of methamphetamine (child under 18 years of age present)	F3	7	1
(38)(ii)	Unlawful manufacture of methamphetamine (child under 18 years of age suffers serious bodily injury)	F2	9	2

35 P. S. § 780-113.1 (a)	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
(1)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas)	M	3	m
(2)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing or transporting liquefied ammonia gas with intent to manufacture controlled substance)	F	5	2
(3)	Liquefied Ammonia Gas; Precursors and Chemicals (possessing red phosphorous, etc.)	F	5	2
	Offenses not otherwise listed [OMNIBUS]	F1	8	3
		F2	7	2
		F3	5	1
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

JUDICIAL CODE

42 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4583.1 (b)(1)	Aggravated jury tampering (most serious offense submitted for deliberation is F1 or Murder 1 or Murder 2)	F1	11	4
4583.1 (b)(2)	Aggravated jury tampering (most serious offense submitted to jury is F2)	F2	9	2
4583.1 (b)(3)	Aggravated jury tampering (any other violation)	F3	7	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

JUDICIAL CODE

42 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
4732 (a)	DNA database, disclosure prohibition (disclose to unauthorized person)	M1	3	m
4732 (b)	DNA database, disclosure prohibition (obtain without authorization)	M1	3	m
[9793 (e)]	[Failure to Register (sexually violent offenses)]	[F3]	[6]	[1]
[9795 (d)]	[Failure to Register (sexually violent predator)]	[F3]	[6]	[1]
9795.2 (d)(1)	Failure to register (10-year registration)	F3	6	1
9795.2 (d)(2)	Failure to register (lifetime registration)	F1	8	3

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
9796 (e)(1)	Failure to [Register] verify residence (10-year registration)	F3	6	1
9796 (e)(2)	Failure to verify residence (lifetime registration)	F1	8	3
1543 (1.1)(ii)	Driving while operating privilege is suspended or revoked (if (b)(1) and BAC of 0.02% or greater or under influence; 2nd offense)	M3	1	m
1543 (1.1)(iii)	Driving while operating privilege is suspended or revoked (if (b)(1) and BAC of 0.02% or greater or under influence, 3rd/subseq. offense)	M1	3	m
1571 (a)(5)	Violations concerning licenses (exhibit or cause altered driver's license)	M1	3	m
1571 (a.1)	Violations concerning licenses (employees and agents issuing altered driver's license)	F3	5	1
3712	Abandonment/Stripping of Vehicles	M3	1	m
[3731]	[Driving Under the Influence (1st conviction in 7 years) (MANDATORY MINIMUM=48 HOURS)]	[M2]	[2]	[m]
[3731]	[Driving Under the Influence (2nd conviction in 7 years) (MANDATORY MINIMUM=30 DAYS)]	[M2]	[2]	[m]

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
[3731]	[Driving Under the Influence (3rd conviction in 7 years) (MANDATORY MINIMUM=90 DAYS)]	[M1]	[3]	[1]
[3731]	[Driving Under the Influence (4th/subseq. conviction in 7 years) (MANDATORY MINIMUM=1 YEAR)]	[M1]	[3]	[1]
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident; occurs in active work zone)	[M1] F3	[8] 10	1
3732*	Homicide by Vehicle (when there is also a conviction for DUI arising from the same incident)	[M1] F3	8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident; occurs in active work zone)	[M1] F3	[6] 8	1
3732*	Homicide by Vehicle (when there is not a conviction for DUI arising from the same incident)	[M1] F3	6	1
3733	Fleeing or Eluding Police	M2	2	m
3735	Homicide by Vehicle while DUI (MANDATORY MINIMUM=3 YEARS)	F2	[8] 10	2
3735.1	Aggravated Assault by Vehicle while DUI	F2	7	2
3742 (b)(1)	Accident Involving Death or Personal Injury (failure to stop)	M1	3	m
3742 (b)(2)	Accident Involving Death or Personal Injury (resulting in SBI) (MANDATORY MINIMUM= 90 DAYS)	F3	5	1
3742 (b)(3)	Accident Involving Death or Personal Injury (resulting in death) (MANDATORY MINIMUM=1 YEAR)	F3	6	1
3742.1 (b)(1)	Accident involving death or personal injury while not properly licensed [(license suspended)]	M2	2	m
[3742.1 (b)(1)]	[Accident Involving Death or Personal Injury (no license issued)]	[M3]	[1]	[m]
3742.1 (b)(2)*	Accident involving death or personal injury while not properly licensed [(SBI, license suspended)] (SBI)	F3	[4] 5	1
3742.1 (b)(2) *	Accident involving death or personal injury while not properly licensed [(death, no license issued)] (death)	F3	[5] 6	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
[3742.1 (b)(2) *]	[Accident Involving Death or Personal Injury (SBI, license suspended)]	[M1]	[3]	[m]
[3742.1 (b)(2) *]	[Accident Involving Death or Personal Injury (death, no license issued)]	[M1]	[4]	[m]
3743	Accident Involving Damage to Attended Vehicle	M3	1	m
3802	Driving under influence of alcohol or controlled substance (DUI)			
3802 (a)(1)	DUI (incapable of safe driving; first offense)	M	1	m
3802 (a)(1)	DUI (incapable of safe driving; second offense)	M	1	1
3802 (a)(1)	DUI (incapable of safe driving; third/subsequent offense)	M2	3	1
3802 (a)(1)	DUI (refuse testing; first offense)	M	1	m
3802 (a)(1)	DUI (refuse testing; second offense)	M1	5	1
3802 (a)(1)	DUI (refuse testing; third/subsequent offense)	M1	5	1
3802 (a)(1)	DUI (accident; first offense)	M	1	m
3802 (a)(1)	DUI (accident; second offense)	M	1	1
3802 (a)(1)	DUI (accident; third offense)	M1	5	1
3802 (a)(1)	DUI (accident; fourth/subsequent offense)	M1	5	1
3802 (a)(2)	DUI (BAC .08 - <.10; first offense)	M	1	m
3802 (a)(2)	DUI (BAC .08 - <.10; second offense)	M	1	1
3802 (a)(2)	DUI (BAC .08 - <.10; third/subsequent offense)	M2	3	1
3802 (b)	DUI (BAC .10 - <.16; first offense)	M	1	m
3802 (b)	DUI (BAC .10 - <.16; second offense)	M	1	1
3802 (b)	DUI (BAC .10 - <.16; third offense)	M1	5	1
3802 (b)	DUI (BAC .10 - <.16; fourth/subsequent offense)	M1	5	1
3802 (c)	DUI (BAC .16+; first offense)	M	1	m
3802 (c)	DUI (BAC .16+; second offense)	M1	5	1
3802 (c)	DUI (BAC .16+; third/subsequent offense)	M1	5	1
3802 (d)	DUI (controlled substance; first offense)	M	1	m
3802 (d)	DUI (controlled substance; second offense)	M1	5	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
3802 (d)	DUI (controlled substance; third/subsequent offense)	M1	5	1
3802 (e)	DUI (under 21 years of age; first offense)	M	1	m
3802 (e)	DUI (under 21 years of age; second offense)	M	1	1
3802 (e)	DUI (under 21 years of age; third offense)	M1	5	1
3802 (e)	DUI (under 21 years of age; fourth/subsequent offense)	M1	5	1
3802 (f)	DUI (commercial/school vehicle; first offense)	M	1	m
3802 (f)	DUI (commercial/school vehicle; second offense)	M	1	1
3802 (f)	DUI (commercial/school vehicle; third offense)	M1	6	1
3802 (f)	DUI (commercial/school vehicle; fourth/subsequent offense)	M1	7	1
3808	Ignition interlock			
3808 (a)(2)	Ignition interlock (illegally operate vehicle not equipped; BAC .025 or greater)	M	1	m
3808 (b)	Ignition interlock (tampering with ignition interlock system)	M	1	m
7102	Falsify Vehicle Identification	M1	3	m
7102	Falsify Vehicle Identification	M3	1	m
7103	Deal in Vehicles with Removed Identification	F3	5	1
7103	Deal in Vehicles with Removed Identification	M3	1	m
7111	Deal in Stolen Plates	M1	3	m
7112	False Report of Theft or Vehicle Conversion	M3	1	m
7121	False Application for Title/Registration	M1	3	m
7122	Altered or Forged Title or Plates	M1	3	m
7132	Prohibited Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7133	Permissible Activities Related to Odometers (1st or subsequent offense, subchapter D)	F3	4	1
7134	Odometer Disclosure Requirement (1st or subsequent offense, subchapter D)	F3	4	1
7135	Odometer Mileage Statement (1st or subsequent offense, subchapter D)	F3	4	1

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

VEHICLE CODE OFFENSES

75 Pa.C.S. §	OFFENSE TITLE	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
7136	Conspiracy to Violate (1st or subsequent offense, subchapter D)	F3	4	1
7137	Violation of Unfair Trade Practices (1st or subsequent offense, subchapter D)	F3	4	1
7752(b)	Unauthorized Disposition of Forms	M3	1	m
8306(b)	Willful Violations	M3	1	m
8306(c)	Subsequent Willful Violations	M2	2	m
	Offenses not otherwise listed [OMNIBUS]:	F1	8	3
		F2	7	2
		F3	5	1
		FELONY NOT CLASSIFIED	5	1
		M1	3	m
		M2	2	m
		M3	1	m
		MISD. NOT CLASSIFIED	1	m

* = Subcategorized Offenses. See 303.3(b).

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

INCHOATE = Inchoates to 4 point PRS offenses. See 303.3(c) and 303.8(b) for all other inchoates.

§ 303.16. Basic Sentencing Matrix.

Level	OGS	Example Offenses	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
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. (2.5-<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 2 Cnty Incar RIP RS	5 [F3]	Burglary (not home/no person) Theft (>\$2000-\$25,000) DUI (M1) PWID (1-<10 lb of marij)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-30 BC	NA	+/- 3
	4	Indecent assault 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) DUI (M2) 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. Shaded 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 program shall not 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

§ 303.17. DWE/Possessed Matrix.

Level	OGS	Deadly Weapon	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
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	16-22	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/Used Matrix.

Level	OGS	Deadly Weapon	Prior Record Score					RFEL	REVOC	AGG/MIT	
			0	1	2	3	4				5
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
Level 3	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-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

[Pa.B. Doc. No. 05-410. Filed for public inspection March 4, 2005, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Proposed Amendments to Pa.R.Crim.P. 107

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. 107 (Contents of Subpoena) to clarify the procedures for issuance of subpoenas by the judges of the courts of common pleas, the Philadelphia Municipal Court, and the minor judiciary. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed amendments precedes the Report.

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

Anne T. Panfil, Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
5035 Ritter Road, Suite 100
Mechanicsburg, PA 17055
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no later than Friday, April 8, 2005.

By the Criminal Procedural Rules Committee

NICHOLAS J. NASTASI,
Chair

Annex A

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

PART A. Business of the Courts

Rule 107. Issuance of Subpoena; Contents of Subpoena.

(A) Court of Common Pleas

(1) Upon the request of a party, the clerk of courts shall issue a subpoena. The subpoena shall be signed and under the seal of the court, but otherwise blank. The party requesting the subpoena shall fill in the contents of the subpoena required in paragraph (C) before the subpoena is served.

(2) The subpoena shall be served in the same manner as notices are served on parties pursuant to Rule 576(B)(2).

(B) Minor Judiciary

(1) Upon the request of an attorney for the Commonwealth or the attorney for the defendant, the issuing authority shall issue a subpoena. The subpoena shall be signed and under the seal of the issuing authority, but otherwise blank. The attorney requesting the subpoena shall fill in the contents of the subpoena required in paragraph (C) before the subpoena is served.

(2) Upon the request of a defendant proceeding pro se, a law enforcement officer, or a private criminal complainant, the issuing authority may issue a subpoena.

(a) The individual requesting the subpoena shall provide the issuing authority with the information required in paragraph (C).

(b) If the subpoena is to be issued, the issuing authority shall fill in the information provided.

(c) The subpoena shall be signed and under the seal of the issuing authority.

(3) The subpoena shall be served in the same manner as a subpoena in a civil matter pursuant to Pa. R.C.P.D.J. No. 214(C) (Subpoena; Issuance; Service).

(C) Contents of Subpoena

A subpoena in a criminal case shall:

(1) order the witness named to appear before the court or issuing authority at the date, time, and place specified, and to bring any items identified or described [The subpoena shall also];

(2) state on whose behalf the witness is being ordered to testify; and

(3) state the identity, address, and phone number of the attorney, if any, who applied for the subpoena.

Comment

[The form of subpoena was deleted in 1985 because it is no longer necessary to control the specific form of subpoena by rule.]

The subpoenas issued by the judges of the Philadelphia Municipal Court should be issued pursuant to paragraph (A).

It is intended that the subpoena [shall] will be used not only for [trial] summary trials or trials in the courts of common pleas and the Philadelphia Municipal Court, but also for any other stage of the proceedings before the minor judiciary, Philadelphia Municipal Court, or common pleas court when a subpoena is issuable, including preliminary hearings, hearings in connection with pretrial and post-trial motions, etc.

When the subpoena is for the production of documents, records, or things, these should be specified.

When issuing a subpoena pursuant to paragraph (B)(2), the issuing authority may limit the scope of the subpoena to persons, documents, or things that are relevant to the cause of action before the issuing authority.

All subpoenas must be signed by a judge of the court issuing the subpoena. The signature may be in any of the forms of signature authorized in the Rule 103 definition of signature.

See 42 Pa.C.S. § 1725.1 concerning costs to be charged by the minor judiciary.

Official Note: Previous Rule 9016 adopted January 28, 1983, effective July 1, 1983; rescinded November 9, 1984, effective January 2, 1985. Present Rule 9016 adopted November 9, 1984, effective January 2, 1985; renumbered Rule 107 and amended March 1, 2000, effective April 1, 2001; **amended** , **2005, effective** , **2005.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed changes concerning issuance of subpoenas published at 35 Pa.B. 1557 (March 5, 2005).

REPORT

Proposed Amendments to Pa.R.Crim.P. 107

Procedures for Issuance and Service of Subpoena

The changes to Rule of Criminal Procedure 107 being proposed by the Criminal Procedural Rules Committee were developed at the request of the Supreme Court. In correspondence from Chief Justice Cappy, the Committee was instructed to work in conjunction with the Minor Court Procedural Rules Committee to "study the question of whether District Justices may issue subpoenas in blank."¹ To accomplish this directive, a joint subcommittee of the Minor Court Rules Committee and Criminal Rules Committee was formed to assist the two Committees in addressing the issue of blank subpoenas. The Joint Subcommittee's recommendations have been approved for publication by both Committees.

I. Background

The Joint Subcommittee reviewed the Rules of Criminal Procedure (Criminal Rules), the Rules of Civil Procedure (Civil Rules), and the Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges (MDJ Rules). The only Criminal Rule that addresses subpoenas is Rule 107 (Contents of Subpoena). Rule 107 only sets forth the mandatory contents of a subpoena, and provides no guidance concerning the issuance of subpoenas in blank. Paragraph (a) of Civil Rule 234.2 (Subpoena. Issuance. Service. Compliance. Fees. Prisoners) provides that the prothonotary issue a subpoena in blank when requested by a party.² MDJ Rules 213 (Subpoena to Attend and Testify) and 214 (Subpoena; Issuance; Service) specify the information to be contained in the subpoena, including the name and service address of the person being subpoenaed; the date, time, and place at which the person is to appear; and a description of any documents or things the person is to produce. This information must be contained in the subpoena at the time of issuance. The official Note to Rule 214 specifically provides that magisterial district judges may not issue subpoenas in blank. The Joint Subcommittee also looked at the statutory provisions addressing subpoenas³ and the case law, but did not find any provisions concerning the issue of blank subpoenas.

¹ See the November 12, 2003 Order in *In Re: District Justice Sandra L. Stevanus*, James B. Yelovich, Petitioner, No. 60 WM 2003.

² See also Civil Rules 234.1, 234.4, 234.5, and 234.6 for other procedures related to subpoenas in civil cases.

³ See 42 Pa.C.S. §§ 5904 (Subpoena of Witnesses) and 5905 (Subpoenas).

The Joint Subcommittee discussed at length the pros and cons of the minor judiciary issuing subpoenas in blank, noting that (1) there are no statewide rules establishing pretrial motions practice in proceedings before the magisterial district judges; (2) there is no procedural mechanism to quash a subpoena in a magisterial district court; (3) many individuals who request subpoenas from the magisterial district judges are proceeding pro se; and (4) subpoenas always are issued in blank in the courts of common pleas. In view of these observations and the existing statewide procedures governing subpoenas in civil cases before the minor judiciary and the courts of common pleas, the Joint Subcommittee agreed that subpoenas in criminal cases should be issued in blank when the request for a subpoena is from an attorney. The members also agreed to continue the practice in common pleas court that all subpoenas are issued in blank, but in proceedings before the minor judiciary, when a defendant proceeding pro se, a law enforcement officer, or a private criminal complainant requests a subpoena, the procedures set forth in MDJ Rules 214 and 215 should be applied to criminal cases; the issuing authority should be given discretion whether to issue the subpoena, and the issuing authority must fill in the contents of the subpoena before issuing it to the defendant, law enforcement officer, or private complainant.

II. Discussion of Proposed Rule Changes

The Committee is proposing the following amendments to Criminal Rule 107. First, to retain the contents provisions and to clearly distinguish the procedures for the issuance of subpoenas by the common pleas court and the minor judiciary, Rule 107 will be divided into three sections: the procedures for issuing subpoenas in common pleas court are set forth in paragraph (A), the procedures for issuing subpoenas by the minor judiciary are set forth in paragraph (B), and the current requirements for the contents of a subpoena are set forth in paragraph (C).

Paragraph (A)(1) requires the clerk of courts to issue a subpoena upon the request of a party. The subpoena is to be signed by a judge and otherwise blank. The requesting party is required to fill in the contents of the subpoena set forth in paragraph (C) before serving the subpoena. Paragraph (A)(2) addresses service of the subpoena by cross-referencing Rule 576(B)(2), which sets forth the methods of service by the parties.

Paragraph (B) (1) requires the issuing authority to issue a subpoena in blank upon the request of an attorney for the Commonwealth or an attorney for the defendant. The remaining procedures in paragraph (B)(1) are the same as the procedures in paragraph (A)(1). When the request for a subpoena is by a defendant proceeding pro se, a law enforcement officer, or a private complainant, the issuing authority is given some discretion in paragraph (B)(2) comparable to the discretion given magisterial district judges in civil cases pursuant to MDJ Rule 214—the requesting individual must provide the information required by paragraph (C) for the contents of the subpoena, and the issuing authority is required to fill in the subpoena with this information. All subpoenas issued by a member of the minor judiciary must be signed by the issuing authority. Paragraph (B)(3) cross-references MDJ Rule 214(C) for the service requirements when a subpoena is issued by a member of the minor judiciary.

Paragraph (C), which sets forth the contents of the subpoena in current Rule 107, has been amended to make

it clear that the contents of the subpoena are the same whether the subpoena is issued pursuant to paragraph (A) or pursuant to paragraph (B).

The Rule 107 Comment has been revised to include an explanation that subpoenas issued by Philadelphia Municipal Court judges are to be issued as provided in paragraph (A). In addition, the Comment emphasizes that the subpoenas must be signed by a judge of the issuing court (common pleas court, Philadelphia Municipal Court, or magisterial district courts), and includes a cross-reference to the Criminal Rule 103 definition of "signature" to make it clear that the subpoena may be signed using any of the forms of signature set forth in Rule 103.

During its discussions of the procedures for issuing subpoenas, the Joint Subcommittee considered imposing a nominal fee for each subpoena issued by the minor judiciary either by rule or Court order to cover the cost of printing and mailing the subpoenas. Research did not uncover any statutory provisions specific to fees for subpoenas that would provide guidance. We did note that in 42 Pa.C.S. § 1725.1 (Costs), paragraph (c) (Unclassified costs or charges) provides:

the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows . . . (5) any other issuance not otherwise provided for in this subsection . . . \$13.50 [this amount is subject to change annually pursuant to subparagraph (f).]

We reasoned that issuing a subpoena could be interpreted as coming within the scope of subparagraph (c)(5), and if the cost is assessed, the number of frivolous subpoenas would be reduced. Accordingly, as a guide to the members of the bench and bar, a reference to this statutory provision has been added to the Comment.

[Pa.B. Doc. No. 05-411. Filed for public inspection March 4, 2005, 9:00 a.m.]

[234 PA. CODE CH. 5]

Proposed Amendments to Pa.Rs.Crim.P. 514 and 517

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.Rs.Crim.P. 514 (Duplicate and Alias Warrants) and 517 (Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance). These rule changes eliminate the term "alias warrants" from the rules as archaic, and replace the term in Rule 514 with a provision for the reissuance of a warrant and in Rule 517 with a provision for the issuance of a bench warrant. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed rule changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Anne T. Panfil, Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
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fax: (717) 795-2106
e-mail: criminal.rules@pacourts.us

no later than Wednesday, April 6, 2005.

By the Criminal Procedural Rules Committee

NICHOLAS J. NASTASI,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

(a) Arrest Warrants

Rule 514. Duplicate and [Alias] Reissued Warrants of Arrest.

* * * * *

(B) After service and execution of an original or duplicate warrant, [an alias warrant may be issued] the issuing authority may reissue the warrant if the purpose for which the original or duplicate has been issued has not been accomplished.

Comment

* * * * *

This rule originally used the term "alias warrant" to describe the reissuance of a warrant that has been served and executed but has not accomplished its original purpose. The term "alias warrant" is archaic and its meaning obscure, leading to potential confusion. With the 2005 amendments, the terminology of the rule has been simplified by deleting "alias warrant" and replacing it with "reissue," thereby retaining the underlying practice previously described by the term "alias warrant."

Official Note: Original Rule 113 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 113 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 121 September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995; renumbered Rule 514 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; amended , 2005, effective , 2005.

Committee Explanatory Reports:

* * * * *

Report explaining the _____, 2005 amendments eliminating "alias warrant" published with the Court's Order at 34 Pa.B. 1559 (March 5, 2005).

Rule 517. Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance.

* * * * *

(E) When a defendant who has posted bail and been released from custody before preliminary arraignment thereafter fails to appear at the time fixed, the proper issuing authority in the judicial district where the warrant was issued shall forthwith cause the bail to be

forfeited according to law, and issue [**an alias warrant of arrest**] **issue a bench warrant**. If the defendant is thereafter arrested outside the judicial district where the [**alias**] **bench** warrant was issued, the defendant shall not be entitled to post bail in the judicial district where arrested, but shall be taken as soon as practicable to the judicial district where the [**alias**] **bench** warrant was issued for preliminary arraignment by the proper issuing authority.

* * * * *
Comment
* * * * *

Paragraph (E) originally used the term “alias warrant” to describe the type of warrant issued when a defendant is arrested outside the judicial district of issuance, is released on bond by a magisterial district judge in the judicial district of arrest conditioned on the defendant’s appearance at a preliminary arraignment in the judicial district of issuance, and then fails to appear. Because the term “alias warrant” is an archaic term that refers to the reissuance of a warrant when the original purpose of the warrant has not been achieved, and the warrant issued in paragraph (E) is issued for the failure to appear as contemplated by Rule 536(A)(1)(b), paragraph (E) was amended in 2005 by changing the terminology to “bench warrant.”

Official Note: Original Rule 117 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 117 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 123 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; renumbered Rule 124 and amended August 9, 1994, effective January 1, 1995; amended December 27, 1994, effective April 1, 1995; renumbered Rule 517 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; **amended** , **2005**, **effective** , **2005**.

Committee Explanatory Reports:

* * * * *

Report explaining the _____, 2005 amendments eliminating the use of the term “alias warrant” published with the Court’s Order at 34 Pa.B. 1559 (March 5, 2005).

REPORT

Proposed Amendments to Pa.Rs.Crim.P. 514 and 517

Duplicate and Alias Warrants of Arrest

The Criminal Procedural Rules Committee is considering recommending the elimination of the term “alias warrants” from Rules 514 (Duplicate and Alias Warrants) and 517 (Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance).

The term “alias” when used as an adjective to describe issued process such as a warrant, summons or writ, generally indicates process that is issued again after the first instrument has not been effective or resulted in action. This particular meaning is derived from the Latin phrase sicut alias praecipimus meaning “as we previously commanded.” Specifically in Rule 514, “alias warrant” describes the situation in which a duplicate of a warrant is issued after the original warrant is served and executed but has failed to achieve its original purpose.

The use of “alias warrant” in Rule 514 has not changed since the Court originally adopted the rule in 1964. From our research into the term, the Committee concluded the term is archaic and has fallen out of usage. The members also noted from their experience that the use of “alias warrant” in the rules is a source of confusion for members of the bench and bar. In view of these observations, the Committee evaluated the purpose of Rule 514(B) that provides:

After service and execution of an original or duplicate warrant, an alias warrant may be issued if the purpose for which the original or duplicate has been issued has not been accomplished, and concluded the circumstances contemplated by Rule 514 may be more simply defined as a “reissuance” of the original or duplicate warrant.

Accordingly, the Committee is proposing that Rule 514(B) be amended by deleting the term “alias warrant.” Instead, in those circumstances in which a warrant has been served or executed but the purpose of the warrant has not been accomplished, the rule would provide that the court may reissue the original warrant. The proposed amendment does not contemplate the need to file a new affidavit in such circumstances.

“Alias warrant” is used differently in Rule 517 than in Rule 514. Rule 517 describes the procedures for arrest warrants that are executed outside of the judicial district of issuance. The rule provides for an apprehended defendant to be brought before an issuing authority in the judicial district of arrest for the purpose of posting bail. The term “alias warrant” in Rule 517(E) describes the type of warrant that is issued when a defendant, subsequent to release on bail, fails to appear for preliminary arraignment in the judicial district of issuance.

Unlike the definition of “alias warrant” gleaned from historical references and provided in Rule 514, the original warrant in a Rule 517 context has been served and executed and the purpose for which the warrant originally had been issued was accomplished with the arrest of the defendant and the defendant’s appearance before an issuing authority. Rule 517 contemplates that a preliminary arraignment will be scheduled and that the release on bail at the initial appearance is conditioned on the defendant’s appearance. It is the failure to appear at the preliminary arraignment that triggers the issuance of the warrant. This situation is more akin to the issuance of a new warrant under Rule 536(A)(1)(b) for failure to appear.

The Committee reviewed the Rule 517 history and found that the use of the term “alias warrant” in Rule 517(E) has not changed since the rule’s inception in 1964. We did not uncover any reason for the use of this term in the context contemplated by Rule 517. In view of our research into both Rules 514 and 517, the Committee agreed Rule 517(E) should be amended by the deletion of the term “alias warrant,” and that “bench warrant” as described in Rule 536(A)(1)(b) should be used in place of “alias warrant.” This is a more accurate description and avoids the use of an archaic and obscure terminology.

The reasons for replacement of the term would be elaborated in the Comments to both Rules 514 and 517.

[Pa.B. Doc. No. 05-412. Filed for public inspection March 4, 2005, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Proposed Amendments to Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges¹ to provide, in certain circumstances, for the issuance of subpoenas in blank. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Michael F. Krimmel, Counsel
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no later than Monday, May 2, 2005.

By the Minor Court Rules Committee

THOMAS E. MARTIN, Jr.,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 214. Subpoena; Issuance; Service.

A. [District justices] Magisterial District Judges may issue subpoenas throughout the Commonwealth.

B. (1) Upon the request of the attorney of record for a party, the magisterial district judge shall issue a subpoena.

(a) The subpoena shall be signed and under the seal of the magisterial district judge, but otherwise blank.

(b) The attorney requesting the subpoena shall fill in the contents of the subpoena required in subparagraph (3) before the subpoena is served.

¹ The title "district justice" was replaced by "magisterial district judge" effective January 29, 2005, in accordance with Act 207 of 2004 and Supreme Court of Pennsylvania Order No. 269, Judicial Administration Docket No. 1 (January 6, 2005).

(2) Upon the request of a party proceeding pro se, the [district justice] magisterial district judge may issue a subpoena [signed and under the seal of the district justice. The district justice shall specify in the subpoena the name and address for service of the person subpoenaed; the date, time, and place at which the person is to appear; and a description of the documents or things that the person is to produce, if any].

(a) The party requesting the subpoena shall provide the magisterial district judge with the information required in subparagraph (3).

(b) If the subpoena is to be issued, the magisterial district judge shall fill in the information provided.

(c) The subpoena shall be signed and under the seal of the magisterial district judge.

(3) A subpoena shall specify:

(a) The name and address for service of the person being subpoenaed.

(b) The name of the party on whose behalf the person is being ordered to testify.

(c) The name, address, and telephone number of the attorney, if any, who applied for the subpoena.

(d) The date, time, and place at which the person is to appear.

(e) A description of the documents or things that the person is to produce, if any.

* * * * *

Official Note: See Rule 202 for definition of "subpoena." Compare Pa.R.C.P. Nos. 234.2 and 402(a) and Pa.R.Crim.P. 107.

[The district justice] When issuing a subpoena pursuant to subparagraph B(2) the magisterial district judge has discretion to limit the scope of [subpoenas] the subpoena to persons, documents, or things that are relevant to the cause of action before the [district justice] magisterial district judge.

[District justices may not issue subpoenas in blank.] See 42 Pa.C.S. § 1725.1 concerning costs to be charged by magisterial district courts.

REPORT

Proposed Amendments to Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Issuance of Blank Subpoenas

I. Background

The Minor Court Rules Committee (the Committee) undertook a review of the rules relating to subpoenas, and specifically the issue of whether magisterial district judges may issue subpoenas in blank, at the direction of the Supreme Court of Pennsylvania. In *In Re: District Justice Sandra L. Stevanus*, No. 60 WM 2003, the Supreme Court was asked to issue a writ of mandamus directing Judge Stevanus to issue blank subpoenas to a defense attorney in a criminal case that was pending in her court. Judge Stevanus refused to issue the blank subpoenas, contending that the party requesting a subpoena must provide the magisterial district court with the information needed to complete the subpoena before the subpoena is issued. In its November 12, 2003 order

denying the petition for writ of mandamus, the Supreme Court ordered that “[t]he Criminal Rules Committee, in consultation with the Minor Rules Committee, is hereby directed to study the question of whether District Justices may issue subpoenas in blank.”

Upon review of the relevant issues and authorities, and after consultation with the Criminal Procedural Rules Committee (CPRC), the Committee is proposing that Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges be amended to expressly allow, in certain circumstances described below, the issuance of subpoenas in blank.¹

II. Discussion

Initially, the Committee had taken the position that magisterial district judges should not issue subpoenas in blank, at least in magisterial district court civil and landlord and tenant proceedings. The Committee noted that Pa. R.C.P.M.D.J. Nos. 213 and 214 were adopted by the Supreme Court September 3, 2003, effective January 1, 2004.² New Rule 214 specifies what information must be contained in the subpoena, including the name and service address of the person being subpoenaed; the date, time, and place at which the person is to appear; and a description of any documents or things the person is to produce. This procedure differs from the usual practice in the courts of common pleas in that the specified information must be contained in the subpoena at the time of issuance. To further reinforce this, the Official Note to Rule 214 makes clear that “[m]agisterial district judges may not issue subpoenas in blank.”³ In drafting Rule 214, the Committee had thought it inadvisable that magisterial district judges issue subpoenas in blank because there is no pretrial motions practice in magisterial district court civil proceedings, and in particular, no procedural mechanism to quash a subpoena. Therefore, the Committee thought it important that, at the time of issuance, the magisterial district judge have “discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.”⁴ The Committee’s concerns centered around potential abuses if pro se parties are permitted to prepare and issue subpoenas without the court having any knowledge of who or what is being subpoenaed. For example, there were concerns that pro se parties may attempt to subpoena persons or things that are totally irrelevant to the proceedings, or may request such a large number of documents so as to make compliance with the subpoena extremely burdensome.

The CPRC pointed out that in most criminal cases the concern about abuses by pro se litigants is less of an issue because there is a representative of the Commonwealth involved, and these individuals are less likely to abuse the subpoena process. For this and other reasons, the CPRC did not share the Committee’s concerns about blank subpoenas. Recognizing that the two committees had somewhat different positions on this issue, the two committees formed a joint subcommittee to address the Supreme Court’s directive.

When the joint subcommittee met, it became clear that the concerns about blank subpoenas in both civil and criminal cases centered almost exclusively around cases

where no attorney is involved. After considerable discussion, the joint subcommittee agreed to a compromise proposal that would require a magisterial district judge to issue a blank subpoena when requested by an attorney. In cases in which a pro se party or a law enforcement officer requests a subpoena, however, the magisterial district judge will retain discretion whether to issue the subpoena, and the judge will fill in the contents of the subpoena before issuing it to the requesting party.

The joint subcommittee and the full Committee believe this proposal will adequately safeguard against abuses in the subpoena process, and will give attorneys flexibility to issue subpoenas on behalf of their clients in a manner that is consistent with practice in the courts of common pleas.

III. Proposed Rule Changes

To implement the solution discussed above, the Committee is proposing that Pa. R.C.P.M.D.J. No. 214 be amended to establish different procedures when a subpoena is requested by an attorney on behalf of a party, and when a subpoena is requested by a pro se party. Specifically, Rule 214B would be divided into three subparagraphs. Subparagraph B(1) would require the magisterial district judge to issue a blank subpoena when requested by the attorney of record for a party, and would make clear that the attorney is to fill in the contents of the subpoena before service. Subparagraph B(2) would provide the procedure for issuing a subpoena to a pro se party. This provision would give the magisterial district judge discretion to issue the subpoena, and would require the court to fill in the contents of the subpoena before issuance. Subparagraph B(3) would list the required contents of all subpoenas. Subdivisions A and C would not be amended under this proposal.

[Pa.B. Doc. No. 05-413. Filed for public inspection March 4, 2005, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

[Correction]

Promulgation of Local Civil Action Rules 39-51, 206.1, 206.4, 208, 208.2, 208.4, 210, 1028(c), 1034(a) and 1035.2(a)

Errors occurred in the document adopting Rules 1034(a) and 1035.2(a) which appeared at 35 Pa.B. 1334, 1339—1341 (February 19, 2005).

The correct version of these rules is as follows:

Rule 1034(a). Motions for Judgment on the Pleadings; Disposition.

1. (i.) *Argument Court Calendar.* Unless contradicted by other provisions of the rules, Motions for Judgment on the Pleadings shall follow the procedures set forth in Local Rule 206.4(c) and shall be disposed of as set forth in this rule. Except as otherwise provided by the Court, Arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the Argument shall be held on the next business day,

¹ This proposal is being published for public comment in conjunction with a proposal from the CPRC to make similar amendments to the Rules of Criminal Procedure.

² Recommendation No. 4 Minor Court Rules 2003, approved by Supreme Court of Pennsylvania Order No. 204, Magisterial Docket No. 1 (September 3, 2003), published along with the Committee’s explanatory Final Report at 33 Pa.B. 4663 (September 20, 2003).

³ Pa. R.C.P.M.D.J. No. 214, Official Note. The Supreme Court of Pennsylvania does not adopt the contents of the Committee’s Official Notes to the rules.

⁴ Id.

and in the Fulton County Branch Arguments shall be held on days as established by the annual Court calendar.

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

A. *Responsibility of Party Requesting Relief.*

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

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

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

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

B. *Responsibility of the Opposing Party.*

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

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

C. *Scheduling Oral Argument.*

1. Any party may schedule a case for argument on the next scheduled argument court date by the filing of a

praeceptum with the Prothonotary on or before the Thursday which is four weeks preceding the day for argument, and further provided that the praepice scheduling the case for argument or submission certifies that all briefs have been filed or that the opposition brief has not been timely filed.

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

(iii.) *Listing By Agreement.* The parties may agree in writing to add a cause to the Argument List at any time so long as service of briefs may be made in accordance with the time requirements of Section (ii.), supra. The Court may order a cause listed for Argument at the next scheduled Argument Court or on such other day as it may direct, and in that event, it may regulate the time for service of briefs.

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

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

(vi.) *Briefs.* Briefs shall conform to the requirements of 39th Jud. Dist. R.C.P. 210.

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

(viii.) *Striking Cases From the List.* Cases may be continued or stricken from the argument list only pursuant to order of court. A party may request such an order of court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties.

Case Name: _____
Docket No.: _____

**Cover Sheet, Oral Argument on Motions for Judgment on the Pleadings
Local Rule 1034(a)**

(one copy to be filed by listing party; to be completed by Prothonotary, and transmitted along with the Briefs to the assigned Judge)

	<i>Date Filed</i>	<i>Rule Reference</i>
Listing and Briefing of Cases		
1. Any party files Praecipe to list cause for argument	_____	1034(a)(ii.)
2. Party requesting relief files two copies of brief [not later than twenty (20) days after listing matter for argument]	_____	034(a)(ii.)(A)(1)
3. Responding party files two copies of brief [not later than twenty (20) days after service of brief of party requesting relief]	_____	034(a)(ii.)(B)(1)
Scheduling Oral Argument		
4. Party requesting relief or Responding party may file a Praecipe to schedule the case for oral argument [not later than Thursday which is four weeks preceding the date for oral argument]	_____	034(a)(ii.)(C)(1)
Prothonotary shall check one:		
* all briefs have been filed		
* opposition brief has not been timely filed		
5. Party scheduling case for oral argument certifies having given notice to other parties that matter has been scheduled for oral argument [not later than two (2) days after filing praecipe to schedule the case for oral argument]	_____	1034(a)(ii.)(C)(2)
Argument has been scheduled to be held on: _____		

Exhibit A to Local Rule 1034(a)

(Revised 01-2005)

Rule 1035.2(a). Motions for Summary Judgment; Disposition.

(i.) *Argument Court Calendar.* Unless contradicted by other provisions of the rules, Motions for Summary Judgment shall follow the procedures set forth in Local Rule 206.4(c) and shall be disposed of as set forth in this rule. Except as otherwise provided by the Court, Arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the Argument shall be held on the next business day, and in the Fulton County Branch Arguments shall be held on days as established by the annual Court calendar.

(ii.) *Listing and Briefing Cases.* Summary judgment motions may be set down for disposition only after expiration of the thirty (30) days authorized by Pa.R.C.P. 1035.3(a) for the filing of a response to the motion. Causes for Argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose. Any party may list a cause by the filing of a Praecept directing the Prothonotary to list the cause for oral argument. The Praecept shall be accompanied by a Cover Sheet substantially in the form set forth in Exhibit A, attached.

A. Responsibility of Moving Party.

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

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

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

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

B. Responsibility of the Opposing Party.

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

2. If an opposing party fails to file and serve its brief within the time period required, the Court may consider such failure to be a waiver of opposition and shall sua

sponte, or upon petition of the party requesting relief, either [a] grant the relief requested, so long as such action does not result in dismissal of the case; or [b] exclude the opposing party from oral argument.

C. Scheduling Oral Argument.

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

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

(iii.) *Listing By Agreement.* The parties may agree in writing to add a cause to the Argument List at any time so long as service of briefs may be made in accordance with the time requirements of Section (ii.), supra. The Court may order a cause listed for Argument at the next scheduled Argument Court or on such other day as it may direct, and in that event, it may regulate the time for service of briefs.

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

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

(vi.) *Briefs.* Briefs shall conform to the requirements of 39th Jud. Dist. R.C.P. 210.

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

(viii.) *Striking Cases From the List.* Cases may be continued or stricken from the argument list only pursuant to order of court. A party may request such an order of court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties.

Case Name: _____
Docket No.: _____

**Cover Sheet, Oral Argument on Summary Judgment Motions
Local Rule 1035.2(a)**

(one copy to be filed by listing party; to be completed by Prothonotary, and transmitted along with the Briefs to the assigned Judge)

	<i>Date Filed</i>	<i>Rule Reference</i>
Listing and Briefing of Cases		
1. Any party files Praecipe to list cause for argument	_____	1035.2(a)(ii.)
2. Party requesting relief files two copies of brief [not later than twenty (20) days after listing matter for argument]	_____	1035.2(a)(ii.)(A)(1)
3. Responding party files two copies of brief [not later than twenty (20) days after service of brief of party requesting relief]	_____	1035.2(a)(ii.)(B)(1)
Scheduling Oral Argument		
4. Party requesting relief or Responding party may file a Praecipe to schedule the case for oral argument [not later than Thursday which is four weeks preceding the date for oral argument]	_____	1035.2(a)(ii.)(C)(1)
Prothonotary shall check one:		
* all briefs have been filed		
* opposition brief has not been timely filed		
5. Party scheduling case for oral argument certifies having given notice to other parties that matter has been scheduled for oral argument [not later than two (2) days after filing praecipe to schedule the case for oral argument]	_____	1035.2(a)(ii.)(C)(2)
Argument has been scheduled to be held on: _____		

Exhibit A to Local Rule 1035.2(a)

(Revised 01-2005)

[Pa.B. Doc. No. 05-317. Filed for public inspection February 18, 2005, 9:00 a.m.]

NORTHUMBERLAND COUNTY

Amendments to Local Rules of Civil Procedure; Misc. Doc. No. CV-86-1958

Order

And Now, this 16th day of February, 2005, it is hereby *Ordered* that the following Northumberland County Local Rules of Civil Procedure are hereby *Rescinded*:

Rule NCV-206 and Rule NCV-209

The aforesaid Rules are deleted effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that the Court Administrator shall file seven (7) certified copies hereof with the Administrative Office of Pennsylvania Courts, two (2) copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Rules Committee and one (1) copy to the *Northumberland County Legal Journal* for publication in the *Northumberland County Legal Journal*.

It is further *Ordered* that this amendment shall be kept continuously available for public inspection and copying in the Prothonotary's office.

By the Court

ROBERT B. SACAVAGE,
President Judge

[Pa.B. Doc. No. 05-414. Filed for public inspection March 4, 2005, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 15 Misc. 2005

Adopting Order

Now, this 4th day of February, 2005, it is hereby *Ordered*:

1. Somerset County Rule of Criminal Procedure 530 (Som.R.Crim.P. 530), Designation Of Bail Agency, copy of which follows, is adopted, effective 30 days after publication in the *Pennsylvania Bulletin*.

2. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following Rule, along with a diskette or CD, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rule with the Pennsylvania Criminal Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

Som. R.Crim.P. 530. Designation of Bail Agency.

A. The Court hereby designates and appoints the Somerset County Adult Probation Department to have the duties and powers of a bail agency for the 16th Judicial District, as provided for in Pa.R.Crim.P. 530.

B. The bail agency shall have all of the duties and powers specified in Pa.R.Crim.P. 530, including the authority to supervise persons released on bail pursuant to conditions established by the bail agency and approved by the Court and the authority to detain defendants and to commit to jail for violation of bail conditions, subject to prompt prosecution of bail revocation proceedings before the bail authority.

[Pa.B. Doc. No. 05-415. Filed for public inspection March 4, 2005, 9:00 a.m.]

SUPREME COURT

Accreditation of the National Elder Law Foundation as a Certifying Organization; No. 38 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 26th day of January, 2005, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the National Elder Law Foundation is hereby accredited as a certifying organization in the area of elder law for a period of five calendar years.

[Pa.B. Doc. No. 05-416. Filed for public inspection March 4, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE REAL ESTATE COMMISSION

Corrective Amendment to 49 Pa. Code § 35.341(6)(vi)

The State Real Estate Commission has discovered a discrepancy between the agency text at 49 Pa. Code § 35.341(6)(vi) (relating to approval of real estate education provider), as deposited with the Legislative Reference Bureau, and the text published at 34 Pa.B. 6530, 6538 (December 11, 2004) and codified in the February 2005 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 363), and as currently appearing in the *Pennsylvania Code*. The text of subparagraph (vi) was incorrect.

Therefore, under 45 Pa.C.S. § 901: The State Real Estate Commission has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 35.341(6)(vi). The corrective amendment to 49 Pa. Code § 35.341(6)(vi) is effective as of December 11, 2004, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 35.341(6)(vi) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter F. REAL ESTATE EDUCATION PROVIDERS

APPROVAL OF REAL ESTATE EDUCATION PROVIDERS

§ 35.341. Approval of real estate education provider.

A real estate education provider shall obtain the Commission's approval before commencing operations in this Commonwealth. To obtain approval from the Commission, the real estate education provider shall:

* * * * *

(6) Submit a completed real estate education provider approval application to the Commission with:

* * * * *

(vi) A copy of the student enrollment agreement.

* * * * *

[Pa.B. Doc. No. 05-417. Filed for public inspection March 4, 2005, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 297 AND 299]

Supplemental Security Income Program and State Supplementary Payment Program

Statutory Authority

The Department of Public Welfare (Department) adopts this final-omitted rulemaking to read set forth in Annex under sections 201(2), 403(b) and 432(2) of the Public Welfare Code (62 P. S. §§ 201(2), 403(b) and 432(2)) and 20 CFR Part 416 (relating to Supplemental Security Income for the aged, blind, and disabled).

Omission of Proposed Rulemaking

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv) and (3)), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4(1)(iv) and (3). This final-omitted rulemaking relates to Commonwealth grants and benefits. The State Supplementary Payment (SSP) Program is a Commonwealth benefit. In addition, the Department finds that notice of proposed rulemaking is, under the circumstances, unnecessary and contrary to the public interest. Notice of proposed rulemaking is unnecessary since the only change in the SSP program is the entity which is responsible for its administration. Instead of the Social Security Administration (SSA) administering the SSP for certain groups of eligible applicants and recipients, the Department will administer the program. The Department is not altering current eligibility standards for the SSP program. Finally, the Department finds that it is contrary to the public interest to continue to pay the SSA the ever-increasing cost of the administration of the SSP. Considerable savings will be realized if the Commonwealth assumes responsibility for the administration of the program.

Purpose

The purpose of this final-omitted rulemaking is to delete Chapter 297 and add Chapter 299 (relating to Supplemental Security Income Program and State Supplementary Payment Program).

The final-omitted rulemaking is needed because Chapter 297 includes unnecessary historical background discussion of Supplemental Security Income (SSI), SSI procedural explanations and eligibility requirements already in 20 CFR Part 416, as well as obsolete SSI and SSP payment information. Chapter 299 establishes requirements relevant to State administration of the SSP.

The final-omitted rulemaking is also needed to codify policy applicable to personal care services (PCS) that is currently contained in *Income Maintenance Bulletin* (IMB) 297-82-73, State Supplementary Security Income Supplement for Licensed Personal Care Boarding Home Residents and IMB 297-84-43, Personal Care Boarding Home Supplement.

Background

In 1972, Congress enacted the SSI program to provide payments to aged, blind and disabled individuals and couples based on uniform Federal eligibility standards

and a National base payment level. The standards do not account for variations in living costs that exist from one state to another. Recognizing this, Congress provided a mechanism for states to provide additional payments to supplement the basic Federal SSI payment. The Commonwealth chose to establish an SSP and contracted with the SSA to administer the SSP.

The SSA currently determines eligibility for both State-funded mandatory and optional SSPs and charges the State an administrative fee to cover processing and issuance costs. Mandatory SSPs are provided to certain individuals and couples who were recipients of Old Age Assistance, Aid to the Blind or Aid to the Disabled cash payments as of December 31, 1973. The mandatory SSP, when combined with the total income of the individual or couple, must provide the same total income that was available in December 1973. Optional SSPs are provided to individuals and couples who are eligible for SSI with the exception that certain SSI recipients in Medicaid institutions are ineligible for an SSP. An optional SSP is also provided to individuals and couples who are otherwise eligible for SSI except for income and whose income is less than the combined Federal SSI benefit and the applicable SSP.

In 1993, the SSA began assessing a processing fee of \$1.67 per check per month. On January 1, 1996, the Department reduced certain SSPs by \$5 per check per month to offset additional costs resulting from the SSA's administrative fee. By October 2003, the processing fee had increased to \$8.77 per check per month and is subject to continued increases based on the Consumer Price Index. Based on projected costs, the Department determined that it is no longer cost-effective to pay the SSA to administer all SSPs. The SSA will continue to administer the optional SSP for individuals and couples living in personal care homes (PCH) or domiciliary care homes (DCH) and for individuals and couples receiving a mandatory SSP. There are fewer than 50 individuals receiving a mandatory SSP and this number will not increase. It is not cost-effective for the Department to develop eligibility requirements and procedures, train staff and administer payments for these individuals. The SSA will continue to administer the SSP for individuals and couples residing in PCHs or DCHs at this time because of the complexity of the application process and the vulnerability of this population. To substantially reduce costs, the Department will administer the optional SSP for all other eligible individuals. Assuming responsibility for the administration and issuance of certain SSPs will result in both an immediate and long-term savings to the Department.

Requirements

References to Federal regulations are used throughout Chapter 299. Eligibility requirements and payment levels for the SSP program administered by the State are generally based on the eligibility requirements and payment levels for SSI.

The following is a summary of specific provisions in Chapter 299:

§ 299.1 (relating to policy). The Department describes the SSI program, including payment levels and living arrangements. Additionally, the Department describes the SSP program and SSI recipients whose SSP will be administered by the SSA or the Commonwealth.

§ 299.2 (relating to definitions). The Department includes the definitions of "countable income," "DCH—domiciliary care home," "DCS—domiciliary care services," "FBR—Federal benefit rate," "in-kind support and main-

tenance," "living in the household of another," "mandatory SSP," "optional SSP," "PCH—personal care home," "PCS—personal care services," "representative payee," "SSA," "SSI—Supplemental Security Income," "SSP—State Supplementary Payment" and "SSP—Only."

§ 299.11 (relating to mandatory and optional SSPs). The Department describes the two types of SSP, mandatory and optional.

§ 299.21 (relating to general). The Department identifies the individuals and couples who are eligible for an optional SSP.

§ 299.22 (relating to eligibility requirements for SSA-administered optional SSP for DCS and PCS). The Department describes the eligibility requirements for individuals and couples receiving DCS that will continue to have their SSP administered by the SSA. Additionally, the Department establishes the eligibility requirements for individuals and couples receiving PCS that will continue to have their SSP administered by the SSA.

§§ 299.31—299.33 (relating to authorization; restitution; and appeal and fair hearing). The Department establishes general provisions for State-administered optional SSP. These provisions include: authorization in county of residence; restitution; and appeal and fair hearing. The Department decided to follow cash and Medical Assistance policies for these provisions since SSI regulation does not address county of residence and the SSA will no longer process restitution for these SSPs. The decision to follow Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings) relative to appeal and fair hearing provisions maintains consistency with other assistance programs.

§ 299.34 (relating to representative payment). The Department will provide a State-administered SSP to a representative payee if the SSA determined a representative payment is applicable or if the Department appoints a representative payee in accordance with § 299.36(f) (relating to eligibility requirements for SSP-Only).

§ 299.35 (relating to eligibility requirements for individuals or couples eligible for SSI). The Department will administer and pay an optional SSP to residents of this Commonwealth that receive SSI except those individuals and couples that reside in a PCH or a DCH.

§ 299.36 (relating to eligibility requirements for SSP-Only). The Department establishes eligibility requirements for the State-administered SSP program that provides SSP to individuals and couples that do not receive SSI. The Department will appoint a representative payee for those eligible for SSP-Only if a representative payee would be applicable under 20 CFR Part 416, Subpart F (relating to representative payment).

§ 299.37 (relating to SSP payment level changes). The Department provides SSP payment levels in Appendix A. Additionally, revisions to Appendix A will be codified when published as a notice in the *Pennsylvania Bulletin*.

Affected Individuals and Organizations

The final-omitted rulemaking affects approximately 298,000 individuals who now receive an optional SSP. As a result of the final-omitted rulemaking, certain SSI applicants and recipients may have to interact with both a local county assistance office (CAO) and the SSA. Approximately 7,000 of the 298,000 affected individuals will interact exclusively with a local CAO.

Accomplishments and Benefits

Since the SSA currently administers the SSP, CAO contact and involvement with SSP recipients is limited. The final-omitted rulemaking will provide opportunities for CAOs to identify individuals who may qualify for other benefits administered by the Department, such as Food Stamps or payments to help with heating or cooling costs. This interaction may also provide opportunities to review Medicaid eligibility for other household members.

Fiscal Impact

The Commonwealth will realize an estimated savings of \$15.950 million in the first year. These savings represent 298,000 SSI clients receiving the SSP directly from the Department. The savings in subsequent years will increase based on the projected increases in SSA administration costs. The Commonwealth will incur estimated costs of \$5.170 million in the first year associated with developmental and operational system costs for implementing in-house issuance of SSP.

There are no costs or savings to political subdivisions, the private sector and to the general public.

Paperwork Requirements

The final-omitted rulemaking will increase the Department's paperwork requirements associated with the eligibility process. Unlike the automated eligibility determination process for the Temporary Assistance for Needy Families (TANF) and general assistance (GA) programs, the eligibility determination process for SSP-Only will be done manually based on requirements that are not consistent with TANF and GA. Additionally, the Department must develop eligibility notices, forms and letters that are specific to this group of cash assistance recipients.

Effective Date

The final-omitted rulemaking was effective January 1, 2005.

Public Comment

Although this final-omitted rulemaking is being adopted without publication as proposed rulemaking, interested persons are invited to submit written comments, suggestions or objections to the Department of Public Welfare, Office of Income Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431 Health and Welfare Building, Harrisburg, PA 17120. Comments will be reviewed and considered for any subsequent revision of the final-omitted rulemaking. Persons with a disability who require an auxiliary aid or service may submit comments by using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Regulatory Review Act

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on October 28, 2004, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chair-

persons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. A copy of this material is available to the public upon request. On the same date, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on February 9, 2005, 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 February 10, 2005, and approved the final-omitted rulemaking.

In addition to submitting the final-omit rulemaking, the Department has provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Findings

The Department finds that:

(a) Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) and (3) of the CDL and 1 Pa. Code § 7.4(1)(iv) and (3) because the rulemaking relates to Commonwealth benefits and proposed rulemaking is unnecessary and contrary to the public interest.

(b) The adoption of this rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

Order

The Department acting under the Public Welfare Code and 20 CFR Part 416 orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 297 and 299, are amended by deleting §§ 297.1—297.4 and by adding §§ 299.1, 299.2, 299.11, 299.21, 299.22, 299.31—299.37 and Appendix A to read as set forth in Annex A.

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

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

(d) This order takes effect January 1, 2005.

ESTELLE B. RICHMAN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 35 Pa.B. 1487 (February 26, 2005).)

Fiscal Note: 14-492. (1) General Fund;

	<i>Information System</i>	<i>Co. Admin—State</i>	<i>Co. Assist</i>
(2) Implementing Year 2004-05 is	\$3,188,000	\$1,936,000	\$45,000
(3) 1st Succeeding Year 2005-06 is	\$1,750,000	\$3,893,000	\$30,000
2nd Succeeding Year 2006-07 is	\$250,000	\$3,913,000	\$30,000
3rd Succeeding Year 2007-08 is	\$250,000	\$3,931,000	\$30,000
4th Succeeding Year 2008-09 is	\$250,000	\$3,944,000	\$30,000
5th Succeeding Year 2009-10 is	\$250,000	\$3,944,000	\$30,000

	Information System	Co. Admin—State	Co. Assist
(4) 2003-04 Program—	\$54,904,000	\$41,323,000	\$252,318,000
2002-03 Program—	\$48,598,000	\$45,724,000	\$250,299,000
2001-02 Program—	\$41,851,000	\$46,490,000	\$248,498,000

(7) Department of Public Welfare—Information Systems, County Administration—Statewide and County Assistance Offices; (8) recommends adoption. Offsetting the previous costs would be annual net savings to the Supplemental Grants—Aged, Blind and Disable Appropriation. These savings are estimated at \$15,950,000 for Fiscal Year 2004-05. The costs are included in the 2004 General Appropriation Act.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart I. OTHER INCOME MAINTENANCE PROGRAMS

CHAPTER 297. (Reserved)

§§ 297.1—297.4. (Reserved).

CHAPTER 299. SUPPLEMENTAL SECURITY INCOME PROGRAM AND STATE SUPPLEMENTARY PAYMENT PROGRAM

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GENERAL PROVISIONS

§ 299.1. Policy.

(a) *SSI Program.* The SSI Program provides payments to aged, blind and disabled individuals based on uniform Federal eligibility standards and a National base payment level under 20 CFR 416.110 (relating to purpose of program).

(b) *Payment levels.* Under 20 CFR Part 416, Subparts D and K (relating to amount of benefits; and income), the SSI Program has three payment levels that are based on the Federal living arrangement of an eligible individual or couple. These payment levels are based on one of the following living arrangements:

(1) The individual or couple is living independently and owns its own home or is paying rent or room and board.

(2) The individual or couple is living in the household of another and receiving in-kind support and maintenance.

(3) The individual or couple is living in a medical care facility where a substantial part (more than 50%) of the cost of care is paid under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396v).

(c) *SSP Program.* An individual or couple eligible for SSI is eligible for an SSP in accordance with the following:

(1) The SSP is not considered income by the SSA in determining eligibility for SSI.

(2) The SSA administers SSPs for an individual or couple that is one of the following:

- (i) Receiving a mandatory SSP under 20 CFR 416.2050 (relating to mandatory minimum state supplementation).
- (ii) Living in a DCH.
- (iii) Living in a licensed PCH.

(3) The Commonwealth administers SSPs for an eligible individual or couple that does not qualify for an SSP under paragraph (2) and is one of the following:

- (i) Living independently.
- (ii) Living in the household of another and receiving in-kind support and maintenance.

§ 299.2. Definitions.

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

Countable income—As defined in 20 CFR 416.1104 (relating to income we count).

DCH—Domiciliary care home—A premises certified by an area agency on aging for the purpose of providing a supervised living arrangement in a homelike setting for a period exceeding 24 consecutive hours to clients placed there by the area agency on aging.

DCS—Domiciliary care services—Services and activities performed by the area agency on aging which are necessary to:

- (1) Seek out, assess and determine the eligibility of applicants and prospective providers.
- (2) Certify domiciliary care homes.
- (3) Arrange for, oversee and follow-up on the placement of clients into domiciliary care homes and the receipt of the domiciliary care supplement by clients.

FBR—Federal benefit rate—As defined in 20 CFR 416.1101 (relating to definitions of terms).

In-kind support and maintenance—As defined in 20 CFR 416.1130(b) (relating to introduction).

Living in the household of another—As defined in 20 CFR 416.1132 (relating to what we mean by “living in another person’s household”).

Mandatory SSP—As defined in 20 CFR 416.2050 (relating to mandatory minimum state supplementation).

Optional SSP—A cash benefit, other than the mandatory SSP, provided to an eligible individual or couple under 20 CFR 416.2001 (relating to state supplementary payments; general).

PCH—Personal care home—A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

PCS—Personal care services—Assistance or supervision in matters, such as dressing, bathing, diet, financial management, evacuation of a resident in the event of an emergency, or medication prescribed for self-administration.

Representative payee—As defined in 20 CFR 416.601 (relating to introduction).

SSA—Social Security Administration.

SSI—Supplemental Security Income—As defined in 20 CFR 416.201 (relating to general definitions and terms used in this subpart).

SSP—State Supplementary Payment—A cash benefit provided by the State to an individual or couple eligible for SSI or that would be eligible for SSI except for income.

SSP-Only—A category designation for an individual or couple that is ineligible for SSI based on income alone, but eligible for an SSP.

TYPES OF SSP

§ 299.11. Mandatory and optional SSPs.

The two types of SSPs are as follows:

(1) *Mandatory SSP.* A mandatory SSP is provided to an eligible individual or couple under 20 CFR 416.2050 (relating to mandatory minimum state supplementation).

(2) *Optional SSP.* An individual or couple not eligible for the mandatory SSP may receive an optional SSP, as specified in Appendix A (relating to SSP payment levels). Eligibility requirements for the optional SSP are set forth in §§ 299.21, 299.22 and 299.31—299.36 (relating to general eligibility provisions for optional SSP).

GENERAL ELIGIBILITY PROVISIONS FOR OPTIONAL SSP

§ 299.21. General.

(a) *SSI Eligibility.* Except as specified in subsection (b)(1), to be eligible for an optional SSP, the individual or couple shall be eligible for SSI.

(b) *Exceptions.*

(1) *Excess income for SSI.* If the individual or couple meets all SSI requirements other than income, and if countable income does not exceed the combined FBR and applicable SSP, the individual or couple is eligible to receive an optional SSP.

(2) *No optional SSP if eligible for a mandatory SSP.* If the individual or couple receiving SSI is entitled to a mandatory SSP in an amount greater than the combined FBR and the applicable SSP, the individual or couple is ineligible for an optional SSP.

(3) *No optional SSP for those living in certain medical care facilities.* If the individual or couple receiving SSI is living in a medical care facility where a substantial portion (more than 50%) of the cost of care is paid under

Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396v), the individual or couple is ineligible for an optional SSP.

§ 299.22. Eligibility requirements for SSA-administered optional SSP for DCS and PCS.

(a) *DCS.* In addition to meeting the requirements in § 299.21 (relating to general), to receive an optional SSP for DCS, an individual or couple residing in a DCH shall meet the requirements for receipt of DCS, and submit an application under 6 Pa. Code § 21.23 (relating to application process for DCS and the domiciliary care supplement).

(b) *PCS.* In addition to meeting the requirements in § 299.21, to receive an optional SSP for PCS, an individual or couple residing in a licensed PCH shall meet the following requirements:

(1) The individual or each member of the couple shall submit an application for an SSP for PCS to the area agency on aging under 6 Pa. Code § 21.23.

(2) If the individual or each member of the couple is not an SSI recipient, he shall submit an application for SSI to the SSA indicating that an application for an SSP for PCS is pending.

(3) The individual or each member of the couple shall notify the Department or the SSA of a move from a PCH.

(c) *Notice.* The Department will notify the individual or each member of the couple of the eligibility determination for SSP for DCS or PCS and send a copy of the notice to the area agency on aging.

(d) *Appeal rights.* An applicant or recipient may appeal the denial or termination of the SSP for DCS or PCS under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

GENERAL PROVISIONS FOR STATE-ADMINISTERED OPTIONAL SSP

§ 299.31. Authorization.

The State-administered optional SSP is authorized in the county of residence.

§ 299.32. Restitution.

An individual or couple that receives State-administered optional SSP is subject to restitution requirements in Chapter 255 (relating to restitution).

§ 299.33. Appeal and fair hearing.

An individual or each member of a couple applying for or receiving State-administered optional SSP has the right to appeal and have a fair hearing under Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

§ 299.34. Representative payment.

An SSP is paid to a representative payee if the SSA determined that a representative payment is applicable under 20 CFR Part 404, Subpart U (relating to representative payment) or Part 416, Subpart F (relating to representative payment), or if the Department appoints a representative payee under § 299.36 (relating to eligibility requirements for SSP-Only).

§ 299.35. Eligibility requirements for individuals or couples eligible for SSI.

The Commonwealth will administer and pay an optional SSP to an individual or couple eligible for SSI under § 299.21 (relating to general) and residing in this Commonwealth under 20 CFR 416.2035 (relating to op-

tional supplementation: additional state options), unless the individual or couple is eligible for an SSP under § 299.22 (relating to eligibility requirements for SSA-administered optional SSP for DCS and PCS).

§ 299.36. Eligibility requirements for SSP-Only.

(a) *Eligibility Requirements.* The Commonwealth will administer and pay an optional SSP to an individual or a couple as follows:

(1) *Categories.* The individual or couple may be eligible for SSP-Only if the individual or each member of the couple is one of the following:

- (i) Aged—65 years of age or older.
- (ii) Blind under 20 CFR Part 416, Subpart I (relating to determining disability and blindness).
- (iii) Disabled under 20 CFR Part 416, Subpart I.

(2) *Additional requirements.* In addition to paragraph (1), the individual or each member of the couple shall:

- (i) Meet the residency requirements under § 147.23 (relating to requirements).
- (ii) Be a United States citizen or a qualified alien under 20 CFR Part 416, Subpart P (relating to residence and citizenship). A qualified alien shall meet the eligibility requirements under section 401 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C.A. § 1612) regarding limited eligibility of qualified aliens for certain Federal programs.
- (iii) Meet SSI resource requirements under 20 CFR Part 416, Subpart L (relating to resources and exclusions).
- (iv) Meet income requirements under 20 CFR Part 416, Subpart K (relating to income), except that:
 - (A) Countable income must be less than the combined total of the FBR and the maximum allowable SSP for the eligible individual or couple.
 - (B) Countable income is adjusted dollar for dollar against the appropriate SSP amount in Appendix A (relating to SSP payment levels), plus the FBR.
- (v) Meet enumeration requirements under § 155.2 (relating to general).
- (vi) Meet redetermination requirements under 20 CFR 416.204 (relating to redeterminations of SSI eligibility).
- (vii) Cooperate in verifying all eligibility requirements including age, residence, citizenship, employment, income and resources as specified under § 201.4 (relating to procedures).
- (viii) Consent to the disclosure of information that is in the possession of third parties and necessary for the SSP eligibility determination.

(b) *Determining eligibility for SSP-Only.* The Department will determine the eligibility of an individual or couple for SSP-Only when one of the following occurs:

(1) *SSA notification of excess income for SSI.* The SSA notifies the Department that the individual or couple is ineligible for SSI due to excess income.

(2) *Application for SSP-Only.* The individual or each member of the couple applies for SSP-Only through the Department.

(i) If the Department determines that countable income of the individual or couple exceeds SSI eligibility limits, the Department will determine eligibility for SSP-Only.

(ii) If the Department determines that countable income of the individual or couple is within SSI eligibility limits, the Department will refer the individual or couple to the SSA. In that event, the individual or each member of the couple shall cooperate in establishing eligibility for SSI.

(iii) For the individual or couple referred to the SSA, failure to cooperate in establishing eligibility for SSI will result in ineligibility for an SSP.

(c) *Effective date.* The effective date of eligibility for SSP-Only is one of the following:

(1) *SSA application.* The first full month following the month of the SSI application date for the individual or each member of the couple that is denied SSI.

(2) *Department application.* The first full month following the month the SSP-Only application is received by the Department under subsection (b)(2)(i).

(d) *Primary source of information for SSP-Only.* The individual or couple is the primary source of information under § 201.1 (relating to policy).

(e) *Medicaid.* The individual or each member of the couple that is eligible for SSP-Only is also eligible for Medicaid under § 141.1 (relating to policy).

(f) *Representative payee.* The Department will appoint a representative payee for an individual or each member of the couple eligible for SSP-Only if a representative payee would be applicable under 20 CFR Part 416, Subpart F (relating to representative payment).

§ 299.37. SSP payment level changes.

Revisions to the SSP payment levels will be published as a notice in the *Pennsylvania Bulletin* for codification in Appendix A.

**APPENDIX A
SSP Payment Levels**

	<i>Individual</i>	<i>Couple</i>
Residing in an Independent Living Arrangement	\$27.40	\$43.70
Residing in the Household of Another	\$27.40	\$43.70
Residing in a Domiciliary Care Home	\$389.30	\$857.40
Residing in a Personal Care Home	\$394.30	\$867.40

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PROPOSED RULEMAKING

STATE BOARD OF ACCOUNTANCY

[49 PA. CODE CH. 11]

Revision of and Deletion of Existing Regulations

The State Board of Accountancy (Board) proposes to amend Chapter 11 to read as set forth in Annex A.

Purpose

The proposed rulemaking is intended to provide a general updating and streamlining of the Board's regulations consistent with the current provisions of the CPA Law (act) (63 P. S. §§ 9.1—9.16b), which was extensively amended by the act of December 4, 1996 (P. L. 851, No. 140) (Act 140). A separate rulemaking will be submitted regarding continuing education requirements and the expiration date of licenses. Previous rulemakings implemented statutorily mandated regulations regarding peer review at 30 Pa.B. 6194 (December 2, 2000), commissions and referral fees at 31 Pa.B. 147 (January 13, 2001), addressed fees for Board services at 30 Pa.B. 6344 (December 9, 2000), continuing education program sponsors at 31 Pa.B. 151 (January 13, 2001) and the certified public accountant (CPA) examination at 34 Pa.B. 1768 (April 3, 2004).

The proposed rulemaking would revise regulations for consistency with the act and for clarification of certain practice issues; delete regulations that are obsolete or redundant of provisions of the act; and make editorial and organizational changes to the regulations.

Description of the Proposed Rulemaking

§ 11.1 (relating to definitions). Section 11.1 defines words and phrases used in Chapter 11. The proposed rulemaking would delete the definitions of "attest function," "Board," "contingent fee," "firm," "inactive status," "licensee," "practice of public accounting" and "Professional Corporation Law." Editorial changes are made to the definitions of "Act" and "C.P.A."

Proposed amendments to other regulations would eliminate the need for definitions of "Professional Corporation Law" and "attest function" and would incorporate the definition of "contingent fee" into the single regulation where the term appears. Section 2 of the act (63 P. S. § 9.2) already sets forth updated definitions of "Board," "firm," "licensee" and "public accounting." "Inactive status" does not currently appear in any regulation.

§ 11.3 (relating to applicability of general rules). Section 11.3 provides that the Board's formal proceedings are governed by 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). The proposed rulemaking would delete this section as unnecessary because it repeats language in section 9 of the act (63 P. S. § 9.9).

§ 11.5 (relating to temporary practice in this Commonwealth). Section 11.5 relates to the temporary practice of public accounting in this Commonwealth by a licensee of another state. Subsection (a) lists the requirements for issuance of a temporary practice permit. Subsection (b) describes the scope of a temporary practice permit. Subsection (c) provides that a licensee who does not meet the requirements for a temporary practice permit must sat-

isfy the requirements for full licensure to practice public accounting in this Commonwealth. Subsection (d) identifies those activities that do not require possession of a temporary practice permit.

The proposed rulemaking would revise subsection (a) to be consistent with the authorizing language for a temporary permit in section 13(b) of the act (63 P. S. § 9.13(b)) and to clarify that an applicant for a temporary practice permit must not personally maintain an office in this Commonwealth. Many applicants for temporary practice permits are members of National or regional public accounting firms that have offices in this Commonwealth. The proposed rulemaking also would make editorial changes to subsections (a) and (b). The proposed rulemaking would delete subsections (c) and (d) as unnecessary. The alternatives to a temporary practice permit—that is, normal certification and licensure by examination or certification and licensure without examination through domestic reciprocity—are set forth in sections 3.1, 5 and 8.2 of the act (63 P. S. §§ 9.3a, 9.5 and 9.8b). Likewise, section 13(c) of the act adequately addresses the scope of permissible activities not requiring possession of a license or temporary practice permit.

§ 11.6 (relating to supervised experience). Section 11.6(a) prescribes the manner in which qualified experience for CPA certification must be supervised. Subsection (b) gives examples of unacceptable experience. The proposed rulemaking would relocate the contents of subsections (a) and (b) to § 11.56 (relating to verification of experience) and § 11.55 (relating to qualified experience), respectively.

§§ 11.7 and 11.8 (relating to use of the designation "public accountant" and the abbreviation "PA"; and use of the designation "certified public accountant" and the abbreviation "CPA" in the practice of public accounting). Subsection (a) of each regulation identifies the categories of individuals and entities that may use the designation and abbreviation. Subsection (b) of each regulation proscribes unlawful use by individuals and entities that are not currently licensed to practice public accounting. Subsection (c) of each regulation gives examples of unlawful use. Subsection (d) of each regulation identifies the disciplinary provisions of the act that are implicated by unlawful use.

The proposed rulemaking would delete §§ 11.7 and 11.8 as essentially redundant of the act. Section 12(a), (c) and (j) of the act (63 P. S. §§ 9.12(a), (c) and (j)) adequately address which individuals and entities are permitted to use the designations "certified public accountant" and "public accountant" and the abbreviations "CPA" and "PA." The act defines public accounting, in part, as performing or offering to perform an accounting-related activity while holding out as a CPA or public accountant (PA). Because section 12(q) of the act makes it unlawful to practice public accounting without a current license, it is unnecessary state in the regulations that a current license is required to use a designation or title in the practice of public accounting. It is likewise unnecessary for the regulations to give examples of unlawful use of designations and abbreviations under the act or to reference provisions in the act that set forth disciplinary remedies for unlawful use.

§ 11.9 (relating to use of the designation "certified public accountant" and the abbreviation "CPA" by holders of a certificate of certified public accountant who do not

maintain current licensure and are not engaged in the practice of public accounting). Section 11.9(a) sets forth the conditions under which the holder of a certificate of CPA who does not possess a current license to practice public accounting may use the designation "certified public accountant" and the abbreviation "CPA" solely as a mark of achievement on business cards and stationery. The conditions stipulate that the certificateholder must not be under suspension or revocation; notify the Board in writing that the certificateholder wishes to be placed on the inactive roll; be employed in private industry, government or academia; refrain from practicing public accounting or offering to practice public accounting; refrain from advertising as a CPA and from publicly displaying a CPA certificate in a manner to suggest the certificateholder is engaged in the practice of public accounting; and identify the certificateholder's employer and job title on the stationery and business cards that bear the designation "certified public accountant" or the abbreviation "CPA." Subsection (b) gives examples of unlawful use and subsection (c) identifies the disciplinary provisions of the act that are implicated by unlawful use.

The proposed rulemaking would revise subsection (a), consistent with section 12(a) of the act, to provide that an individual who has received written notification from the Board that he is qualified to receive a certificate of CPA may also use the designation "certified public accountant" and the abbreviation "CPA" subject to the same conditions as an actual certificateholder. The proposed rulemaking would broaden the scope of permissible usage in subsection (a) to include an individual's résumé or curricula vitae, when accompanied by language reflecting that the individual's license is inactive, and a self-employed individual's business cards and stationery when accompanied by wording describing the nature of the individual's business. The amendments to subsection (a) also would restate the conditions of use with greater clarity and less verbiage. Finally, the proposed rulemaking would delete subsections (b) and (c), neither of which provides information that cannot be gleaned from subsection (a) or from the act.

§ 11.21 (relating to independence). Section 11.21 provides that a licensee may not issue an opinion on the financial statements of an enterprise as an independent PA if the licensee's independence with respect to the enterprise is impaired. Section 11.21 sets forth the circumstances under which a licensee's independence is considered impaired. The independence requirements of § 11.21 are based on the interpretations of Professional Standards Rule 101 of the American Institute of Certified Public Accountants (AICPA).

The proposed rulemaking would modify § 11.21 to provide that a licensee's independence is considered impaired if the licensee failed to comply with the independence rules and requirements of the recognized public or private standard-setting body that are applicable to the attest engagement. Standard-setting bodies include the AICPA, the Securities and Exchange Commission, the General Accounting Office and the Department of Labor. The Board is making this amendment because the AICPA independence rule may not include all the requirements of other regulatory agencies with jurisdiction over attest activities.

§ 11.25 (relating to contingent fees). Section 11.25(a) prohibits a licensee from collecting, or seeking to collect, a contingent fee for performing a professional service during any period in which the licensee has also been engaged to perform an attest activity for the client, or for

preparing an original or amended tax return or a claim for a tax refund. Subsection (b) provides that documents generated during an engagement in which the licensee is collecting a contingent fee must contain a statement that no attest activity is being performed.

The proposed rulemaking would relocate the definition of "contingent fee" that appears in § 11.1 to new § 11.25(c). The definition, which is derived from AICPA Professional Standards Rule 302, states that a contingent fee is a fee established for the performance of a service under an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the fee is otherwise dependent on the outcome or result of the service. The proposed rulemaking also would include a provision in subsection (c) that clarifies, consistent with AICPA Professional Standards Rule 302, that a fee is not considered contingent if it is fixed by a judicial or other government authority or, in tax matters, if it is determined based on the results of judicial proceedings or the findings of government agencies. Thus, it would be possible for a licensee, in filing an amended tax return for a client that seeks a refund, to collect a fee calculated upon a percentage of the refund if the refund is based on a soon-to-be-decided test case or a developing position of the Internal Revenue Service. The proposed rulemaking also would revise terminology in subsections (a) and (b) for consistency with the act.

§ 11.27 (relating to auditing standards and other technical standards). Section 11.27 requires a licensee who performs an audit of financial statements as an independent PA to comply with generally accepted auditing standards and other technical standards and to provide justification for any departures from the standards. The proposed rulemaking would make editorial changes to § 11.27.

§ 11.28 (relating to accounting principles). Section 11.28 prohibits a licensee from expressing an opinion that financial statements are presented in conformity with generally accepted accounting principles (GAAP) if the financial statements contain any departure from GAAP that has a material effect on the financial statements as a whole, unless compliance with GAAP would otherwise result in a misleading statement. The licensee must justify any departures from GAAP. The proposed rulemaking would make editorial changes to § 11.28.

§ 11.30 (relating to confidential client information). Section 11.30 provides that a licensee may not disclose a client's confidential information without the client's consent except as authorized by section 11.1 of the act (63 P. S. § 9.11a), regarding privileged communications. The proposed rulemaking would delete § 11.30 as duplicative of section 11.1 of the act.

§ 11.31 (relating to records). Section 11.31 requires a licensee to furnish a client or a former client with certain types of documents, such as a tax return, if the request for the documents is made within a reasonable time after their original issuance. The proposed rulemaking would delete this language as duplicative of section 11 of the act (63 P. S. § 9.11), regarding ownership and production of records. The proposed rulemaking would add a provision requiring a licensee who is requested by a client or former client to furnish documents to which the client is entitled under section 11 of the act to comply with the request within a reasonable period of time. Section 11 of the act does not address the timeliness of a licensee's response to a request for production of records.

§ 11.35 (relating to form of practice). Section 11.35 provides that a licensee may practice public accounting

only in a sole proprietorship, partnership or professional corporation or association. The proposed rulemaking would delete § 11.35 as inconsistent with the current act, which contemplates that a licensee may practice as a sole practitioner or as part of any "qualified association" that is licensed as a firm. "Qualified association" is broadly defined in section 2 of the act to include not only partnerships, professional corporations and professional associations, but also limited liability companies and limited liability partnerships.

§ 11.36 (*relating to business name*). Section 11.36 is added to complement section 12(l.3) of the act, which prohibits a licensee from using a business name that is misleading as to any matter, including the identity of principals, members and employees. Subsection (a) would permit a firm or sole practitioner to use a fictitious name as a business name. The pre-1997 version of the act prohibited a firm that was a professional corporation from using a fictitious name. Subsection (b) would prohibit a sole practitioner from using a business name with the phrases "and Company" or "and Associates" unless he employs at least one other individual who is currently licensed as a CPA or PA, who has sat for the CPA examination or who has the educational qualifications to sit for the CPA examination. The pre-1997 version of the act prohibited a sole practitioner from using the phrase "and Company" or similar designation in his business name unless the name had been in use before November 1, 1961. Because the phrases "and Company" and "and Associates" imply at least the existence of a multi-member practice (if not a formal entity such as a partnership or professional corporation), the Board believes a sole practitioner's use of these terms is misleading if he is the only professional-level member of the practice. The terms are not misleading so long as the sole practitioner has at least one professional-level employee.

§ 11.41 (*relating to professional corporations and associations liability requirements*). Section 11.41 sets forth professional liability insurance and unimpaired capital requirements for licensed professional corporations and professional associations that were mandated under sections 8.4(7) and 8.6(7) of the act (63 P. S. §§ 9.8d(7) and 9.8f(7)), which were repealed by Act 140 effective February 3, 1997. Accordingly, the proposed rulemaking would delete § 11.41 as obsolete.

§§ 11.53 and 11.54 (*relating to classification of candidates; and time limits*). Section 11.53 sets forth the number of years of qualified experience that CPA candidates must acquire, depending on whether they possess a master's degree or a bachelor's degree only. Section 11.54 expresses each year of qualified experience in terms of hours in a 12-month period, limits the number of qualified hours that may be obtained during a 12-month period and requires qualified experience to have been acquired during the 60-month period preceding the date of application for CPA certification.

The proposed rulemaking would relocate the contents of §§ 11.53 and 11.54 to § 11.55, except for the 60-month limitation on the acquisition of qualified experience, which would be deleted as inconsistent with the act. Section 4.1(c) of the act (63 P. S. § 9.4a(c)), which was added by Act 140, provides that an individual taking the CPA examination for the first time after January 1, 2000, must have acquired qualified experience for CPA certification within 120 months preceding the date of application for certification. Section 4.1(c) of the act further provides that an individual who initially took the CPA examination before January 1, 2000, is not subject to any time limitation in acquiring qualified experience.

§ 11.55. Section 11.55(a) and (b) sets forth the types of qualified experience in attest activities and nonattest activities, respectively, that an individual can acquire to satisfy the experience requirement for CPA certification. Section 11.55(c) lists types of unacceptable experience.

The proposed rulemaking would relocate to subsection (a) the contents of §§ 11.53 and 11.54, as revised for consistency with the experience requirements in section 4.1 of the act. The proposed rulemaking would move the types of qualifying attest and nonattest activities to subsections (b) and (c), respectively, while providing a more specific breakdown of qualifying attest activities depending on whether the candidate is employed in public accounting, private industry or government. The proposed rulemaking would revise the descriptions of certain types of qualifying activities and would eliminate "training" on the attest function as an acceptable alternative to actual participation in an attest activity. The proposed rulemaking would combine into a new subsection (d) examples of unacceptable experience from subsection (c) and from § 11.6. The proposed rulemaking also would rename § 11.55 as "Experience requirements for CPA certification."

§ 11.56. Section 11.56(a) provides that a licensee who supervises the experience of a CPA candidate shall submit a verification of experience form specifying the dates of supervision, hours worked and types of experience. Subsection (b) provides that a supervisor who fails to properly verify a candidate's experience is subject to disciplinary action.

The proposed rulemaking would relocate to subsection (a) the requirements for a supervisor in § 11.6. The proposed rulemaking would make editorial changes to subsection (a) and relocate it to subsection (b). The proposed rulemaking would relocate subsection (b) to a new subsection (c) and would expand its scope to provide that a supervisor may not knowingly submit a false or inaccurate verified statement or wilfully refuse to submit a verified statement when qualified experience has been acquired. The amendments also would rename § 11.56 as "Supervision of experience; verification."

§ 11.73 (*relating to interpretation of chapter*). Section 11.73 provides that the Board's regulations are not to be construed to be in violation of, or inconsistent with, the act. The amendments would delete § 11.73 as unnecessary. The Board's obligation to construe its regulations in consonance with the act is inherent in the primacy of a statute over the regulations promulgated under authority of the statute.

Statutory Authority

Section 3(a)(11) and (12) of the act (63 P. S. §§ 9.3(a)(11) and (12)) authorizes the Board to promulgate, respectively, regulations regarding professional conduct and to other matters necessary to carry out the provisions of the act.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking would not have a fiscal impact on, or create additional paperwork for, the regulated community, the general public or the Commonwealth and its political subdivisions.

The Board solicited comments from the major professional organizations that represent the regulated community in this Commonwealth.

Effective Date

The proposed rulemaking would become effective upon final-form publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 23, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Standing Committee on Consumer Protection and Professional Licensure and the House Standing Committee on Professional Licensure. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed rulemaking to Steven Wennberg, Counsel, State Board of Accountancy, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

ROBERT J. CIARUFFOLI, Jr., CPA,
Chairperson

Fiscal Note: 16A-559. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 11. STATE BOARD OF ACCOUNTANCY
GENERAL PROVISIONS**

§ 11.1. Definitions.

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

* * * * *

Act—The [C.P.A.] CPA Law (63 P. S. §§ 9.1—[9.16(b)] 9.16b)[, which promulgates the rules of professional conduct for certified accountants of this Commonwealth].

[*Attest function*—A written communication that expresses a conclusion about the reliability of a written assertion which may take the form of an audit, review or compilation of a financial statement or an examination of prospective financial information.

Board—The State Board of Accountancy of the Commonwealth.

[C.P.A.] CPA—Certified [Public Accountant of this Commonwealth] public accountant.

* * * * *

[*Contingent fee*—A fee established for the performance of a service under an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service.]

* * * * *

[*Firm*—A proprietorship, partnership or professional corporation or association engaged in the practice of public accounting and registered with the Board.]

* * * * *

[*Inactive status*—Status of a C.P.A. or Registered Public or Foreign Accountant who is not permitted to engage in the practice of public accounting because he does not qualify for or possess a current biennial permit.]

* * * * *

[*Licensee*—A person holding a certificate issued by the Board, registered with the Board, or holding a permit to practice and a firm registered with the Board or holding a permit to practice.]

* * * * *

[*Practice of public accounting*—The offering to perform, or the performing, for a client or potential client services involving the use of accounting or auditing skills, management advisory or consulting services, preparation of tax returns or furnishing of advice on tax matters while holding oneself out in a manner that states or implies one is a licensee.

Professional Corporation Law—The Professional Corporation Law (15 P. S. §§ 2901-2914) which allows for the formation of professional associations or corporations by accountants.]

* * * * *

§ 11.3. [Applicability of general rules] (Reserved).

[Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) is applicable to the activities of and proceedings before the Board.]

§ 11.5. Temporary practice in this Commonwealth.

(a) *Requirements for temporary practice.* A [certified public accountant] CPA, or [partnership or corporation] association composed of [certified public accountants] CPAs, of another state [or other jurisdiction of the United States] may temporarily practice public [accountancy] accounting in this Commonwealth, if the [certified public accountant, or partnership or corporation] CPA or association:

(1) Holds a [valid] current license or registration to practice public [accountancy] accounting in the other state [or jurisdiction].

(2) Concurrently practices public [accountancy] accounting in the other state [or jurisdiction].

(3) Does not personally maintain an office in this Commonwealth.

* * * * *

(b) *Temporary practice permit.* The temporary practice permit:

(1) Allows [a certified public accountant, or partnership or corporation, who meets the requirements of subsection (a)] the permitholder to work for not more than 500 hours in this Commonwealth during a 12-month period, except that this 500 hour limitation does not apply if the [holder of a temporary practice permit] permitholder is working only on a single, nonrecurring engagement.

* * * * *

[(c) *Failure to meet requirements for temporary practice.* A person, partnership or corporation, of another state or other jurisdiction who wishes to practice public accountancy in this Commonwealth but does not meet the requirements of subsection (a) is subject to the full licensing requirements of section 8.2 of the act (63 P. S. § 9.8b).

(d) *Exemption from requirement of temporary practice permit.* The requirement of a temporary practice permit does not apply to a person, partnership or corporation, who renders bookkeeping and similar technical services, prepares income tax returns, or prepares financial statements, but does not issue a report that expresses an opinion or assurance on the statements.]

[SUPERVISION]

§ 11.6. [Supervised experience] (Reserved).

[(a) Supervised experience that qualifies a person to take the certified public accountant examination or to be granted a certificate of certified public accountant shall meet the following conditions:

(1) The supervisor shall be a licensed certified public accountant or public accountant during the period of supervision.

(2) The supervisor shall employ the person or be employed by the same person, partnership, corporation or branch of government as the person he is supervising.

(3) The supervisor personally evaluates and is responsible for the work performed by the person.

(b) The following are examples of experience which do not qualify a person to take the certified public accountant examination or to be granted a certificate of certified public accountant.

(1) Self-employment.

(2) Work as a partner in a partnership.

(3) Work supervised by a certified public accountant who was not licensed at the time of supervision.

(4) Work supervised by an accounting firm which is independent of the entity for which the person works.]

§ 11.7. [Use of the designation "public accountant" and the abbreviation "PA"] (Reserved).

[(a) Only the following individuals and entities may use the designation public accountant, the

abbreviation PA, and other designations which suggest that the user is a public accountant.

(1) An individual who is registered as a public accountant under section 8.7 of the act (63 P. S. § 9.8g) and holds a current license.

(2) An individual who has written notification from the Board that he was qualified to receive a certificate of certified public accountant and holds a current license.

(3) A partnership, professional association or professional corporation composed of public accountants or of certified public accountants and public accountants which registered under section 8.5 or 8.6 of the act (63 P. S. § 9.8e or § 9.8f) and holds a current license.

(b) It is unlawful for an individual, partnership, professional association or professional corporation, not currently licensed to engage in the practice of public accounting or to use the designation public accountant, the abbreviation PA or a similar designation.

(c) The following are examples of unlawful use of the designation public accountant, PA or similar designations:

(1) An individual had registered under section 8.7 of the act (63 P. S. § 9.8g) and had once been licensed. The individual does not hold a current license but still uses business cards which indicate that he is a public accountant. To make use of the designation public accountant, the individual shall hold a current license.

(2) An unlicensed individual offers to prepare income tax returns and either asserts that he is a public accountant or signs the return "John Doe, PA." *Explanation:* The offer to perform a service related to accounting while holding oneself out as a public accountant is engaging in the practice of public accounting and requires a current license.

(d) Unlawful use of the designation "Public Accountant" and the abbreviation "PA" may result in the penalties in sections 9.1, 9.3, 14 and 16 of the act (63 P. S. §§ 9.9a, 9.9c, 9.14 and 9.16).]

§ 11.8. [Use of the designation "certified public accountant" and the abbreviation "CPA" in the practice of public accounting] (Reserved).

[(a) Only the following individuals and entities may use the designation certified public accountant, the abbreviation CPA, and other designations which suggest that the user is a certified public accountant, in the practice of public accounting.

(1) An individual who holds a certificate of certified public accountant and a current license.

(2) An individual who has written notification from the Board that he has qualified to receive a certificate of certified public accountant and a current license.

(3) A partnership, professional association or professional corporation composed of certified public accountants which is registered with the Board under section 8.3 or 8.4 of the act (63 P. S. § 9.8c or § 9.8d) and holds a current license.

(b) It is unlawful for an individual, partnership, professional association or professional corpora-

tion, not currently licensed to engage in the practice of public accounting to hold oneself out as a certified public accountant.

(c) The following are examples of unlawful use of the designation certified public accountant, CPA or similar designations, in the practice of public accounting.

(1) An individual who holds a certificate of certified public accountant but not a current license offers to establish a bookkeeping system for a potential client and tells the potential client that he is a certified public accountant. *Explanation:* The offer to perform a service related to accounting, including matters such as bookkeeping and tax returns, while holding oneself out as a certified public accountant is engaging in the practice of public accounting and requires a current license.

(2) An individual who holds a certificate of certified public accountant but not a current license prepares income tax returns. The individual has a sign outside of his office which reads "John Doe, CPA, Tax Preparation." *Explanation:* The sign is a solicitation to perform accounting-related services. By offering to perform services related to accounting without maintaining a current license, John Doe violates the act. Similarly, John Doe may not sign a tax return which he prepared as "John Doe, CPA." John Doe may lawfully put up a sign reading "John Doe, Tax Preparation" and may prepare and sign tax returns as "John Doe."

(d) Unlawful use of the designation "certified public accountant" and the abbreviation "CPA" in the practice of public accounting may result in the penalties set forth in sections 9.1, 9.3, 14 and 16 of the act (63 P. S. §§ 9.9a, 9.9c, 9.14 and 9.16).]

§ 11.9. Use of [the designation "certified public accountant" and the abbreviation "CPA" by holders of a certificate of certified public accountant who do not maintain current licensure and are not engaged in the practice of public accounting] professional title solely as mark of achievement by individual without current license.

[(a)] An individual who holds a certificate of certified public accountant but does not maintain a current [licensure] license to practice public accounting, or an individual who has received notification from the Board that he is qualified to receive a certificate of certified public accountant, may use the designation "certified public accountant" [or] and the abbreviation "CPA" solely as a mark of achievement [on business cards and stationery if] subject to the following conditions:

* * * * *

(2) The individual has notified the Board in writing that he wishes to be placed on the Board's inactive license roll.

(3) The individual does not [engage in the] practice [of] or offer to practice public accounting [or offer to perform public accounting] and is not a member or employee of a public accounting firm.

(4) [The individual does not hold himself out to be in the practice of public accounting when per-

forming or offering to perform accounting, bookkeeping, tax or accounting-related matters.

(5) The individual does not engage in advertising, including listings and advertisements in phone directories, newspapers, magazines, electronic media and indoor and outdoor signs, in which the individual uses the designation certified public accountant, the abbreviation CPA or a similar designation.

(6)] The individual does not [publicly] display [a] the certificate of certified public accountant [to imply that he is licensed in the] in a manner that suggests he is authorized to practice [of] public accounting [or offering to perform public accounting] .

[(7) The individual is employed by an academic institution, corporation or company not engaged in the practice of public accounting, or government, and uses the designation certified public accountant or the abbreviation CPA on business cards and stationery if the following are met:

(i) The business cards and stationery indicate the name of the employer and the title of the person.

(ii) The business cards or stationery are not used to solicit public accounting or accounting-related business.

(b) The following are examples of unlawful use of the designation certified public accountant or the abbreviation CPA by holders of the certificate of certified public accountant who do not maintain current licensure:

(1) The holder of a certificate of certified public accountant who does not maintain current licensure has a sign in the window of his home, "John Doe, CPA". The sign is an offer to practice accounting which requires current licensure.

(2) The holder of a certificate who does not maintain current licensure shows his business card which says "John Doe, CPA, any Company or Institution, Title" to an acquaintance and offers to set up an accounting procedure. *Explanation:* The offer is an offer to practice public accounting which requires current licensure.

(c) Unlawful use of the designation "certified public accountant" and the abbreviation "CPA" by holders of a certificate of certified public accountant who do not maintain current licensure and are not engaged in the practice of public accounting may result in the penalties set forth in sections 9.1, 9.3, 14 and 16 of the act (63 P. S. §§ 9.9a, 9.9c, 9.14 and 9.16).]

(5) The use of the designation "certified public accountant" and the abbreviation "CPA" under this section is limited to the following:

(i) A résumé or curriculum vitae, when accompanied by language reflecting that the individual's license is inactive.

(ii) A business card, when accompanied by the name of the individual's employer and the individual's job title or, if the individual is self-employed, when accompanied by wording describing the nature of the individual's business.

(iii) Letterhead and other stationery, when accompanied by the name of the individual's em-

ployer and the individual's job title or, if the individual is self-employed, when accompanied by wording describing the nature of the individual's business.

RELATIONS WITH CLIENTS AND THE PUBLIC

§ 11.21. Independence.

A licensee may not **[express an opinion on financial statements of]** issue an attestation report for an enterprise in **[such]** a manner **[as]** to imply that he is acting as an independent public accountant with respect thereto unless he is independent with respect to **[such]** the enterprise. Independence will be considered impaired **[in either of the following situations:]** when the licensee has not complied with the independence rules and requirements of a recognized public or private standard-setting body—for example, AICPA, Securities and Exchange Commission, General Accounting Office, Department of Labor—as applicable under the circumstances.

[(1) During the period of his professional engagement or at the time of expressing his opinion:

(i) The licensee:

(A) Had or was committed to acquire a direct or material indirect financial interest in the enterprise.

(B) Was a trustee of a trust or an executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise.

(ii) The licensee had a joint closely-held business investment with the enterprise or an officer, director or principal stockholder thereof which was material in relation to the net worth of either the licensee or the firm of the licensee.

(iii) The licensee had a loan to or from the enterprise or an officer, director or principal stockholder thereof other than the following kinds made by a financial institution under normal lending procedures, terms and requirements:

(A) Loans obtained by the licensee which are not material in relation to the net worth of the borrower.

(B) Home mortgages.

(C) Other secured loans except those secured solely by a guarantee of the licensee.

(2) During the period of his professional engagement, at the time of expressing his opinion or during the period covered by the financial statements, the licensee:

(i) Was connected with the enterprise as a promoter, underwriter, voting trustee, director or officer or in a capacity equivalent to that of a member of management or of an employee.

(ii) Was a trustee for a pension or profit-sharing trust of the enterprise.

(iii) Was in a way connected with the enterprise that would impair independence.]

§ 11.25. Contingent fees.

(a) A licensee may not collect or offer to collect a contingent fee for **[one or more]** any of the following:

(1) The performance of a professional service during any period covered by financial statements with respect to which the client entered into an attest **[function] activity** engagement with the licensee.

* * * * *

(b) Letters, statements or other documents generated during an engagement when the licensee is collecting a contingent fee shall contain a statement that the licensee has not provided attest **[function] activity** services for this engagement.

(c) For purposes of this section, a contingent fee is a fee established for the performance of a service under an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service. A fee is not contingent if it is fixed by courts or other public authorities or, in tax matters, if it is determined based on the results of judicial proceedings or the findings of government agencies.

§ 11.27. Auditing standards and other technical standards.

(a) *Auditing standards.* A licensee may not permit his name to be associated with financial statements to imply that he is acting as an independent public accountant with respect to the financial statements unless he has complied with applicable **[generally accepted auditing standards]** GAAS. Statements on auditing standards issued by the **[American Institute of Certified Public Accountants]** AICPA or other pronouncements having similar generally recognized authority are considered to be interpretations of **[generally accepted auditing standards, and departures therefrom shall be justified by those who do not follow them]** GAAS. A licensee shall justify any departures from the standards.

(b) *Other technical standards.* A licensee shall comply with other technical standards promulgated by bodies of the **[American Institute of Certified Public Accountants]** AICPA or other recognized authorities designated to establish the standards**[, and departures therefrom shall be justified by the licensee who does not follow them]**. A licensee shall justify any departures from the standards.

§ 11.28. Accounting principles.

A licensee may not express an opinion that financial statements are presented in conformity with **[generally accepted accounting principles]** GAAP if **[such]** the financial statements contain any departure from **[such accounting principles which]** GAAP that has a material effect on the financial statements taken as a whole, unless the licensee can demonstrate that by reason of unusual circumstances the financial statements would otherwise be misleading. In such a case, the report of the licensee shall describe the departure, the approximate effects thereof if practicable, and the reasons why compliance with the principle would result in a misleading statement. For purposes of this section, **[generally accepted accounting principles]** GAAP are considered to be defined by pronouncements issued by the Financial Accounting Standards Board and its predeces-

sor entities and similar pronouncements issued by other entities having similar generally recognized authority.

§ 11.30. [Confidential client information] (Reserved).

[A licensee may not without the consent of his client disclose a confidential information pertaining to his client obtained in the course of performing professional services except to the extent provided by section 11.1 of the act (63 P. S. § 9.11a).]

§ 11.31. Records.

[A licensee shall furnish to his client or former client, upon request made within a reasonable time after original issuance of the document in question:

- (1) A copy of a tax return of the client.
- (2) A copy of a report or other document issued by the licensee to or for such client.
- (3) Accounting or other records belonging to the client which the licensee removed from the premises of the client or received for the account of the client, but the licensee may make and retain copies of such documents when they form the basis for work done by him.]

§ 11.35. [Form of practice] (Reserved).

[A licensee may practice public accounting only in a proprietorship, a partnership or a professional corporation or association.]

§ 11.36. Business name.

(a) A licensee that is a firm or sole practitioner may use a fictitious name as a business name.

(b) A licensee who is a sole practitioner may not use a professional name bearing the words "and Company," "and Associates" or a variation of those words, unless the licensee employs at least one individual who possesses the credential of certified public accountant or public accountant, has sat for the CPA examination or has the educational qualifications to sit for the CPA examination.

[LIABILITY]

§ 11.41. [Professional corporations and associations liability requirements] (Reserved).

[(a) In addition to the liability provisions of the Professional Corporation Law (15 P. S. §§ 2901—2914), the professional corporation shall carry professional liability insurance in the amount of \$25,000 per claim multiplied by the number of its shareholders, officers and professional employees employed in this Commonwealth; however, the maximum insurance coverage is not required to exceed \$500,000 per claim. In addition to the liability provisions of the Professional Association Act (15 P. S. §§ 12601—12619), the professional association shall carry professional liability insurance in the amount of \$25,000 per claim multiplied by the number of its associates, officers and professional employees employed in this Commonwealth; however, the maximum insurance coverage is not required to exceed \$500,000 per claim. Liability insurance is not required if the professional corporation or the professional association maintains unimpaired capital equal to the amount of insurance required. Liability may not be limited by the forma-

tion of subsidiary or affiliated corporations or associations, each with its own limited and unrelated liability. When the professional corporation or association applies for licensure or licensure renewal, it shall submit verification that it is carrying the professional liability insurance required by this subsection or it shall submit financial statements disclosing that it has unimpaired capital equal to the amount of insurance required by this subsection. The professional corporation or association shall notify the board if its liability insurance policy is cancelled or if unimpaired capital falls below the amount required by this subsection.

(b) For the professional corporation, unimpaired capital as used in subsection (a) means capital assigned to stock plus additional paid-in capital plus retained earnings minus treasury stock held at cost. For the professional association, unimpaired capital as used in subsection (a) means unencumbered owners' equity. The financial statements of the professional corporation or professional association used in determining the unimpaired capital shall be prepared in accordance with generally accepted accounting principles.]

EXPERIENCE

§ 11.53. [Classification of candidates] (Reserved).

[(a) A candidate who holds a baccalaureate degree, passed the examination and completed at least 12 semester credits in accounting subjects of a content satisfactory to the Board shall have at least 2 years of qualified experience in public accounting or as an auditor with a unit of government.

(b) A candidate who holds a master's degree, passed the examination and completed at least 12 semester credits in accounting subjects of a content satisfactory to the Board shall have at least 1 year of qualified experience in public accounting or as an auditor with a unit of government.]

§ 11.54. [Time limits] (Reserved).

[(a) Each year of qualified experience shall be met by attaining 1,600 hours in not less than 12 months.

(b) A candidate may not receive credit for more than 1,600 hours in a 12-month period.

(c) A candidate shall complete the required experience within a 60-month period preceding the date of application for a certificate of certified public accountant.]

§ 11.55. [Qualified experience] Experience requirements for CPA certification.

(a) *General requirements.*

(1) A candidate for CPA certification who qualified for the CPA examination based on possession of a bachelor's degree and completion of 24 semester credits in relevant subjects shall have acquired 3,200 hours of qualifying experience, including a minimum of 800 hours of attest activity, over at least a 24-month period.

(2) A candidate for CPA certification who qualified for the CPA examination based on possession of a master's degree or other postgraduate degree and completion of 24 semester credits in relevant subjects shall have acquired 1,600 hours of qualify-

ing experience, including a minimum 400 hours of attest activity, over at least a 12-month period.

(3) A candidate for CPA certification who qualified for the CPA examination based on possession of a bachelor's degree or higher degree and completion of 150 semester credits of post-secondary education including 36 semester credits in relevant subjects shall have acquired 1,600 hours of qualifying experience, including a minimum 400 hours of attest activity, over at least a 12-month period.

(4) A candidate may not receive credit for more than 1,600 hours of qualifying experience in a 12-month period. A candidate may acquire all hours of qualifying experience in attest activity.

(b) *Attest activity.* A [minimum of 800 hours of total qualified experience] candidate's attest activity shall be [obtained] in one or more of the following areas:

(1) Candidates employed in public accounting:

(i) Audits of financial statements in accordance with GAAS or GAGAS.

[(2)] (ii) * * *

[(3)] (iii) * * *

[(4) Internal audits in an established internal auditing department which meet accepted standards.

(5) Training sessions on the attest function.

(6) [(iv) Other auditing in accordance with accepted standards [which] that leads to an expression of a written opinion including:

[(i)] (A) * * *

[(ii) Government audit agencies rendering an opinion or report.

(iii) Operations audit review]

(B) Operational audits.

[(iv)] (C) * * *

[(v)] (D) * * *

(2) Candidates employed in private industry:

(i) Performance of an independent internal audit function.

(ii) Compliance audits of government contracts performed on behalf of a government agency that result in the issuance of an opinion or report.

(3) Candidates employed in Federal, State or local government:

(i) Performance of an independent internal audit function.

(ii) Audits performed on behalf a government audit agency that results in the issuance of an opinion or report.

[(b) The remaining hours of qualified experience may be obtained] (c) *Nonattest activity.* A candidate's nonattest activity shall be in one or more of the following areas:

* * * * *

(2) Tax research [which] that is properly documented.

* * * * *

(4) Financial forecasts, [analysis] analyses and projections.

(5) Management advisory services [which] that meet AICPA standards.

* * * * *

(7) Professional accounting-related work in [an] a public accounting firm.

[(c) Hours of experience will not be given for time spent on nonprofessional work, including recruiting, industrial engineering, administration, bookkeeping, appraisal, market research or paraprofessional work unless the work complies with subsection(b)(5).] (d) *Nonqualifying experience.* A candidate will not receive credit for the following types of experience:

(1) Experience that was supervised by an individual who did not meet the requirements of § 11.56 (relating to supervision of experience; verification) at the time the experience was obtained.

(2) Experience acquired while self-employed.

(3) Experience acquired as a partner in a partnership.

(4) Experience comprising nonprofessional work—for example, recruiting, industrial engineering, administration, bookkeeping, appraisals—or paraprofessional work that does not comply with subsection (c)(7).

§ 11.56. [Verification] Supervision of experience; verification.

(a) To receive credit for experience under § 11.55 (relating to experience requirements for CPA certification), a candidate for CPA certification shall acquire the experience under the supervision of an individual who meets the following conditions at the time the experience is acquired:

(1) Holds a current license to practice as a certified public accountant or public accountant in this Commonwealth or another jurisdiction.

(2) Either employs the candidate or is employed by the same employer as the candidate. The supervisor may not be a member of a public accounting firm that is independent of the entity that employs the candidate.

(3) Is responsible for and personally evaluates the candidate's work.

(b) [The] A supervisor shall submit a verified statement [to the Board] regarding the candidate's experience on a form provided by the Board [which specifies], specifying the dates of supervision [,] and the types and hours of experience [obtained and the number of hours] acquired.

[(b) The supervisor who submits the statement shall be responsible for its accuracy. Failure to properly verify may result in disciplinary action.] (c) A supervisor may not knowingly submit a false or inaccurate verified statement or wilfully refuse

to submit a verified statement when qualified experience has been acquired.

[INTERPRETATION]

§ 11.73. [Interpretation of chapter] (Reserved).

[This chapter may not be construed to be in violation of or inconsistent with the act.]

[Pa.B. Doc. No. 05-419. Filed for public inspection March 4, 2005, 9:00 a.m.]

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Biennial Renewal Fee Increase

The State Board of Psychology (Board) proposes to amend § 41.12 (relating to fees) to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fee for psychologists from \$120 to \$300.

Effective Date

The proposed amendment will be effective upon final-form publication in the *Pennsylvania Bulletin*. The new fees will take effect for the biennial period commencing December 1, 2005.

Statutory Authority

The proposed rulemaking is authorized under section 3.3(a) of the Professional Psychologists Practice Act (act) (63 P. S. § 1203.3(a)). It requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures.

Background and Need for Proposed Rulemaking

The Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In accordance with section 3.3(a) of the act, if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period, the Board must increase fees by regulation so that its projected revenues will match or exceed expenditures.

The Board raises virtually all of its operating revenue (exclusive of application and services fees) through biennial renewal fees. The biennial license renewal fee is the most substantial revenue generating fee of all the fees charged by the Board. The Board's current biennial license renewal fee for psychologists was established by regulation at 20 Pa. B. 2034 (April 14, 1990).

At its September 21, 2004, Board meeting, the Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2001-2002 and 2003-2004 and projected revenue and expenses for FY 2003-2004 through FY 2010-2011. The summary, presented in table format as follows, demonstrated that the Board must raise fees to meet or exceed projected expenditures to comply with section 3.3(a) of the act. The BFO projected a deficit of \$420,554.58 in FY 2004-2005, a deficit of \$370,554.58 in FY 2005-2006 and a deficit of \$998,554.58 in FY 2006-2007. The BFO recommended that the Board raise fees to meet projected expenditures, in compliance with section 3.3(a) of the act.

2001-2002 beginning balance	\$281,563.02
FY 2001-2002 revenue	701,605.69
Prior year returned funds	15,208.46
FY 2001-2002 expenses	384,000.00
Remaining balance	614,377.17
2002-2003 beginning balance	\$614,377.17
FY 2002-2003 revenue	40,496.72
Prior year returned funds	0.00
FY 2002-2003 expenses	418,000.00
Remaining balance	236,873.89
2003-2004 beginning balance	\$236,873.89
FY 2003-2004 projected revenue	716,282.39
FY 2003-2004 projected expenses	544,000.00
Remaining balance	409,156.28
2004-2005 beginning balance	\$409,156.28
FY 2004-2005 projected revenue	42,000.00
Adjusted for prior year expenses	240,710.86
FY 2004-2005 projected expenses	631,000.00
Remaining balance	(\$420,554.58)
2005-2006 beginning balance	(\$420,554.58)
FY 2005-2006 projected revenue	700,000.00
FY 2005-2006 projected expenses	650,000.00
Remaining balance	(370,554.58)
2006-2007 beginning balance	(\$370,554.58)
FY 2006-2007 projected revenue	42,000.00
FY 2006-2007 projected expenses	670,000.00
Remaining balance	(998,554.58)
2007-2008 beginning balance	(\$998,554.58)
FY 2007-2008 projected revenue	700,000.00
FY 2007-2008 projected expenses	690,000.00
Remaining balance	(998,554.58)
2008-2009 beginning balance	(\$998,554.58)
FY 2008-2009 projected revenue	42,000.00
FY 2008-2009 projected expenses	711,000.00
Remaining balance	(1,657,554.58)
2009-2010 beginning balance	(\$1,657,554.58)
FY 2009-2010 projected revenue	740,000.00
FY 2009-2010 projected expenses	732,000.00
Remaining balance	(1,649,554.58)
2010-2011 beginning balance	(\$1,649,554.58)
FY 2010-2011 projected revenue	42,000.00
FY 2010-2011 projected expenses	754,000.00
Remaining balance	(\$2,361,554.58)

The BFO estimates that at the close of FY 2004-2005, the Board's expenses will exceed its revenues by \$420,554.58. The BFO anticipates that the deficit will increase proportionally, except for FY 2005-2006, in each succeeding fiscal year. Without an increase, the projected deficit in FY 2010-2011 would be \$2,361,554.58.

The increases in the Board's biennial expenses occurred primarily in hearing examiner and legal office costs. Hearing examiner expenditures increased from approximately \$10,914.55 in FY 2002-2003 to approximately \$28,472.31 in FY 2003-2004. The BFO estimates that this expenditure will increase to \$32,000.00 in FY 2004-2005. The legal office expenditures increased from approximately \$208,344.29 in FY 2002-2003 to approximately \$228,056.31 in FY 2003-2004. BFO anticipates that this expenditure will increase to \$240,000.00 in FY 2004-2005.

Hearing examiner costs almost tripled in 2003-2004 as a result of the increasing number of cases delegated to the hearing examiners in 2002-2003. During 2002-2003, the Board delegated 20 cases to hearing examiners. In 2003-2004, the Board delegated 10 cases to hearing examiners. Many of the cases delegated in 2002-2003

were actually heard in 2003-2004. In addition to continuing education cases which were delegated in 2002-2003, in 2003-2004, the Board also began delegating criminal conviction and reciprocal discipline cases to hearing examiners.

In 2003, the Board imposed significantly more disciplinary sanctions than in any prior year. In 2003, the Board imposed 32 total sanctions, as opposed to 17 in 2002, 10 in 2001, 16 in 2000 and 20 in each 1998 and 1999. Additionally, the Board imposed more serious sanctions than in any prior year, imposing 12 serious sanctions in 2003, 7 in 2002, 5 in 2001, 8 in 2000 and 3 each in 1998 and 1999. Finally, the Board closed more cases in 2003 than in any prior year, closing 133 cases as compared with 87 cases in 2002, 62 in 2001, 88 in 2000, 86 in 1999 and 114 in 1998. As of September 20, 2004, there were 104 cases currently opened as opposed to 131 cases open as of September 20, 2003.

At the same time, the Board's licensee population has declined by about 400 licensees over the past 5 years. The net effect was that while the Board's costs of enforcement activities were increasing, the Board experienced a decrease in its largest revenue-generating source. Moreover, as a result of a small licensee population, the Board is unable to take advantage of the economies of scale available to licensees of Boards with larger populations.

The Board carefully reviewed several options in fee increases to ensure the lowest fee increase possible while keeping the Board out of a long run deficit. In addition to increasing fees the Board is looking at ways to streamline procedures to cut costs, but the fee increases are still necessary to maintain a positive balance in the Board account in the long run. Finally, in developing the proposal, the Board reviewed fees of other states. It found that the proposed fees are comparable to the renewal fees charged in surrounding states and should cause no competitive disadvantage to the Commonwealth.

Description of Proposed Rulemaking

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend its fee schedule in § 41.12 (relating to fees) to increase the fee for biennial renewal of licenses for psychologists from \$120 to \$300.

Fiscal Impact

The proposed rulemaking will increase the biennial renewal fee for psychologists. The proposed rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed regulations should not create additional paperwork for the private sector.

Sunset Date

The act requires that the Board monitor its revenue and expenses on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 23, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christina Stuckey, Administrator, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ALEX M. SIEGEL, J.D., Ph.D.,
Chairperson

Fiscal Note: 16A-6316. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF PSYCHOLOGY LICENSES

§ 41.12. Fees.

The schedule of fees charged by the Board is as follows:

* * * * *

Biennial renewal fee \$[120] 300

[Pa.B. Doc. No. 05-420. Filed for public inspection March 4, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

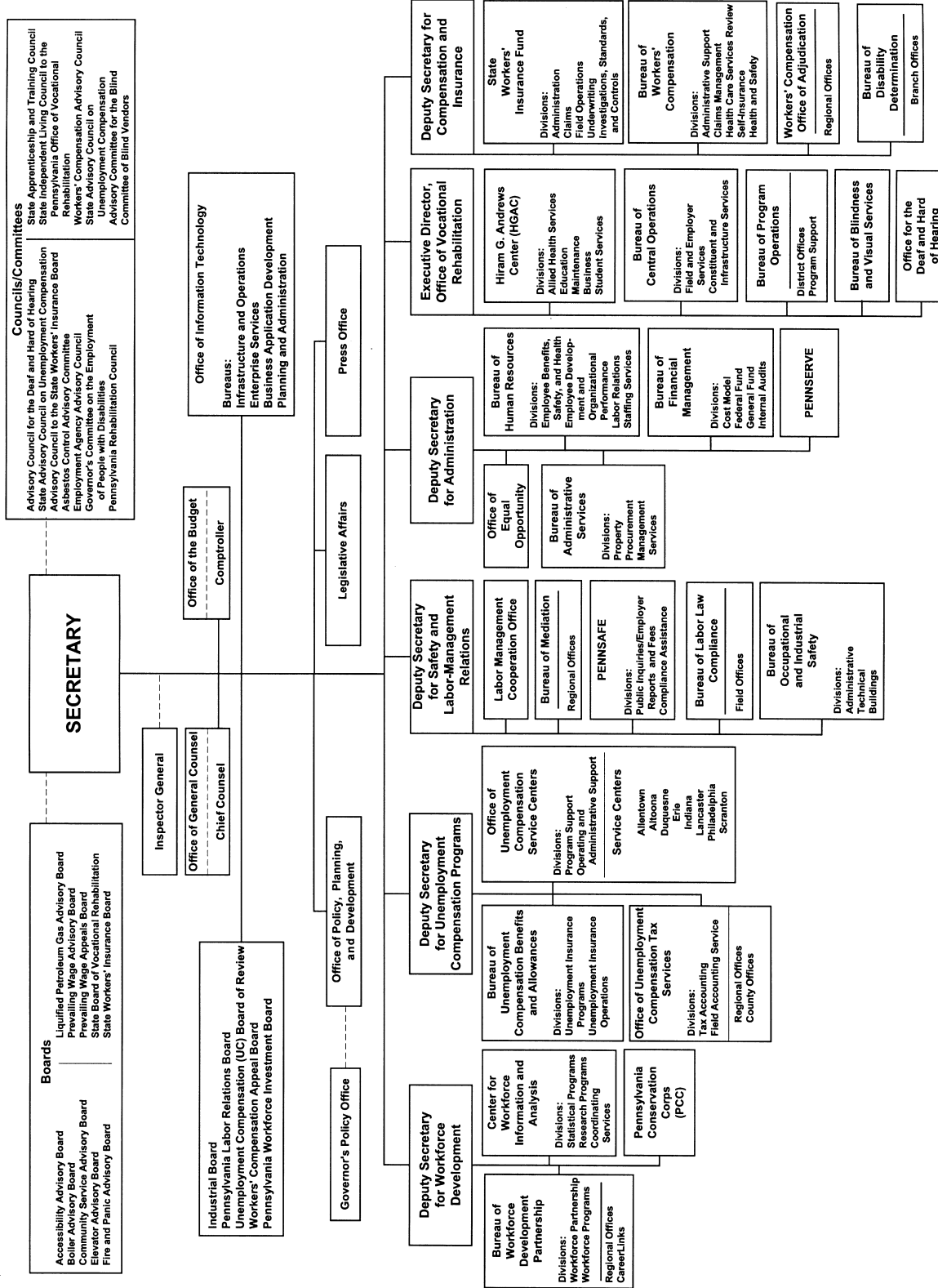
The Executive Board approved a reorganization of the Department of Labor and Industry effective February 15, 2005.

The organization chart at 35 Pa.B. 1585 (March 5, 2005) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 05-421. Filed for public inspection March 4, 2005, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY



NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, March 16, 2005. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the offices of Wolf, Block, Schorr and Solis-Cohen, LLP, 26th Floor Conference Room, 1650 Arch Street, Philadelphia, PA.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: a status report on the development of numeric values for existing water quality in the Lower Delaware; a report of the Water Management Advisory Committee; a report of the Flow Management Technical Advisory Committee; a proposal to amend Resolution No. 2002-33 regarding to the operation of Lake Wallenpaupack during drought watch, drought warning and drought operations (previously noticed as a resolution to amend the *Water Code* and *Comprehensive Plan* regarding to the coordinated operation of lower basin and hydroelectric reservoirs during a basinwide drought); a report on the February 17 and 18, 2005, meeting of the Expert Panel for the Phase 2 TMDL for PCBs in the Delaware Estuary; and a proposal to amend the *Water Quality Regulations*, *Water Code* and *Comprehensive Plan* by establishing pollutant minimization plan requirements for point and nonpoint discharges following issuance of a TMDL or assimilative capacity determination.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the following dockets:

1. *Forest Park Water (North Penn and North Wales Water Authorities) D-65-76 CP-9*. An application to treat and discharge additional wastewater resulting from the proposed expansion of the Forest Park Water Treatment Plant located in Chalfont Borough, Bucks County. The applicant clarifies and disinfects up to 2 million gallons per day (mgd) of filter backwash and rinse water prior to discharging to Pine Run in the Neshaminy Creek Watershed. The potable water filtration plant will be expanded from 30 to 40 mgd to meet the existing Water Allocation Permit limit. Therefore, no expansion of the Point Pleasant Pumping Station on the Delaware River is required. The expanded wastewater treatment and water filtration facilities will continue to serve portions of Bucks and Montgomery Counties.

2. *Borough of Phoenixville D-67-80 CP-2*. An application to upgrade a 4 mgd sewage treatment plant (STP) to meet proposed nitrification standards and to improve effluent disinfection. The project is located off the intersection of Main Street and Second Avenue in Phoenixville Borough, Chester County. The project will continue to serve Phoenixville Borough, Schuylkill Township and East Pikeland Township, all in Chester County. STP effluent will continue to be discharged to the nontidal Schuylkill River in an area designated as Modified-Recreational in the DRBC Comprehensive Plan. No expansion of annual average treatment capacity is proposed, but the ability to treat wet weather related surges will be significantly improved.

3. *Waste Management Disposal Services of Pennsylvania, Inc. D-88-54-2*. An application to modify a landfill

leachate treatment plant discharge to the tidal Delaware River by means of a constructed discharge cove in Water Quality Zone 2. The treatment plant serves the Tullytown and GROWS Landfills and is located off Bordentown Road in Falls Township, Bucks County. The existing 0.1 mgd leachate treatment plant utilizes the best available treatment technology but cannot consistently meet effluent total dissolved solids and color limits. The docket holder has requested modification to its docket to allow an increase in the average discharge concentration of Total Dissolved Solids to 10,000 mg/l from the current 6,560 mg/l and an increase in the maximum effluent limit for True Color to 1,500 units from the current 750 units on a platinum-cobalt scale. In support of its requested modifications, the docket holder has completed an environmental study that indicates the changes would result in no significant impact to the Delaware Estuary. No increase in treatment plant capacity is proposed. The docket holder also proposes to construct two effluent storage tanks at the GROWS leachate treatment plant to replace an existing tank and seeks approval to haul leachate to a proposed transfer station that will reroute flow to the Morrisville Borough STP, just upstream on the tidal Delaware River within Water Quality Zone 2.

4. *County of Bucks—Neshaminy Manor Complex D-91-36 CP Renewal*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 6.0 million gallons/30 days (mg/30 days) to supply the applicant's commercial and institutional water supply distribution system from existing Wells Nos. 4 and 5 in the Locketong and Stockton formations, respectively. The project is located in Doylestown Township, Bucks County, and is located in the Southeastern Pennsylvania Ground Water Protected Area.

5. *Talamore at Oak Terrace Inc. D-93-30-2*. An application for renewal of a groundwater withdrawal project to continue to supply up to 5.0 mg/30 days of water for supplemental irrigation of the applicant's golf course from three existing wells, all in the Stockton Formation. No change in the existing allocation is proposed. The project is located in the Park Creek Watershed in Horsham Township, Montgomery County, in the Southeast Pennsylvania Ground Water Protected Area.

6. *Sealed Air Corporation D-94-81-2*. An application for renewal of a groundwater withdrawal project to continue to supply up to 8.0 mg/30 days of water for industrial process from existing Wells Nos. PW-1 and PW-2 located in the Buffalo Springs Formation. No increase in allocation is proposed. The project is located in the Schuylkill River Watershed in the City of Reading, Berks County.

7. *Audubon Water Company D-2004-4 CP*. An application for approval of a groundwater withdrawal project to supply up to 14.688 mg/30 days of water to the applicant's public water distribution system from new Well No. AWC-14 in the Stockton Formation, 1.44 mg/30 days of water from Wells Nos. 1—3 and to increase the existing withdrawal from all wells to 49.79 mg/30 days. The project wells are located in the Pine Run and Schuylkill River watersheds in Lower Providence Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

8. *West Bradford Township D-2004-22 CP*. An application to construct a 0.146 mgd STP to serve a proposed 286 home development on the 559-acre DuPont Estate property off the intersection of Lone Eagle and

Romansville Roads in West Bradford Township, Chester County. Following secondary treatment in oxidation lagoons, disinfected effluent will be spray applied to 26 adjacent acres at a rate of 0.16 inch per hour. A 14.7 mg storage pond will be provided to hold effluent for up to 100 days during prolonged cold or wet weather periods; therefore, no discharge to Broad Run in the West Branch Brandywine Creek Watershed is required.

9. *Mobile Pipe Line Company D-2004-36-1*. An application to construct a new 12-inch diameter refined petroleum products pipeline under the Delaware River to replace a common-trench dual pipeline, which is also used to convey liquid petroleum products (gasoline, heating oil and diesel fuel). The proposed pipeline crossing of the tidal Delaware River in DRBC Water Quality Zone 3 will utilize the best available technology to install the new pipeline approximately 30 to 50 feet below the bottom of the Delaware River, by means of the directional drilling method. The proposed 5,200-foot long pipeline will be connected on the New Jersey side of the Delaware Estuary with a proposed 1,400-foot long conventional trench pipeline to the Valero Refinery in Greenwich Township, Gloucester County. On the Pennsylvania side of the Delaware River, the proposed pipeline will be connected to a proposed 1,350-foot long conventional trench pipeline in Tinicum Township, Delaware County, where it will convey the flow to the existing distribution system. Less than 1 acre of wetlands will be disturbed, and that will be of temporary duration. The proposed pipeline will be pressure-tested using up to 50,000 gallons of potable water from the Philadelphia Water Department, which has adequate existing capacity, prior to the discharge to the Delaware Estuary by means of an existing energy-diffusing and chlorine-dissipating drainage swale.

10. *Mafco Worldwide Corporation D-2004-38-1*. An application for approval of a groundwater and surface water withdrawal project to supply up to 11 mg/30 days of water to the applicant's industrial food processing facility from Wells Nos. 1 East and 3 West and up to 11 mg/30 days from the Delaware River intakes and to limit the existing withdrawal from all sources to 11 mg/30 days. The project is located in the Delaware River in the City of Camden, Camden County, NJ.

11. *Alcoa Extrusions, Inc. D-2005-1-1*. An application for an existing industrial wastewater treatment plant to process up to 0.1 mgd and to continue to discharge to the West Branch Schuylkill River through five existing outfalls. No modification of the existing plant or increase in flow is proposed. The applicant is a manufacturing facility located in Cressona Borough, Schuylkill County.

In addition to the public hearing on the dockets listed, the Commission's 1:30 p.m. business meeting will include a public hearing and possible action on a resolution to amend Resolution No. 2002-33 regarding to the operation of Lake Wallenpaupack during drought watch, drought warning and drought operations (previously noticed as a resolution to amend the *Water Code* and *Comprehensive Plan* regarding to the coordinated operation of lower basin and hydroelectric reservoirs during a basinwide drought); and a resolution to amend the *Water Quality Regulations, Water Code* and *Comprehensive Plan* by establishing pollutant minimization plan requirements for point and nonpoint discharges following issuance of a TMDL or assimilative capacity determination.

The public hearing on the resolution to amend Resolution No. 2002-33 is the second public hearing on this item and is limited to comments on Paragraph 1.B.2. of the resolution. Paragraph 1.B.2. provides that during drought warning and drought operations, Lake Wallenpaupack will be utilized with consideration given to established flow and temperature targets in the Upper Delaware River and in the West Branch Delaware, East Branch Delaware and Neversink Rivers. Comment on all other aspects of the resolution was closed following a public hearing on January 19, 2005.

The meeting will also include: adoption of the minutes of the January 19, 2005, business meeting; announcements; a report on basin hydrologic conditions; a report by the Executive Director; a report by the Commission's general counsel and an opportunity for public dialogue. Draft dockets and the resolutions scheduled for public hearing or action on March 16, 2005, will be posted on the Commission's website: www.drbc.net (select "Next DRBC Meeting") where they can Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500 Ext. 221 with docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary at (609) 883-9500 Ext. 203 or through the Telecommunications Relay Services (TRS) at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 05-422. Filed for public inspection March 4, 2005, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 22, 2005.

BANKING INSTITUTIONS Holding Company Acquisitions

Date	Name of Corporation	Location	Action
2-16-05	KNBT Bancorp, Inc., Bethlehem, to acquire 100% of the voting shares of Northeast Pennsylvania Financial Corp., Hazelton	Bethlehem	Filed

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-05	Enterprise Interim Bank Allison Park Allegheny County	Allison Park	Approved

The interim bank is being incorporated to facilitate the reorganization of Enterprise Bank, Allison Park, into a holding company structure.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-13-04	First Financial Bank Downingtown Chester County	Downingtown	Effective
	Purchase of assets/assumption of liabilities of one branch of PNC Bank, N. A., Pittsburgh Located at: Pennsylvania Avenue and First Street Avondale Chester County		
2-16-05	Keystone Nazareth Bank & Trust Company, Bethlehem, and First Federal Bank, Hazelton, Surviving Institution— Keystone Nazareth Bank & Trust Company, Bethlehem	Bethlehem	Filed
2-16-05	Keystone Nazareth Bank & Trust Company, Bethlehem, and Northeast Pennsylvania Trust Company, Hazelton Surviving Institution— Keystone Nazareth Bank & Trust Company, Bethlehem	Bethlehem	Filed
2-17-05	The Legacy Bank Harrisburg Dauphin County	Harrisburg	Approved
	Purchase of assets/assumption of liabilities of one branch office of The Harleysville National Bank and Trust Company, Harleysville Located at: 25 North Kennedy Drive McAdoo Schuylkill County		
2-18-05	Northwest Savings Bank, Warren, PA, and Jamestown Savings Bank, Jamestown, NY Surviving Institution— Northwest Savings Bank, Warren, PA	Warren, PA	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-17-05	Keystone Nazareth Bank and Trust Company Bethlehem Northampton County	801 South 25th Street Palmer Township Northampton County	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-31-05	S & T Bank Indiana Indiana County	To: 920 Fifth Avenue Ford City Armstrong County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 323 Ford Street Ford City Armstrong County	
2-7-05	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 708 West High Street Ebensburg Cambria County	Effective
		<i>From:</i> 613 West High Street Ebensburg Cambria County	
2-11-05	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> 1635 Lititz Pike Lancaster Manheim Township Lancaster County	Effective
		<i>From:</i> 1700A Fruitville Pike Lancaster Manheim Township Lancaster County	
2-17-05	Keystone Nazareth Bank and Trust Company Bethlehem Northampton County	<i>To:</i> 741 South 25th Street Palmer Township Northampton County	Approved
		<i>From:</i> 3091 William Penn Highway Palmer Township Northampton County	

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-22-05	The Legacy Bank Harrisburg Dauphin County	140 Can-Do Expressway Hazelton Luzerne County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-18-05	Pittsburgh Teachers Credit Union, Pittsburgh, and MHE Federal Credit Union, McKeesport Surviving Institution— Pittsburgh Teachers Credit Union, Pittsburgh	Pittsburgh	Filed

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-423. Filed for public inspection March 4, 2005, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Community Development Block Grant Disaster Recovery Funds Program Guidelines

The United States Department of Housing and Urban Development (HUD) has allocated to the Commonwealth \$2,528,243 in Community Development Block Grant (CDBG) Disaster Recovery Funds for recovery efforts related to:

1. Tropical Storms Henri and Isabel which occurred between September 15 and 23, 2003 (FEMA-1497).
2. Severe storms and flooding which occurred between July 27 and August 25, 2004 (FEMA-1538).
3. Tropical Depressions Frances which occurred between September 8 and 9, 2004 (FEMA-1555) and Ivan which occurred between September 17 through October 1, 2004.

This funding is for local governments to use for disaster relief, long-term recovery activities and mitigation, except for those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration.

Eligibility

This disaster recovery funding is available to any unit of local government in this Commonwealth, including those that qualify as direct Federal entitlement communities or urban counties under the CDBG program.

Grantees may use these CDBG Disaster Recovery Funds for efforts involving housing, economic development, infrastructure and prevention of further damage to affected areas. Examples of these activities include:

1. Buying properties in a floodplain and relocating residents to safer areas.
2. Relocation payments for people and businesses displaced by the disaster.
3. Debris removal not covered by FEMA.
4. Rehabilitation of homes and buildings damaged by the disaster.
5. Buying, constructing or rehabilitating public facilities such as streets, neighborhood centers and water, sewer and drainage systems.
6. Code enforcement.
7. Homeownership activities such as downpayment assistance, interest rate subsidies and loan guarantees for disaster victims.
8. Public services (generally limited to no more than 15% of the grant).
9. Helping businesses retain or create jobs in disaster impact areas.
10. Planning and administration costs.

Funding Priority and Grant Limits

Based on recommendations of the State Recovery Task Force, the Department of Community and Economic Development (Department) will give priority consideration for funding to applications which address the repair and rehabilitation of housing units damaged by these events. This includes:

1. Owner occupied housing—repair and rehabilitation programs.
2. Renter occupied housing—repair and rehabilitation programs.
3. Clearance and demolition of housing units damaged beyond repair, including mobile home parks.
4. Other housing activities such as downpayment assistance, interest subsidy programs, payment of closing costs and loan guarantees for persons affected by the storms.
5. Relocation assistance for displaced persons.

Applications for nonhousing related activities will also be carefully evaluated using the scoring criteria in the "Review Process" part of this notice.

The minimum grant amount is \$100,000 and the maximum is \$500,000. The Department reserves the right to adjust these figures based on the applications submitted.

Application Process

The following forms make up the application package for the Disaster Recovery Grant:

1. Single Application for Assistance.
2. General Application Description/Certifications.

3. A resolution of the local governing body authorizing the application submission.

4. Statement of Assurances.
5. Management Plan/Local Staff Capacity.
6. Activity Description—attached.
7. LMI Principal Benefit Determination.
8. CDBG Budget Summary.
9. Other Supporting Documents.

10. *Waivers Granted to and Alternative Requirements for CDBG Disaster Recovery Grantees, published at 69 FR 72100 (December 10, 2004).*

Copies of the application package are available on the Department's website: www.inventpa.com. Individuals can contact the Department at (717) 720-7403, (717) 720-7410 or tbrennan@state.pa.us.

Applicants should prepare a Single Application for Assistance. Key forms in the application package are item no. 6, Activity Description, and item no. 9, Other Supporting Documents, where the applicant should describe the impact the identified disaster had on the community, what the greatest remaining need for funding is, how the funds being applied for will alleviate the impact of the disaster, especially those of low and income families. Applicants should use the narrative portion of item no. 6, Activity Description form, to explain how their proposed project will be accomplished in an expedited manner. Applicants are encouraged to provide all the supporting documentation they feel is necessary. Applicants should also carefully read the 69 FR 72100 to fully understand the requirements and waivers that govern the use of these funds.

Review Process

The Department will evaluate the applications submitted and make funding decisions based on the following considerations:

1. The documented impact on the community—30 points.
2. The activities proposed by the community to recover from the disaster—30 points.
3. The identified benefit to low and moderate income persons—30 points.
4. The ability to carry out the activities in a timely manner—10 points.

Using the criteria, the Department will award funding to those communities who have identified the greatest disaster recovery need.

Program Requirements and Waivers

The distribution of these Disaster Recovery Funds is subject to all the usual rules and regulations of the CDBG Program, but many exceptions apply and key ones are listed as follows:

- a. The overall benefit criteria, normally 70%, is 50% for this program meaning that, at least 50% of the funds must be used for activities that benefit low and moderate income persons. The other 50% can be used for activities that eliminate slums and blight or meet an urgent need.
- b. Consistency with the applicants Consolidated Plan is waived, but only until the first update to the consolidated plan.
- c. Citizen participation requirements are replaced with an alternative that does not mandate public hearings but

does require a reasonable opportunity for citizen comment and ongoing citizen access to how the grants funds are being used.

d. Payment of up to 100% of the housing down payment is allowed.

e. The antipirating clause is waived in a limited fashion, so that grantees can provide assistance using these funds, to any business that was operating in a designated disaster area between April 30, 2003, and September 30, 2004.

f. A limited waiver of the relocation requirements.

g. The one-for-one housing replacement requirement does not apply for low and moderate income dwelling units damaged by the disaster, or where the CDBG funds are used for demolition of housings units which are not suitable for rehabilitation.

h. A regulatory waiver allows the distribution of these funds by states to direct Federal entitlement communities and urban counties, entities that normally do not participate in the State CDBG program.

Applicants are urged to review in detail 69 FR 72100 to fully understand these and other rule changes that apply.

Program Income

Program income received by a local grantee as a result of disaster recovery grant activities can be retained by the grantee, with written Department concurrence, only if it is being used for the same activity from which the program income was derived.

Administrative Costs

Communities applying for these funds can use 20% of the total amount of Disaster Recovery Grant funds awarded for administrative costs. The Department will not utilize its normal 2% for administrative costs.

Reporting

In allocating these funds, Congress requested quarterly reports using an online Disaster Recovery Grant Reporting system.

Matching Funds Requirement

Each applicant is required to provide a match of 10% in non-Federal funds or its equivalent value, other than administrative costs, for any HUD disaster recovery grants received. The requirements of 69 FR 72100, included as part of the application package, list in detail those items that qualify as local match, as well as those that do not qualify.

Deadlines

The deadline for local governments to submit an application for funding consideration is April 4, 2005.

Applications should be submitted to the Department of Community and Economic Development, Office of Community Development—Disaster Recovery Grant, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225 or tbrennan@state.pa.us.

To receive these funds, the Department must submit an action plan to HUD by April 30, 2005. Grant award notice to applicants will be made once notice is received from HUD.

Contract Period

The contract period for spending these funds will be 48 months.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 05-424. Filed for public inspection March 4, 2005, 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 related to 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 (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<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 a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional 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. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing 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

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0053384	Assembly Hall of Jehovah's Witnesses of Buckingham	Bucks County Buckingham Township	Tributary to Mill Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA-0042951 Sewage	Tremont Municipal Authority 423 West Main Street Tremont, PA 17981	Schuylkill County Tremont Township	Swatara Creek (7D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0082732 (Sewage)	East St. Clair Township Municipal Authority (Stone Creek) P. O. Box 55 Fishertown, PA 15539-0055	Bedford County East St. Clair Township	Dunning Creek/11C	Y
PA0082694 (Sewage)	East St. Clair Township Municipal Authority (Fishertown) P. O. Box 55 Fishertown, PA 15539-0055	Bedford County East St. Clair Township	Dunning Creek/11C	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

PA0050377, Industrial Waste, SIC 2833, **Lonza, Inc.**, 900 River Road, Conshohocken, PA 19428. This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated process wastewater (Outfall 001) and stormwater (Outfall 002) from a manufacturer of fine organic chemicals which are used as active ingredients in the production of pharmaceutical products elsewhere.

The receiving stream, Schuylkill River via Matsunk Creek, is in the State Water Plan watershed 3F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River, approximately 8.7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
BOD ₅	467	934	700	1,400	1,750
Total Suspended Solids	67	133	100	200	250
Chemical Oxygen Demand	571	1,118	856	1,675	2,140
Total Dissolved Solids	11,676	23,352	17,500	35,000	43,750
Ammonia as N					
(3-01 to 10-31)	13		20		50
(11-01 to 2-29)	20		29.4		73.5
Temperature					110°F
pH (Standard Units)			6.0, 1-min.		9.0
Influent BOD ₅	Monitor	Monitor	Monitor	Monitor	
Percent Removal BOD ₅			90%		
Influent TSS	Monitor	Monitor	Monitor	Monitor	
Percent Removal TSS			85%		
Influent COD	Monitor	Monitor	Monitor	Monitor	
Percent Removal COD			74%		
Color (PT/Cobalt Scale)			100		
Cyanide, Total	1.2	2.5	1.9	3.8	4.8
Acetone			0.2	0.5	
Acetonitrile			10.2	25	
N-Amyl Acetate			0.5	1.3	
Amyl Alcohol			4.1	10	
Benzene			0.02	0.05	
N-Butyl-Acetate			0.5	1.3	
Chlorobenzene			0.06	0.15	
Chloroform			0.01	0.02	
O-Dichlorobenzene			0.06	0.15	
1,2-Dichloroethane			0.1	0.4	
Diethylamine			102	250	
Dimethyl Sulfoxide			37.5	91.5	
Ethanol			4.1	10	
Ethyl Acetate			0.5	1.3	
N-Heptane			0.02	0.05	
N-Hexane			0.02	0.03	
Isobutyraldehyde			0.5	1.2	
Isopropanol			1.6	3.9	
Isopropyl Acetate			0.5	1.3	
Isopropyl Ether			2.6	8.4	
Methanol			4.1	10	
Methyl Cellosolve			40.6	100	
Methylene Chloride			0.3	0.9	
Methyl Formate			0.5	1.3	
4-Methyl-2-Pentanone			0.2	0.5	
Phenol			0.02	0.05	
Tetrahydrofuran			2.6	8.4	
Toluene			0.02	0.06	
Triethylamine			102	250	
Xylenes			0.01	0.03	
N-Nitrosodi-Methylamine			0.008	0.016	
Lithium, Total			Monitor	Monitor	

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>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅			Monitor	Monitor	
Chemical Oxygen Demand			Monitor	Monitor	
Oil and Grease			Monitor	Monitor	

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
pH (Standard Units)			Monitor	Monitor	
Total Suspended Solids			Monitor	Monitor	
Total Kjeldahl Nitrogen			Monitor	Monitor	
Total Phosphorus			Monitor	Monitor	
Iron, Dissolved			Monitor	Monitor	
Cyanide, Total			Monitor	Monitor	
Acetone			Monitor	Monitor	
Acetonitrile			Monitor	Monitor	
N-Amyl-Acetate			Monitor	Monitor	
Amyl Alcohol			Monitor	Monitor	
Benzene			Monitor	Monitor	
N-Butyl Acetate			Monitor	Monitor	
Chlorobenzene			Monitor	Monitor	
Chloroform			Monitor	Monitor	
O-Dichlorobenzene			Monitor	Monitor	
1,2-Dichloroethane			Monitor	Monitor	
Diethylamine			Monitor	Monitor	
Dimethyl Sulfoxide			Monitor	Monitor	
Ethanol			Monitor	Monitor	
Ethyl Acetate			Monitor	Monitor	
N-Heptane			Monitor	Monitor	
N-Hexane			Monitor	Monitor	
Isobutyraldehyde			Monitor	Monitor	
Isopropanol			Monitor	Monitor	
Isopropyl Acetate			Monitor	Monitor	
Isopropyl Ether			Monitor	Monitor	
Methanol			Monitor	Monitor	
Methyl Cellosolve			Monitor	Monitor	
Methylene Chloride			Monitor	Monitor	
Methyl Formate			Monitor	Monitor	
4-Methyl-2-Pentanone			Monitor	Monitor	
Phenol			Monitor	Monitor	
Tetrahydrofuran			Monitor	Monitor	
Toluene			Monitor	Monitor	
Triethylamine			Monitor	Monitor	
Xylenes			Monitor	Monitor	
N-Nitrosodi-Methylamine			Monitor	Monitor	
Total Dissolved Solids			Monitor	Monitor	
Ammonia as N			Monitor	Monitor	
Aluminum			Monitor	Monitor	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures if Public Nuisance
2. Total Suspended Solids 85% Reduction Requirement
3. Chemical Oxygen Demand 74% Reduction Requirement
4. BOD₅ 90% Reduction Requirement
5. Influent Sampling and Reporting Requirement
6. Thermal Requirement
7. Approval of Additives
8. Additive Requirements
9. Specification of Test Methods
10. Change in Ownership
11. Sludge Disposal
12. Stormwater Requirements

The EPA waiver is in effect.

PA0036412, Sewage, **Tel Hai Retirement Community**, P. O. Box 190, Honey Brook, PA 19344. This existing facility is located in Honey Brook Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of a NPDES permit for an existing discharge of treated sewage from the Tel Hai Retirement Community sewage treatment plant.

The receiving stream, Two Log Run, is in the State Water Plan watershed 3H and is classified for: HQ-TSF, MF. The nearest downstream public water supply is an intake for the City of Coatesville located on West Brandywine Creek, approximately 8.3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.055 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(5-01 to 10-31)	4.6		10		20
(11-01 to 4-30)	9.2		20		40
Total Suspended Solids	12.8		28		56
Ammonia as N					
(5-01 to 10-31)	1.3		2.9		5.8
(11-01 to 4-30)	4.0		8.7		17.4
Phosphorus					
(4-01 to 10-31)	0.9		1.9		3.8
Fecal Coliform			200/100 ml		
Dissolved Oxygen			5.0 (min.)		
pH (STD Units)			6.0 (min.)		9.0
Total Residual Chlorine			0.5		1.2
NO ₂ -N and NO ₃ -N					
(5-01 to 10-31)	12.4		27		54
(11-01 to 4-30)	10.5		23		46

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator
2. Abandon STP When Municipal Sewers Available
3. Remedial Measures if Unsatisfactory Effluent
4. No Stormwater
5. Acquire Necessary Property Rights
6. Change of Ownership
7. Total Residual Chlorine Requirement
8. Sludge Disposal Requirement
9. Imax Requirements
10. 2/Month Monitoring Requirements

PA0052922, IW, SIC 2098, **Conte Luna Foods, Inc.**, 40 Jacksonville Road, Warminster, PA 18974. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 7,200 gpd of noncontact cooling water into a UNT to Pennypack Creek.

The receiving stream, UNT of Pennypack Creek, is in the State Water Plan watershed 2F Neshaminy and is classified for: TSF.

The proposed effluent limits for Outfall 001 are based on a design flow of 7,200 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	Within limits of 6.0—9.0 standard units at all times		
Temperature (°F)			
January 1—January 31		72	110
February 1—February 29		69	110
March 1—May 31		110	110
June 1—June 15		95	110
June 16—June 30		87	110
July 1—July 31		77	110
August 1—August 15		99	110
August 16—September 15		110	110
September 16—September 30		108	110
October 1—October 15		102	110
October 16—October 31		92	110
November 1—November 15		88	110
November 16—November 30		74	110
December 1—December 31		66	110

PA0054950, Industrial Waste, SIC 2013, **Pilgrim's Pride Corporation**, 471 Harleysville Pike, P. O. Box 8, Franconia, PA 18924-0008. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Activity: discharge of treated process wastewater from the industrial waste water treatment plant.

The receiving stream, UNT to Indian Creek, is in the State Water Plan watershed 3E and is a dry swale which flows to the Indian Creek classified for: TSF. The nearest downstream public water supply intake, for Philadelphia Suburban Water Company, is located on Perkiomen Creek, 19.52 miles below the point of discharge.

The following proposed effluent limits for Outfall 001 are based on a design flow of 300,000 gpd and reflect changes to the notice published at 34 Pa.B. 6057 (November 6, 2004).

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅	25	50	10	20	25
Total Suspended Solids	25	50	10	20	25
Ammonia as N					
(5-01 to 10-31)	5.0	10.0	2.0	4.0	5.0
(11-01 to 4-30)	10.0	20.0	4.0	8.0	10.0
Total Nitrogen			20.0	40.0	50.0
Phosphorus as P	2.5	5.0	1.0	2.0	2.5
Total Dissolved Solids			Monitor	Monitor	Monitor
Fecal Coliform			200 # col/ml		
pH (STD unit)			minimum 6.0		9.0
Oil and Grease			8	14	20
Total Residual Chlorine			0.5		1.2
Dissolved Oxygen			minimum 6.0		
Hardness as CaCO ₃			Monitor		
Osmotic Pressure					100 mos/kg
Color					100 pc units
Temperature					110°F
Mercury, Total			Monitor	Monitor	Monitor
Copper, Total			Monitor	Monitor	Monitor
Zinc, Total			Monitor	Monitor	Monitor
Phenolics, Total			0.005	0.01	0.012

In addition to the effluent limits, the permit contains the following major special conditions:

1. Effective Disinfection
2. Remedial Measures
3. Test Methods
4. Change of Ownership
5. Sludge Disposal
6. TMDL/WLA Analysis
7. Stormwater Discharge from Outfall 002
8. Operations and Maintenance Plan
9. Laboratory Certification
10. Groundwater Monitoring

PA0050521, Sewage, SIC 4952, **Green Lane-Marlborough Joint Authority Wastewater Treatment Plant**. This facility is located at Gravel Pike at Sumneytown Road, Green Lane, PA 18054, **Montgomery County**. The mailing address is: Green Lane-Marlborough Joint Authority, P. O. Box 45, Green Lane, PA 18054.

Description of Activity: This application is for renewal of an NPDES permit to discharge treated sewage effluent from the Green Lane-Marlborough Joint Authority's sewage treatment plant to Perkiomen Creek.

The receiving stream, Perkiomen Creek, is in the State Water Plan watershed 3E-Perkiomen and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Suburban Water Company is located on Perkiomen Creek, approximately 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.200 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅	42	66	25	40	50
Total Suspended Solids	50	75	30	45	60
Ammonia as N	17	25	10	15	20
Total Phosphorus as P	3.3		2.0		
Fecal Coliform			200 #/100 ml		

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	
Dissolved Oxygen			Monitor and Report		
pH	Within limits of 6.0—9.0 STD units at all times				
Total Residual Chlorine			0.5		1.0

The EPA waiver is in effect.

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

Application No. PA 0084026, Sewage, **Northwestern Lancaster County Authority**, 97 North Penryn Road, Manheim, PA 17545. This facility is located in Penn Township, **Lancaster County**.

Description of activity: The application is for issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream, Chickies Creek, is in Watershed 7-G and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.65 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.5		9.0
(11-1 to 4-30)	13.5		27
Total Phosphorus	2		4
Total Nitrogen		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,200/100 ml as a geometric average	

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0010677, SIC Code 3824, Industrial Waste, **Veeder-Root Company**, P. O. Box 1673, Altoona, PA 16603-1673. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to a UNT to Spencer Run, in Allegheny Township, **Blair County**.

The receiving stream is classified for WWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located in Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of .0048 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XXX	Monitor and Report	XXX
pH (S.U.)		From 6.0 to 9.0 inclusive	
Temperature °F	XXX	Monitor and Report	XXX

The proposed effluent limits for Outfall 002 for a design flow of .043 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XXX	XXX	XXX
pH (S.U.)		From 6.0 to 9.0 inclusive	
Benzene	0.001	0.002	0.0025
Toluene	1.0	2.0	2.5
1,2-Trans-Dichloroethylene	0.10	0.20	0.25
1,1,1-Trichloroethane	0.20	0.40	0.50
Total PCBs	0.000002	0.000004	0.000005

Individuals may make an appointment to review the Department of Environmental Protection's files on this case by calling Mary DiSanto, File Review Coordinator, (717) 705-4732.

The EPA waiver in effect.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA0217751, Industrial Waste, SIC, 4941, **Borough of Sewickley Water Authority**, P. O. Box 190, Sewickley PA 15143. This application is for renewal of an NPDES permit to discharge treated process water from water treatment plant operations in Sewickley Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the ARCO Chemical Company, located at Monaca, 18.4 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.040 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	Monitor and Report				
TSS			30		60
Aluminum			4.0		8.0
Total Iron			2.0		4.0
Manganese			1.0		2.0
TRC			0.5		1.0
pH	Not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0038806, Sewage, **Forest Hills Municipal Authority**, P. O. Box 111, 507 Maple Street, South Fork, PA 15956-0111. This application is for renewal of an NPDES permit to discharge treated sewage from Beautyline Park Sewage Treatment Plant in Adams Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Otto Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works located on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.1892 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0091898, Sewage, **United Mobile Homes Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. This application is for renewal of an NPDES permit to discharge treated sewage from Pine Valley Estates Mobile Home Park in Kiskiminetas Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Rattling Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority (Freeport) on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.0 3.7			4.0 7.4

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Total Residual Chlorine	0.03			0.06
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0092860, Sewage, **Regina A. Lambie**, 342 Dunbar Ohiopyle Road, Dunbar, PA 15431. This application is for renewal of an NPDES permit to discharge treated sewage from Terrace Acres MHP STP in Upper Tyrone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Jacobs Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.0372 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0094404, Sewage, **Antiochian Orthodox Christian Archdiocese of North America**, 140 Church Camp Trail, Bolivar, PA 15923. This application is for renewal of an NPDES permit to discharge treated sewage from Antiochian Village STP in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Hendricks Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Blairsville Municipal Authority on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.048 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0100277—Amendment No. 1, Sewage, **North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Activity: amendment of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is Reynolds Water Company and the Shenango River located approximately 12 miles below point of discharge.

The receiving stream, Shenango River, is in watershed 20-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.3 mgd.

Parameters	Loadings			Concentrations	
	Average Monthly (lb/ day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD ₅					
(5-01 to 10-31)	162	238	15	22	30
(11-01 to 4-30)	271	433	25	40	50
Total Suspended Solids	325	487	30	45	60
NH ₃ -N					
(5-01 to 10-31)	48		4.5		9
(11-01 to 4-30)	108		10		20
Fecal Coliform					
(5-01 to 9-30)		200/100 ml as a geometric average			
(10-01 to 4-30)		4,300/100 ml as a geometric average			
Total Residual Chlorine			0.41		1.35
Phosphorus as "P"			1		2
pH		6.0 to 9.0 standard units at all times			

The proposed effluent limits for Outfall 002 are based on a design flow of n/a mgd.

Parameters	Loadings			Concentrations	
	Average Monthly (lb/ day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)

This outfall shall be composed entirely of nonpolluting stormwater runoff in accordance with Special Condition No. 4.

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications Under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 1305401, Sewerage, **Department of Conservation and Natural Resources**, 400 Market Street, Rachel Carson Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: This project consists of the construction of a new 60,000 gpd SBR treatment facility. The new WWTP will be able to serve 150 EDUs. This new facility will consist of two 30,000 gpd reactors and an aerobic digester with 60 days detention time.

WQM Permit No. 3505401, Sewerage, **Scott Township Sewer & Water Authority**, R. R. 1, Box 432D, Olyphant, PA 18447. This proposed facility is located in Scott Township, Carbondale Township, Jermyn Borough and Mayfield Borough, **Lackawanna County**.

Description of Proposed Action/Activity: This project consists of the construction of a sanitary sewer collection and conveyance system consisting of gravity sewer, force main, low pressure sewer and eight sewage pump stations.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

New

WQM Permit No. 6505401, Sewerage, **DeMill Development**, R. D. 2, Box 81, Wolf Lake Road, New Alexandria, PA 15670. This proposed facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a temporary sanitary sewage pump station.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

NOTICES

1601

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI011505009	Richard E. Ide Richard E. Ide Subdivision 2308 Miller Road Chester Springs, PA 19425	Chester	West Vincent Township	UNT Pickering Creek (HQ-TSF)

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Suite. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI023905005	David Jaindl 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh	Upper Macungie and Lower Macungie Townships	Little Lehigh Creek, HQ-CWF

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI024805007	Career Institute of Technology Attn: Ronald Roth 5335 Kesslersville Rd. Easton, PA 18040	Northampton	Forks Township	Bushkill Creek, HQ-CWF
PAI024805008	Kranson & Youwakim Properties, Inc. 244 Fullerton Ave. Whitehall, PA 18052	Northampton	Moore Township	Monocacy Creek, HQ-CWF
PAI024805009	Fox Funding, LLC Attn: James Harrison 1 Fox Chase Dr. Watchung, NJ 07069	Northampton	Bushkill Township	Bushkill Creek UNT, HQ-CWF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAS10S065-3	Stroudsburg Municipal Authority 410 Stokes Ave. East Stroudsburg, PA 18301	Monroe	Stroud Township	Brodhead Creek, TSF, Little Pocono Creek, HQ-CWF, McMichael Creek, HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI032805002	Mower Meadows, Inc.	Franklin	Guilford	Falling Spring Branch HQ/CWF
PAI030604006	Don Gogluizza 6 Old Fritztown Rd. Reading, PA 19607	Berks	Cumru and Spring Townships	Wyomissing Creek

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

Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (815) 355-6817.

NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI041403017-1	Rob Cooper Penn State University 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough	Thompson Run-HQ-CWF Big Hollow-CWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should 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

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 6705503 MA, Public Water Supply.

Applicant	Dover Township Water Authority
Municipality	Dover Borough
County	York
Responsible Official	Michael Morris, Township Manager 2480 West Canal Road Dover, PA 17315
Type of Facility	Public Water Supply
Consulting Engineer	Paul Gross, P. E. Buchart Horn Inc. 445 West Philadelphia Street York, PA 17405-7040

Application Received Date	January 19, 2005
Description of Action	Installation of a booster chlorination system at the Admire Pump Station.

Permit No. 5005501 MA , Public Water Supply.	
Applicant	Sherman's Valley L. P.
Municipality	Tyrone Township
County	Perry
Responsible Official	Max E Powell, President P. O. Box 181 Loysville, PA 17047
Type of Facility	Public Water Supply
Consulting Engineer	Edward M Lesny, P. E. Hydro-Geo Services, Inc. 1542 Bridge St New Cumberland, PA 17070

Application Received Date	January 31, 2005
Description of Action	New public water system for Sherman's Valley Apartments served by a groundwater well.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0202502-A1 , Public Water Supply.	
Applicant	Moon Township Municipal Authority 1700 Beaver Grade Road Suite 200 Moon Township, PA 15108

Township or Borough	Moon Township
Responsible Official	John Riley, General Manager Moon Township Municipal Authority 1700 Beaver Grade Road Suite 200 Moon Township, PA 15108
Type of Facility	Water treatment plant
Consulting Engineer	Nichols & Slagle Engineering, Inc. 333 Rouser Road Airport Office Park Building 4, Suite 600 Moon Township, PA 15108-2773

Application Received Date	February 18, 2005
Description of Action	Replacement of existing chorine gas disinfection system with a sodium hypochlorite system.

Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996274 , Public Water Supply.	
Applicant	Garelick Farms of New Jersey
Township or Borough	Burlington, NJ
Responsible Official	Eric A. Bayer, Plant Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	February 16, 2005
Description of Action	Applicant requesting a minor permit amendment to use the Far Away Spring source located in South Manheim Township, Schuylkill County. Bottled water to be sold in this Commonwealth under the brand names Spring Brook Farms Natural Spring Water, Nature's Pride Natural Spring Water, Tuscan Spring Water, Pathmark Natural Spring Water and Ideal Mountain Springs Naturally Refreshing Spring Water.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

WA 21-419B, Water Allocations. **Newville Borough Water & Sewer Authority, Cumberland County.** Withdrawal of 650,000 gpd, based on a 30 day average, from either Big Spring Creek or Cool Spring, or a combination of the two sources. Consulting Engineer: Janet R McNally, William F. Hill & Assoc., Inc. Date Application Received: December 27, 2004.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known

or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

G Street, City of Philadelphia, **Philadelphia County.** Mark Warchol, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380 on behalf of Marijane Hooven, School District of Philadelphia, 734 Schuylkill Ave., Philadelphia, PA has submitted a Notice of Intent to Remediate. Soil at the site was impacted with PAHs. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Tribune* on October 17, 2004.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101662. Conshohocken Rail LLC, 1025 Bundy Road, Youngstown, OH 44509,

Plymouth Township, **Montgomery County**. This application was received for the reissuance of the ADC Recycling Corp. C & D transfer station permit to Conshohocken Rail LLC. The application was received by the Southeast Regional Office on February 11, 2005.

Permit Application No. 101631. Eldredge Inc. 898 Fernhill Rd, West Chester, PA 19380-4202, West Goshen Township, **Chester County**. The application was received for a 10-year permit renewal for the C & D transfer facility. The application was received by the Southeast Regional Office on February 15, 2005.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should 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 (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

54-399-037: Greater Pottsville Area Sewer Authority (401 North Centre Street, Pottsville, PA 17901) for installation of two air cleaning devices at their Main Wastewater Treatment Plant on Route 61 South, Pottsville, **Schuylkill County**.

40-302-151: SVC Manufacturing, Inc. (750 Oakhill Road, Mountaintop, PA 18707) for construction of a boiler fueled by No. 2 fuel oil and/or natural gas at their facility in Wright Township, **Luzerne County**.

45-317-002: Horizon Milling, LLC (P. O. Box 147, Mount Pocono, PA 18344) for construction of a whole wheat mill (C-Mill) and associated air cleaning device at their facility on Harvest Lane Road, Route 940, Pocono Township, **Monroe County**.

45-318-032: Tobyhanna Army Depot (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) for modification of coating operations to increase the annual VOC limit for their facility in Coolbaugh Township, **Monroe County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-3113B: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) for construction of additional sources at a nonmetallic mineral crushing plant in Robeson Township, **Berks County**. The source is subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for New Stationary Sources.

28-05034A: Grove US LLC (1565 Buchanan Trail East, Shady Grove, PA 17256) for modification of a chrome electroplating system at their plant in Quincy Township, **Franklin County**. The modifications include the installation of mist eliminators and scrubbers for emissions control. The chrome electroplating system is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

36-05019F: Anvil International, Inc. (1411 Lancaster Avenue, Columbia, PA 17512) for construction of a coldbox coremaking machine for their foundry in Columbia Borough, **Lancaster County**.

36-05139A: AFP Advanced Food Products, LLC. (158 West Jackson Street, New Holland, PA 17557) for construction of a new boiler and the use of landfill gas as an alternate fuel source at their food packaging plant in New Holland Borough, **Lancaster County**.

38-03039A: Martin's Wood Products, LLC (650 Houtztown Road, Myerstown, PA 17067) for increasing the plant's allowable VOC emission limits to 45 tons per year. The plant is in Jackson Township, **Lebanon County**.

44-05002D: CNH America LLC (36 Maple Street, Belleville, PA 17004) for modification of annual VOC emissions limits for their plant in Union Township,

Mifflin County. This action will establish a plant-wide VOC emissions limit that will replace existing emission limits on various paint types. Total plant VOC emissions will not change.

67-05047A: Modern Landfill (4400 Mt. Pisgah Road, York, PA 17402-8240) for installation of a second enclosed flare to control landfill emissions in Lower Windsor Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

08-00004B: Rynone Manufacturing Corp.—PA (P. O. Box 128 North Thomas Avenue, Sayre, PA 18840) for installation of an additional press operation and modification of their existing operation in Sayre Borough, **Bradford County**. The company has requested to be authorized to emit additional 60 tons of VOC and HAP emissions from the proposed modification.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Devendra Verma, New Source Review Chief, (814) 332-6940.

42-192D: IA Construction (Route 59, Lafayette Township, PA 15748) for modification of a plan approval to burn alternative fuels including Nos. 2 and 4—6, fuel oil or any combination of Nos. 2 and 4—6 fuel oil and reprocessed/recycled at their McKean plant in Lafayette Township, **McKean County**.

62-035C: IA Construction (240 River Road, Warren, PA 16365) for modification of a plan approval to burn alternative fuels including Nos. 2 and 4—6, fuel oil or any combination of Nos. 2 and 4—6 fuel oil and reprocessed/recycled at their Warren plant in Conewango Township, **Warren County**.

61-007C: IA Construction (24 Gibb Road, Franklin, PA 16323) for modification of a plan approval to burn alternative fuels including Nos. 2 and 4—6, fuel oil or any combination of No. 2 and 4—6 fuel oil and reprocessed/recycled at their Franklin plant in Sugar Creek Borough, **Venango County**.

10-230C: IA Construction (158 Lindsey Road, Zelenople, PA 16063) for modification of a plan approval to burn alternative fuels including Nos. 2 and 4—6, fuel oil or any combination of Nos. 2 and 4—6 fuel oil and reprocessed/recycled at their Zelenople plant in Jackson Township, **Butler County**.

37-027C: IA Construction (River Road, West Pittsburg, PA 16160) for modification of a plan approval to burn alternative fuels including Nos. 2 and 4—6, fuel oil or any combination of Nos. 2 and 4—6 fuel oil and reprocessed/recycled at their West Pittsburgh plant in Taylor Township, **Lawrence County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05016H: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for replacement of the existing rotary dryer and associated conveyors at their facility in Hamiltonban Township,

Adams County. These sources will be controlled by the use of new fabric filter baghouses. This will result in an increase in actual emissions of 30.2 tpy of particulate matter, 28.1 tpy of NO_x, 4.5 tpy of CO and 1.0 tpy or less each of VOC and SO_x. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

36-03152: Wenger's Feed Mill Inc. (P. O. Box 26, Rheems, PA 17570-0026) for construction of a soybean processing facility in West Donegal Township, **Lancaster County**. This project includes the installation of a bean receiving pit, bean dryer operations, hammermill, counter flow cooler air system and associated air abatement equipment. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. The estimated emissions of particulate matter from the facility is estimated to be about 4.2 tons per year.

06-05002F: Lehigh Cement Co. (537 Evansville Road, PA 19522-8541) for construction and modification of their clinker handling system controlled by seven fabric collectors in Maidencreek Township, **Berks County**. The approval will permit the applicant to replace the existing handling system with a new system that will minimize the handling of the clinker and improve the emission control efficiency. The facility is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from Portland Cement Plants. The plan approval will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit No. 06-05002. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Richard Maxwell, New Source Review Chief, (570) 327-3637.

14-00031A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for installation of an air cleaning device, a water spray dust suppression system, on various pieces of stone crushing, screening and conveying equipment in their Sandy Ridge plant (Plant No. 9) in Rush Township, **Centre County**.

The proposed water spray dust suppression system will replace the water spray dust suppression system currently used for the control of fugitive particulate matter from the respective stone crushing, screening and conveying equipment. Following the installation of the proposed water spray dust suppression system, the emission of fugitive particulate matter from the stone crushing, screening and conveying equipment is not expected to increase from current levels and may decrease. The installation of the proposed water spray dust suppression system is expected to help better assure compliance with applicable fugitive air contaminant emission requirements on a consistent basis.

The Department of Environmental Protection's (Department) review of the information submitted by Glenn O. Hawbaker, Inc. indicates that the air contaminant emissions from the stone crushing, screening and conveying equipment will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants following the installation of the proposed water spray dust suppression system,

including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1, the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. Based on this finding, the Department proposes to issue plan approval.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. All of the spray nozzles identified in the application and supplemental materials submitted for this plan approval shall be installed. Additional nozzles may be installed without prior Department approval, but none of those identified in the application and supplemental materials may be omitted or deleted.

2. The water spray dust suppression system shall be connected to an on-demand water supply capable of delivering an adequate supply of water to all spray nozzles at any time the stone crushing, screening and conveying equipment is operating. If the water spray dust suppression system is incapable of operation, the stone crushing, screening and conveying equipment shall not be operated.

3. The water spray dust suppression system shall be equipped with a winterization system to allow for cold weather operation.

4. The water supply system shall incorporate a filter to remove particulate, which could clog the water spray dust suppression system spray nozzles.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05081: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512-7955) for their Rolling Hills Landfill facility in Earl Township, **Berks County**. This action is a renewal of the Title V Operating Permit issued in 2000. The facility's major sources of emissions include fugitive particulate matter and landfill gasses. The primary emissions also include combustion products from the flare, used as a control device for the landfill gasses, which primarily emits NOx and CO from combustion of the landfill gasses as well as VOCs. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

31-05005: Containment Solutions, Inc. (P. O. Box 299, Mount Union, PA 17066) for their Fiberglass Reinforced Plastic composite underground storage tank production facility in Shirley Township, **Huntingdon County**. The facility is a major source that primarily emits VOCs and HAPs. The Title V Operating Permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of their Title V operating permit.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

67-05107: Crown Cork and Seal USA, Inc. (1650 Broadway, Hanover, PA 17331) for operation of their can manufacturing facility in Penn Township, **York County**. The de-listing of the hazardous air pollutant (HAP) Ethylene Glycol Monobutyl Ether from the Environmental Protection Agency's list of HAPs, has facilitated a change in the facility's permitting status from a major Title V facility to a State-only Synthetic Minor. The permit will include all appropriate monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

41-00063: Ralph S. Alberts Co., Inc. (60 Choate Circle, Montoursville, PA 17754) for their polyurethane foam parts manufacturing facility in Fairfield Township, **Lycoming County**. The facility's main sources include a molded plastic parts surface coating operation consisting of five spray booths and one spray gun solvent cleaning sink. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson Facilities Permitting Chief, (814) 332-6940.

25-00999: Riley Power, Inc. (1420 Cascade Street, Erie, PA 16502) for a Natural Minor Permit to operate a surface coating operation in the City of Erie, **Erie County**.

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—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any

person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an 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.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously men-

tioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits

The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

05773002 and NPDES No. PA0605964. Black Dog Mining, Inc., 4891 Lincoln Highway, Stoystown, PA 15563, transfer of an existing bituminous surface mine from Dash Coal Company Inc., P. O. Box 517, Stoystown, PA 15563 and permit renewal for the continued operation and restoration of a bituminous surface mine and sandstone removal operation located in Broad Top Township, **Bedford County**, affecting 258.5 acres. Receiving streams: UNT to Six Mile Run and Six Mile Run and UNT to Shreves Run and Shreves Run classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 15, 2005.

11693042 and NPDES Permit No. PA0605948. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, SMP and NPDES permits to be renewed for reclamation only in Portage and Summerhill Townships, **Cambria County**, affecting 289.7 acres. Receiving streams: UNTs to Laurel Run and to Beaverdam Reservoir/Beaverdam Run (previously UNT to Big Cedar Run) classified for the following uses: CWF and HQ-CWF. The first downstream potable water supply intake from the point of discharge is Highland Sewer and Water

Authority—Beaverdam Run Reservoir Public Water Supply. Application received January 24, 2005.

11743043 and NPDES Permit No. PA0120863. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, SMP and NPDES Permits to be renewed for reclamation only in Portage Township, **Cambria County**, affecting 50.4 acres. Receiving streams: UNT to Bens Creek and Bens Creek classified for the following uses: CWF and exceptional value CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 24, 2005.

07850103 and NPDES Permit No. PA0597091. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, SMP and NPDES Permits to be renewed for reclamation only in Logan Township, **Blair County**, affecting 114.0 acres. Receiving streams: UNT to Kittanning Run and Kittanning Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Altoona City Authority—Blair County PWS and Crystal Pine Bottled Water—Michael Washko. Application received January 24, 2005.

11050101 and NPDES Permit No. PA0249718. Thomas J. Smith, Inc., 2340 Smith Road, Shelocta, PA 15774, commencement, operation and restoration of a bituminous surface-auger mine in Cresson Township, **Cambria County**, affecting 226.9 acres. Receiving streams: UNTs to Bear Rock Run and Burgoon Run (CWF) to Little Conemaugh River to Conemaugh River to Kiskiminetas River to Allegheny River. The first downstream potable water supply intake from the point of discharge is Lilly Boro surface water intake on Bear Rock Run, PWS No. 4110046. Application received February 7, 2005.

11773037 and NPDES Permit No. PA0069159. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, surface mining permit renewal for reclamation only in Conemaugh Township, **Cambria County**, affecting 358.7 acres. Receiving streams: UNTs to and Little Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2005.

32940107 and NPDES No PA0212911. Pitt Mining Company, 423 Weiss Road, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface mine in Young Township, **Indiana County**, affecting 66.7 acres. Receiving streams: Craig Run and Gobblers Run to Crooked Creek to the Allegheny River; Whiskey Run to Blacklegs Creek to the Conemaugh River, classified for the following uses: WWF and CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 14, 2005.

Greensburg District Mining Office: R.R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.

26773025 and NPDES Permit No. PA0079031. Charles L. Swenglich & Sons Coal Co. Inc., (83 Swenglich Lane, Smithfield, PA 15478). Renewal application for continued operation and reclamation, located in German Township, **Fayette County**, affecting 166.2 acres. Receiving streams: an UNT to South Branch of Browns Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 14, 2005.

Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.

16050103 and NPDES Permit No. PA0242624. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface operation in Redbank and Limestone Townships, **Clarion County**, affecting 63.7 acres. Receiving streams: UNTs to Pine Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorn Area Water Authority. Application to include a land use change from forestland to pastureland/lane occasionally cut for hay. Application received: February 11, 2005.

10020105 and NPDES Permit No. PA0242225. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Slippery Rock Township, **Butler County** affecting 43.8 acres. Receiving streams: Two UNTs to Long Run and Long Run, One UNT to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10

miles downstream. Revision to change the post mining land use from Forestland and abandoned surface mine (previously forestland) to a postmining land use of unmanaged natural habitat. Application received: February 4, 2005.

Moshannon District Mining Office: 186 Enterprise Drive, Phillipsburg, PA 16866, (814) 342-8200.

17000102 and NPDES Permit No. PA 0242888. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838). Transfer of an existing bituminous surface mine-auger permit from Johnson Brothers Coal Company. The permit is located in Bell Township, **Clearfield County** and affects 131.3 acres. Receiving streams: UNTs to Whiskey Run, UNTs to Bear Run. Application received: January 12, 2005.

17020110 and NPDES Permit No. PA 0243311. RAMM Coal, Inc. (1092 Spruce Hill Road, Rockton, PA 15856). Application for a major revision to an existing bituminous surface mine-auger permit for a change in permit acreage from 143.6 to 145.3 acres. The application includes a request to construct a bridge across LaBorde Branch at a location approximately 2,300 feet downstream from the confluence of Luthersburg Branch and LaBorde Branch and to construct and maintain a haul road within 100 feet of LaBorde Branch located from 1,720 feet to 2,320 feet downstream of its confluence with Luthersburg Branch in Sandy Township, **Clearfield County**. Application received: February 3, 2005.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

54991302R and NPDES Permit No. PA0223972. Snyder Coal Company, (66 Snyder Lane, Hegins, PA 17938), renewal of an existing anthracite underground mine operation and NPDES Permit for discharge of treated mine drainage in Barry, Foster and Hegins Townships, **Schuylkill County** affecting 5.0 acres, receiving stream: tributary to Hans Yost Creek. Application received February 2, 2005.

40050201. HUD, Inc. t/a Emerald Anthracite II, (P. O. Box 27, Nanticoke, PA 18634), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in the City of Nanticoke and Newport Township, **Luzerne County** affecting 83.63 acres, receiving stream: Newport Creek, classified for the following use: CWF. Application received February 3, 2005.

Noncoal Applications Received

Effluent Limits

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<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 ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.

03052001 and NPDES Permit No. PA0250651. M & M Lime Co., Inc. (R. D. 1, Box 257M, Worthington, PA 16262). Application for a noncoal underground mining permit located in West Franklin Township, Armstrong

County and Clearfield Township, **Butler County**, affecting 77.4 acres. Receiving stream: UNT to Buffalo Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: February 14, 2005.

Moshannon District Mining Office: 186 Enterprise Drive, Phillipsburg, PA 16866, (814) 342-8200.

08050801. William C. Pickett (R. D. 2, Box 2951, Laceyville, PA 18623). Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Tuscarora Township, **Bradford County** affecting 5 acres. Receiving streams: Tuscarora Creek, tributary to the Susquehanna River. Application received: January 18, 2005.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 642-3118.

44030301C. Glenn O. Hawbaker, Inc., (1952 Waddle Road, State College, PA 16804), correction to an existing quarry operation to include a crushing plant in Armagh Township, **Mifflin County** affecting 47.5 acres, receiving stream: none. Application received February 16, 2005.

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 of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals 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 each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act

(32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-473. Mary Bland, 41-08 Vernon Boulevard, Long Island City, NY 11101, in Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District. To maintain fill that was previously placed in approximately 0.17 acre of PFO wetlands for the purpose of constructing a single family dwelling and driveway. The project is located along Belaire Drive on Lot 234, Section F of Penn Estates residential community. (East Stroudsburg, PA Quadrangle N: 4.6 inches; W: 16.4 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E22-474: Mountain Calvary Christian School, 629 North Holley Street, P. O. Box 508, Elizabethtown, PA 17033 in Conewago Township, **Dauphin County**, ACOE Baltimore District. To regrade and fill within the floodway of the Conewago Creek (TSF) and Brill Run, for the purpose of constructing an athletic complex for the Mount Calvary Christian School, located approximately 1 mile north of Route 230, just northeast of South Hertzler Road, Hoffer Road Intersection (Middletown, PA Quadrangle N: 9.50 inches; W: 0.85 inch) in Conewago Township, Dauphin County.

E28-321: Ronald N. Fleagle, 4180 Conestoga Road, Elverson, PA 19520 in Metal Township, **Franklin County**, ACOE Baltimore District. To construct and maintain a 3-inch conduit for an electrical line which will be directionally drilled under the West Branch of the Conococheague Creek (CWF) and associated wetland (Fannettsburg, PA Quadrangle N: 13.3 inches; W: 10.1 inches) in Metal Township, Franklin County. The total crossing length will be 600-feet and the project will not permanently or temporarily impact any wetlands.

E36-790: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Pequea Township, **Lancaster County**, ACOE Baltimore District. To remove the existing structure and then to construct and maintain 1) a 16-foot by 7-foot box culvert at the channel of Goods Run (TSF) on SR 0324, Segment 0150, Offset 0005; 2) a 68-inch by 43-inch elliptical pipe culvert; and 3) a 76-inch by 48-inch elliptical pipe culvert at the channel of its UNT to improve the traffic safety condition located about 0.5 mile from its confluence with Pequea Creek (Conestoga, PA Quadrangle N: 13.2 inches; W: 7.65 inches) in Pequea Township, Lancaster County.

E21-369: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Silver Spring Township, **Cumberland County**, ACOE Baltimore District. To remove the existing structure and then to construct and maintain a 13-foot by 6-foot concrete box culvert at the channel of a UNT to Simmons Creek (WWF) and associated improvements on SR 0944, Section 015 to improve the traffic safety condition of the road located about 0.15 mile west from its intersection with SR 0114 (Wertzville, PA Quadrangle N: 6.0 inches; W: 7.4 inches) in Silver Spring Township, Cumberland County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E18-387. Zera A. Cox, III, 33. South Cox Lane, Lack Haven, PA 17745. Cox Bridge, in Wayne Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 4.69 inches; W: 16.59 inches). To maintain a 12-foot wide by 24-foot long wood plank and telephone pole bank-to-bank bridge with a 46-inch underclearance and a clear span of 12 feet plus the associated 16-foot clean rock approach ramps to provide private access to a single residence over McElhattan Run located on Cox Lane 150 feet west of McKinney Road. The project has impacted 24 linear feet of McElhattan Run and no wetland impacts.

E59-465. Brookfield Township, R. R. 4, Westfield, PA 16950. Bridge replacement in Westfield Township, **Tioga County**, ACOE Baltimore District (Potter Brook, PA Quadrangle N: 21.9 inches; W: 3.6 inches). To remove the existing steel beam with metal grate decking on reinforced concrete abutments and to construct and maintain a 97-inch by 152-inch by 40 foot long corrugated metal arch pipe with 30-inch deep by 15 foot long R-6 inlet and outlet protection rip-rap in North Brook on Thomas Road approximately 300 feet south of the intersection of Thomas Road with SR 4007. The project will not impact wetlands while impacting about 100 feet of waterway and less than 0.006 acre of earth disturbance. North Brook is a CWF stream.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E04-308. Pennsylvania Power Company, P. O. Box 128, State Route 168, Shippingport, PA 15077-0128. Wetland fills in Greene Township, **Beaver County** and Hancock County, WV, Pittsburgh ACOE District. The applicant proposes to place and maintain fill in 5 wetlands. Wetland A—0.01, Wetland B—0.01 acre, Wetland D—0.05 acre, Wetland H—0.01 acre and Wetland L—.79 acre for a total of 0.87 acre of wetlands (PEM) in Pennsylvania. To impact UNTs to Little Blue Run (TSF) for a total length of 4,466 feet in this Commonwealth. The project is for the expansion of the existing Little Blue Run residual waste disposal facility (East Liverpool South, OH-WV-PA Quadrangle N: 21.3 inches; W: 1.9 inches and Latitude: 40° 37' 2"—Longitude: 80° 30' 49"). To mitigate for the wetland impacts the applicant proposes to construct and maintain 2 acres of replacement wetlands (PEM/PSS) (East Liverpool South, OH-WV-PA Quadrangle N: 17.4 inches; W: 0.1 inch and Latitude: 40° 35' 45"—Longitude: 80° 30' 3"). To compensate for the stream impacts the applicant proposes to stabilize 16,400 of perennial streams by fencing stream banks and constructing stabilized livestock stream crossings and ramps developing alternative watering sources at four farms. The McElhaney Farm

located along Mill Creek (Hookstown, PA Quadrangle N: 17. inches; W: 12.9 inches and Latitude: 40° 35' 53"—Longitude: 80° 28' 5") in Greene Township, Beaver County, the Weltner Farm located along the South Fork of Tomlinson Run, (East Liverpool South, OH-WV-PA Quadrangle N: 9.6 inches; W: 2.5 inches and Latitude: 40° 33' 10"—Longitude: 80° 31' 5") in Hanover Township, Beaver County and the Allison and Herron Farms located along the North Fork of Kings Creek (East Liverpool South, OH-WV-PA Quadrangle N: 3.0 inches; W: 1.0 inch and Latitude: 40° 30' 5"—Longitude: 80° 30' 2") in Hanover Township, Beaver County. The total proposed impacts in Pennsylvania is 4,466 feet of stream impacts to tributaries to Little Blue Run and .87 acre of wetlands.

E65-865. Levin Furniture, 301 Fitz Henry Road, Smithton, PA 15479. To place fill in wetland in South Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District. (Smithton, PA Quadrangle: N: 8.83 inches W: 16.88 inches and Latitude: 40° 10' 25"—Longitude: 79° 44' 45"). The applicant proposes to place and maintain fill in 0.47 acre of wetlands located in the watershed of an UNT to Youghiogheny River (WWF) for the purpose of a construction project that will expand the existing Levin Furniture warehouse facility.

E65-866. Township of Sewickley, 2288 Mars Hill Road, P. O. Box 28, Herminie, PA 15637-0028. To replace a culvert in Sewickley Township, **Westmoreland County**, Pittsburgh ACOE District. (Irwin, PA Quadrangle N: 2.5 inches; W: 13.3 inches and Latitude: 40° 15' 50"—Longitude: 79° 43' 14"). The applicant proposes to remove the existing structures, to construct and maintain a three cell open bottom concrete bridge over Little Sewickley Creek (TSF), each section will have a span of 21' and underclearance of 12' and to construct and maintain various outfalls to the same stream. The bridge is located on Greenhills Road (T-633) at its intersection with Railroad Street. The total proposed stream impacts are approximately 220' to Little Sewickley Creek.

E65-870. Hempfield Township Supervisors, R. D. 6, Box 500, Greensburg, PA 15601. To construct a stream enclosure and culvert in Hempfield Township, **Westmoreland County**, Pittsburgh ACOE District. (Greensburg, PA Quadrangle N: 11.96 inches; W: 0.74 inch and Latitude: 40° 18' 57"—Longitude: 79° 30' 19"). The applicant proposes to construct and maintain a stream enclosure consisting of a 60-inch diameter culvert in the channel of an UNT to Jacks Run (WWF) for the purpose of improving First Street and highway safety. The project is located on First Street, just east from the intersection of First Street and Township Route 385 and will impact approximately 338.0 linear feet of stream channel.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504 and 6021.101—6021.102) and under 25 Pa. Code Chapter 245, Subchapter C.

*SSIP
Application
No.*

<i>Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
05002	Michael Salvo Pennsylvania-American Water West Shore Regional Water Treatment Plant 852 Wesley Drive Mechanicsburg, PA 17055-4475	York	Fairview Township	14 ASTs storing regulated substance	77,455 gallons

ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 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.

<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 related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth 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 set forth in the respective permit. 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, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0026123 (Sewage)	Columbia Municipal Authority 308 Locust Street Columbia, PA 17512-1121	Lancaster County Columbia Borough	Susquehanna River/7-G	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084964 (Sewage)	Bethel Township Sewer Authority P. O. Box 239 Warfordsburg, PA 17267	Berks County Bethel Township	Little Tonoloway Creek/13-B	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

New

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0020656 Sewage	Newell Municipal Authority 413 Second Street P. O. Box 356 Newell, PA 15466-0356	Fayette County Newell Borough	Monongahela River	Y
PA0092835 Sewage	Maronda Farms, Inc. 202 Park West Drive Pittsburgh, PA 15126	Westmoreland County Washington Township	UNT of Pucketa Creek	Y
PA0216224 Sewage	Richard Prostejovsky 1083 Manor Drive Ebensburg, PA 15931	Cambria County Cambria Townshuip	UNT North Branch Little Conemaugh River	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0080993, Sewerage, **Eastern Lebanon County School District, Fort Zeller Elementary School**, 180 Elco Drive, Myerstown, PA 17067. This proposed facility is located in Millcreek Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit Withdrawn, connected to Millcreek-Richland Joint Sewer Authority.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. 0252743, Industrial Waste, **Indian Creek Valley Water Authority**, P. O. Box 486, Indian Head, PA 15446-0486. This proposed facility is located in Saltlick Township, **Fayette County**.

Description of Proposed Action/Activity: Discharge from Neal's Run Well Water Treatment Plant to receiving waters, Back Creek, in Saltlick Township, Fayette County.

NPDES Permit No. 0026069-A1, Sewage, **Latrobe Municipal Authority**. This proposed facility is located in Latrobe Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Deletion of discharge limit for Total Residual Chlorine since ultraviolet radiation versus chlorination is now used for disinfection.

NPDES Permit No. PA0218766-A1, Sewage, **Edward Hallisey**, 1252 Lovi Road, Freedom, PA 15042. This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Change of monitoring frequency for Flow, TSS, Fecal Coliform and pH to once per year at the Hallisey Small Flow STP.

NPDES Permit No. PA0252760, Sewage, **Pine Township Supervisors**, P. O. Box 311, Templeton, PA 16259. This proposed facility is located in Pine Township, **Armstrong County**.

Description of Proposed Action/Activity: proposed discharge of treated sewage from Templeton STP to the Allegheny River.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0006343, Industrial Waste Amendment No. 1, **AK Steel Corporation—Butler Operations**, P. O. Box 832, 210 Pittsburgh Road, Butler, PA 16003-0832. This proposed facility is located in Butler Township and City of Butler, **Butler County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Connoquenessing Creek, Sawmill Run, Rocklick Run and Sullivan Run in Watershed 20-C.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 3904406, Sewerage, **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a new ultraviolet disinfection system to replace an existing chlorine gas disinfection system.

WQM Permit No. 4804405, Sewerage, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018. This proposed facility is located in City of Bethlehem, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

WQM Permit No. 4004405, Sewerage, **Municipal Authority of Hazle Township**, P. O. Box 502, Harleigh, PA 18225. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

WQM Permit No. 3104401, Sewerage, **Borough of Huntingdon**, 530 Washington Street, Huntingdon, PA 16652. This proposed facility is located in Huntingdon Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewers and appurtenances.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 1004201, Industrial Waste, **Evans City Borough**, 220 Wahl Avenue, Evans City, PA 16033. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the addition of a dechlorination stage to process wastewater.

WQM Permit No. 1004407, Sewerage, **Municipal Authority of Buffalo Township**, 707 South Pike Road, Sarver, PA 16066. This proposed facility is located in Buffalo Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extension to serve The Palms Investments Plan of Lots, which is a 30-acre, 45-lot subdivision along the north side of Grimm Road.

WQM Permit No. 1004405, Sewerage, **Meadow Ridge Partners**, 533 Locust Place, Sewickley, PA 15143. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve a proposed residential housing development consisting of 83 lots.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804024	Blue Ridge Development, LLC P. O. Box 228 Bath, PA 18014	Northampton	Bushkill Township	Tributary to Bushkill Creek, HQ-CWF

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0306-04-005	Kenneth J. Glase 890 Scenic Drive Mohnton, PA 19540	Berks	Cumru Township	UNT to Wyomissing Creek HQ/CWF
PAI-0306-04-006	Don Gogluizza	Berks	Cumbru and Spring Townships	Wyomissing Creek 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 (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
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

PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Caln Township Chester County	PAG2001504060	G. Antonini Realty, Inc. Basin C Construction Project 3605 Winding Way Newtown Square, PA 19073	East Branch Brandywine Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Caln Township Chester County	PAG2001504100	John Recchiuti Brandywine Valley Development 1491 North Bailey Road Downingtown, PA 19335	UNT Beaver Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG2004604145	Kelly Homes, LLC Hanover Hunt Subdivision 121 North 4th Street Bally, PA 19503	UNT Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sugar Notch Borough Hanover Township Luzerne County	PAG2004004034	Michael A. Dziak Earth Conservancy Inc. 101 S. Main St. Ashley, PA 18706	Solomon Creek, CWF	Luzerne Co. Cons. Dist. (570) 674-7991
North Whitehall Township Lehigh County	PAR10Q1082-2R-1	Jacob Arner Blueberry Hill Farms Box 600 Lehighton, PA 18235	Lehigh River, TSF	Lehigh Co. Cons. Dist. (610) 391-9583
Lehigh Township Northampton County	PAG2004803006-2	Larry Turoscy Lehigh Engineering Associates, Inc. 453 Main St. P. O. Box 68 Walnutport, PA 18088	Bertsch Creek, CWF	Northampton Co. Cons. Dist. (610) 746-1971
South Abington Township Lackawanna County	PAG2003505003	Andrew Weinberger 233 Northern Blvd. Clarks Summit, PA 18411	UNT to Leggetts Creek, CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Antrim Township Franklin County	PAG2-0028-04-047	Isabel Barnhart Duane Barnhart 4395 Coseytown Road Greencastle, PA 17225	Conococheague Creek/WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Green Township Franklin County	PAG2-0028-04-050	LIDA—Cumberland Valley Business Park- Phase III 220A Coffey Avenue Chambersburg, PA 17201	Rocky Spring/TSF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Quincy Township Franklin County	PAG2-0028-04-049	Ordean Bakner Jr. 7330 Anthony Highway Waynesboro, PA 17268	West Branch Antietam Creek/CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Waynesboro Borough Franklin County	PAG2-0028-04-051	Frick Company 100 CV Avenue Waynsboro, PA 17268	West Branch Antietam Creek/CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Chambersburg Borough Franklin County	PAG2-0028-05-004	DEHK Enterprises, L.P. 120 North Seventh Street Suite 201 Chambersburg, PA 17201	Falling Spring Branch	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
St. Thomas Township Franklin County	PAG2-0028-05-005	Bullitt Creek Estates Kylea & Associates 18182 Fort Davis Road Mercersburg, PA 17236	Conococheague Creek	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Chambersburg Borough Franklin County	PAG2-0028-05-003	Hardol Commercial Development Harold Brake 6450 Lincoln Way West St. Thomas, PA 17252	Conococheague Creek	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Guilford Township Franklin County	PAI-0328-05-002	Mower Meadows J. McDowell Sharpe, Jr. 52 West King Street Chambersburg, PA 17201	Falling Spring Branch/HQ-CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Antrim Township Franklin County	PAG2-0028-05-008	Nottingham Meadows Creative Investments 10715 Downsview Pike Suite 102 Hagerstown, MD 21740	Conococheague Creek	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Chambersburg Borough Franklin County	PAG2-0028-05-007	Borough of Chambersburg Falling Spring Interceptor 100 South Second Street Chambersburg, PA 17201	Conococheague Creek	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Waynesboro Borough Franklin County	PAG2-0028-04-044	Timber Waynesboro Prop., L. P. Mike Timmons (CVS Pharmacy) 1060 West State Road 434 Suite 112 Longwood, FL 32750	UNT to East Branch Antietam Creek-CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201
Columbia County Hemlock Township	PAG2001905001	Windsor Heights Bar & Restaurant LLC Jerry Beierschmitt 55 Williamsburg Blvd. Bloomsburg, PA 17815	Hemlock Creek CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA 17815 (570) 784-1310

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Tioga County Jackson Township	PAG2005904008	Kecks Food Service Brian Keck R. R. 1, Box 70 Millerton, PA 16936	Seeley Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, ext. 101
Washington County Mt. Pleasant Township	PAR10W152 R	CVL Partners, L. P. P. O. Box 273 Atlasburg, PA 15044	Raccoon Creek and Cherry Valley Res. (WWF)	Washington County CD (724) 228-6774
Westmoreland County Delmont Borough	PAG2006504043	Salem Crossroads Development, Inc. 53 Bel Air Drive Delmont, PA 15626	UNT to Turtle Creek (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County Upper Burrell Township	PAG2006504054	A. R. Kacin 3875 Old William Penn Highway Murrysville, PA 15668	Pucketa Creek/ Basin (TSF)	Westmoreland County CD (724) 837-5271

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAR800131	FedEx Ground 14300 Townsend Rd. Philadelphia, PA 19154	Black Lake Run-3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Chester Township Delaware County	PAR900023	Savoy Recycling 52 Concord Rd. Aston, PA 19014	Chester Creek-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Falls Township Bucks County	PAR600053	Keywell LLC 60 Roebling Rd. Fairless Hills, PA 19030	Delaware River-2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600078	Knock Out Auto Parts 3201 E. Tioga St. Philadelphia, PA 19138	Delaware River-3J Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Falls Township Bucks County	PAR600077	Fairless Iron & Metal LLC 3 South Steel Rd. Morrisville, PA 19067	Biles Creek-2E Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Allentown City Lehigh County	PAR702205	CrafcO, Inc. 1680 East Race Street Allentown, PA 18103-9580	Lehigh River, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Scott Township Lackawanna County	PAR222209	Brojack Lumber Co. R. D. 1, Box 482 Olyphant, PA 18447	South Branch Tunkhannock Creek	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

General Permit Type—PAG-3 New

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Uniontown Fayette County	PAR806237	Rolling Frito-Lay Sales, L.P. 7781 Service Center Drive Westchester, OH 45069	UNT to Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Moon Township Allegheny County	PAR806167	Pittsburgh International Airport Air Reserve Station 2475 Defense Avenue Coraopolis, PA 15108-4403	UNT to McClarens Run- Montour Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Aliquippa Beaver County	PAR216145	United States Gypsum Company 1 Woodland Road Aliquippa, PA 15001-5413	Ohio River via Jones Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Johnstown Cambria County	PAR806235	Rolling Frito-Lay Sales, L. P. 7781 Service Center Drive Westchester, OH 45069	UNT to Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Plum Borough Allegheny County	PAR806236	Rolling Frito-Lay Sales, L. P. 7781 Service Center Drive Westchester, OH 45069	UNT to Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Perkiomen Township Montgomery County	PAG040019	Leonard J. Pisano 132 Haldeman Road Schwenksville, PA 19473	UNT to East Branch of Perkiomen Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
East Bradford Township Chester County	PAG040021	Susan Pope 795 West Strasburg Road West Chester, PA 19382-1935	UNT to Taylor Run Watershed 3H	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Haycock Township Bucks County	PAG040023	Marie Tomlinson 1244 Asbury Avenue Ocean City, NJ 08226	UNT to Dimple Creek Watershed 2D-Three Mile Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Plumstead Township Bucks County	PAG040024	Stephen Takach Lot No. 2 5167 Valley Park Road R. D. 5 Doylestown, PA 18901	North Branch Neshaminy Creek Watershed 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Plumstead Township Bucks County	PAG040025	Stephen Takach Lot No. 1 5167 Valley Park Road R. D. 5 Doylestown, PA 18901	North Branch Neshaminy Creek Watershed 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Doylestown Township Bucks County	PAG040026	Donald Adler 46 Poplar Lane Doylestown, PA 18901	UNT to Neshaminy Creek Watershed 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Lancaster County West Cocalico Township	PAG043629	Timothy and Pamela Boronow 25 Railroad Street Denver, PA 17517	Little Cocalico Creek/TSF/7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Somerset County Somerset Township	PAG046300	Barry W. Mosholder P. O. Box 869 140 Cedar Ridge Lane Somerset, PA 15501	UNT of Quemahoning Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Venango Township, Erie County	PAG048327	Jeannine L. and Richard L. Miller, Jr. 8360 Knoyle Road Wattsburg, PA 16442	UNT of Alder Brook	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township, Erie County	PAG048676	Roy C. Rodgers 3280 Crane Road Edinboro, PA 16412	UNT to Little Conneautte Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township, Warren County	PAG048688	Charles F. and Nancy J. Snyder R. R. 2, Box 143A Corry, PA 16407	UNT to Brokenstraw Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township, Crawford County	PAG048345	Donald L. Schmalzried 14471 Foster Road Conneautville, PA 16406-6605	UNT to Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5 New</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
White Oak Borough Allegheny County	PAG056201	Sunoco, Inc. 5733 Butler Street Pittsburgh, PA 15201-2115	UNT to Crooked Creek of Monongahela River watershed	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

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General Permit Type—PAG-7

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Phone No.</i>
Mifflin County Granville Township	PAG073509	Granville Township Sewer and Water Department—Junction Wastewater Treatment Plant 100 Helen Street Granville, PA 17044	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Lynn Township Lehigh County	PAG08-2203 PAG07-0003 PAG08-0008 PAG08-0003 PAG08-3502 PAG08-3522 PAG08-3542 PAG08-3551 PAG08-0006 PAG08-3540 PAG08-9903 PAG08-9905 PAG08-2201 PAG07-0005 PAG08-3515 PAG08-3501 PAG08-3825 PAG08-0002 PAG08-3547 PAG08-3506 PAG08-3518 PAG08-3535 PAG08-9904 PAG08-3517	Synagro Mid-Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Mathis Oldt Farm Lynn Township Lehigh County	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 836-2511
Moore Township Northampton County	PAG08-2203 PAG07-0003 PAG08-0008 PAG08-0003 PAG08-3502 PAG08-3522 PAG08-3542 PAG08-3551 PAG08-0006 PAG08-3540 PAG08-9903 PAG08-9905 PAG08-2201 PAG07-0005 PAG08-3515 PAG08-3501 PAG08-3825 PAG08-0002 PAG08-3547 PAG08-3506 PAG08-3518 PAG08-3535 PAG08-9904 PAG08-3517	Synagro Mid-Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Carl Becker Farm Moore Township Northampton County	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

General Permit Type—PAG-13

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136358	Fairchance Borough 125 West Church Street Fairchance, PA 15436	Fayette	Fairchance Borough	Georges Creek/WWF Muddy Run/WWF	Y
PAG136361	East Conemaugh Borough 355 First Street Johnstown, PA 15909	Cambria	East Conemaugh Borough	Little Conemaugh River/WWF UNTs of Little Conemaugh River/CWF	Y
PAG136363	Forward Township 500 Liggett Avenue Monongahela, PA 15063	Allegheny	Forward Township	Monongahela River/WWF Kelly Run/WWF Sunfish Run/WWF Beckets Run/WWF Fallen Timber Run/WWF	Y

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection 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, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 1504506, Public Water Supply.

Applicant	Westtown School P. O. Box 1799 Westtown, PA 19395
Township	Westtown

County	Chester
Type of Facility	PWS
Consulting Engineer	Walter B. Satterthwaite Associates, Inc. 720 Old Fern Hill Road West Chester, PA 19380
Permit to Construct Issued	2/18/2005
<i>Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</i>	
Permit No. 0604506 , Public Water Supply.	
Applicant	Pennsylvania American Water
Municipality	Exeter Township
County	Berks
Type of Facility	Replacement of Glamour Well GL-2 with Glamour Well GL-2A.
Consulting Engineer	Edward K. Fugikawa, P. E. E. Kuser Inc. 150 Grings Hill Road Sinking Spring, PA 19608
Permit to Construct Issued:	2/10/2005
Permit No. 0104504 , Public Water Supply.	
Applicant	Possum Valley Municipal Authority
Municipality	Menallen Township
County	Adams
Type of Facility	Construction of transmission mains and a stream intake on Opossum Creek for a pilot study.
Consulting Engineer	Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
Permit to Construct Issued:	2/7/2005
Operations Permit issued to: Birdsboro Municipal Authority , 3060010, Birdsboro Borough, Berks County on 2/10/2005 for the operation of facilities approved under Construction Permit No. 0603509 MA.	

Operations Permit issued to: **Governor Mifflin School District**, 3060347, Brecknock Township, **Berks County** on 2/10/2005 for the operation of facilities approved under Construction Permit No. 0604503.

Permit No. 0604517, Public Water Supply.

Applicant **Shinn Spring Water Company**
Municipality Cumru Township
County **Berks**
Type of Facility Application is for the construction of a bottled water plant.
Consulting Engineer John K. Wetzel, P. E.
McCarthy Engineering Associates, PC
1121 Snyder Road
West Lawn, PA 19609
Permit to Construct Issued: 2/16/2005

Permit No. 2104506, Public Water Supply.

Applicant **Pennsylvania-American Water**
Municipality Silver Spring Township
County **Cumberland**
Type of Facility This PWS Permit application is for the addition of an aqua ammonia feed system and two chemical unloading containment stations at the Silver Spring Water Treatment Plant.
Consulting Engineer James C Elliot, P. E.
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100
Permit to Construct Issued: 2/16/2005

Permit No. 0605501 MA, Minor Amendment, Public Water Supply.

Applicant **The Caernarvon Township Authority**
Municipality Caernarvon Township
County **Berks**
Type of Facility The permit approves repainting and minor improvements to the existing 300,000-gallon Swamp Road Tank.
Consulting Engineer Eric D. McCracken, P. E.
Great Valley Consultants
75 Commerce Drive
Wyomissing, PA 19610-1038
Permit to Construct Issued: 2/17/2005

Operations Permit issued to: **Pennsylvania American Water Company**, 3060023, Amity Township, **Berks County** on 2/14/2005 for the operation of facilities approved under Construction Permit No. 0603514.

Operations Permit issued to: **The York Water Company**, 7670100, Spring Garden Township, **York County** on 2/14/2005 for the operation of facilities approved under Construction Permit No. 6702507.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 6305501, Minor Amendment. Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
Hershey, PA 17033
Borough or Township Hanover Township
County **Washington**
Type of Facility Paris/Florence Tank
Permit to Construct Issued: February 16, 2005

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 4189-T1-MA2, Public Water Supply

Applicant **Erie City Water Authority**
Borough or Township Erie City
County **Erie**
Type of Facility PWS
Permit to Construct Issued: 2/17/2005

Permit No. 2598501-MA6, Public Water Supply

Applicant **Erie City Water Authority**
Borough or Township Harborcreek Township
County **Erie**
Type of Facility PWS
Permit to Construct Issued: 2/18/2005

Permit No. 3704501, Public Water Supply

Applicant **New Wilmington Municipal Authority**
Borough or Township Wilmington Township
County **Lawrence**
Type of Facility PWS
Permit to Construct Issued: 2/17/2005

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

Borough or Township	Borough or Township Address	County
Guilford Township	115 Spring Valley Rd. Chambersburg PA 17201	Franklin

Plan Description: The approved plan entitled Mont Alto Road Extension provides for a sewer extension to serve eight existing residential dwellings with flows of 3,200 gpd, to be constructed, owned and operated by the Guilford Township Authority. The Department's review of the sewage facilities planning module has not identified

any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the owners.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bern Township	1069 Old Bernville Rd. Reading PA 19605	Berks

Plan Description: Planning module for new land development for the Crestview Subdivision, a 16-lot residential subdivision on a 36-acre tract proposing onlot sewage disposal systems and Alternate Greenhouse systems is disapproved. The plan failed to adequately address the short and long term method of sewage disposal due to insufficient soil testing, the lack of sufficient guarantees to implement the chosen alternatives and the failure to adequately address the continued operation and maintenance of the sewage facilities.

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—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of 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, shall 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 refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after 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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Trent & Torres Properties, West Grove Borough, **Chester County**. David Farrington, PG, Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., West Chester, PA 19380 on behalf of Isabel Torres, 128 W. Summit Ave., West Grove, PA 19390 and Sherry Trent, 124 W. Summit Ave., West Grove, PA 19390 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Barry Bridge Park Project, City of Chester, **Delaware County**. Walter H. Hungarter, III, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Delaware River Port Auth., Richard L. Brown, One Port Ctr., 2 Riverside Dr., Camden, NJ 08101 has submitted a Final Report concerning remediation of site soil contaminated with coal tar process waste. The report is intended to document remediation of the site to meet the Statewide Health Standard.

GlaxoSmithKline, Upper Merion Township, **Montgomery County**. Michael Gonsior, Roux Assoc., Inc., 1222 Forest Pkwy, Ste 190, West Deptford, NJ 08066 on behalf of Steven Wasserleben, GlaxoSmithKline, 709 Swedeland Rd., King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents and other organics. The report is intended to document remediation of the site to meet the Background and Statewide Health Standards.

Roberts Residence, Pennsburg Borough, **Montgomery County**. David J. Arber, ARC, P. O. Box 579, Quakertown, PA 18951 on behalf of the Estate of Anne M. Roberts has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Former GTE Products Corp, Muncy Township, **Lycoming County**, URS Corp., 335 Commerce Drive, Suite 300, Fort Washington, PA 19034-2623, has submitted a Final Report concerning soil contaminated with chlorinated solvents, fuel oil, No. 2 organics, leaded gasoline, other organics and unleaded gasoline. This Final Report is intended to demonstrate attainment of the Site Specific Standard for soil.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania*

Bulletin a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before 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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

309 Washington St. Prop., Conshohocken Borough, **Montgomery County**. Michael Gonshor, PG, Roux Assoc., Inc., 1222 Forest Pkwy, Ste 190, West Deptford, NJ 08066 on behalf of Washington St. Assoc., LP, 700 S. Henderson Rd., King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals and PAH. The Final report demonstrated attainment of the Statewide Health and Site Specific Standards and was approved by the Department on February 10, 2005.

Harrah's Chester Downs Casino and Racetrack, City of Chester, **Delaware County**. Terrence J. McKenna, P. E., Keating Env. Mgmt., Inc., 123 John Robert Thomas Dr., Exton, PA 19341 on behalf of J. Patrick Killian, Redevelopment Auth. of the County of Delaware, 200 E. State St., Ste. 205, Media, PA 19063 has submitted a Final Report concerning the remediation of

site soil contaminated with chlorinated solvents, lead and inorganics. The Work Plan was approved by the Department on February 2, 2005.

Route 113 and Bethlehem Pike Site, Hilltown Township, **Montgomery County**. Craig Herr, RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of State Farm Mutual Automobile Insurance, Inc., One State Farm Plaza, Bloomington, IL has submitted a Final Report concerning the remediation of site soil contaminated with lead, arsenic and benzo(a)pyrene. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on February 9, 2005.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Processing, Storage, or Disposal Facility.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. PAD004835146. MAX Environmental Technologies, Inc., 233 Max Lane, Yukon, PA 15698. Operation of a hazardous waste and storage treatment facility in South Huntingdon Township, **Westmoreland County**. A permit renewal and modification was issued in the Regional Office on February 14, 2005. The Regional Office also denied MAX Environmental Technologies request to accept mercury containing hazardous (Waste Code D009) reactive cyanide and reactive sulfide hazardous waste (Waste Code D003) and F006-F009, F011, F012, F019, K064-K066, K090, K091 and K100 (electroplating, copper, lead, zinc and chromium productions wastes) on February 14, 2005.

RESIDUAL WASTE GENERAL PERMITS

Permits Reissued 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 No. WMGR028M039. Hanson Aggregates BMC, Inc., 2200 Springfield Pike, Conneville, PA 15425.

General Permit No. WMGR028M039 was originally issued to Wine Construction, Inc., 1008 Big Sewickley Road, Sewickley, PA 15143 for the beneficial use of baghouse fines and scrubber pond precipitates, generated at Sewickley HMA plant, located in Economy Borough, **Beaver County**, as soil additive or soil amendment.

Based on a notification of a change of ownership, the beneficial use of baghouse fines and scrubber pond precipitates produced at this plant is now under the ownership and management of Hanson Aggregates BMC, Inc. Notice is hereby given of the reissuance of the General Permit No. WMGR028M039 granting Hanson Aggregates BMC, Inc. the beneficial use of baghouse fines and scrubber pond precipitates generated at the plant as

specified in the general permit. Central Office approved the reissuance of this general permit on February 16, 2005.

General Permit No. WMGR028M007. Hanson Aggregates BMC, Inc., 2200 Springfield Pike, Connellsville, PA 15425.

General Permit No. WMGR028M007 was originally issued to Commercial Stone Co., 2200 Springfield Pike, Connellsville, PA 15425 for the beneficial use of baghouse fines and scrubber pond precipitates, generated at: (1) Adamsburg Asphalt Plant—Westmoreland County; (2) Springfield Pike Asphalt Plant—Fayette County; and (3) Dunningville Asphalt Plant—Washington County, as soil additive or soil amendment.

Based on a notification of a change of ownership, the beneficial use of baghouse fines and scrubber pond precipitates produced at these plants is now under the ownership and management of Hanson Aggregates BMC, Inc. Notice is hereby given of the reissuance of the General Permit No. WMGR028M007 granting Hanson Aggregates BMC, Inc. the beneficial use of baghouse fines and scrubber pond precipitates generated at these plants as specified in the general permit. Central Office approved the reissuance of this general permit on February 16, 2005.

General Permit No. WMGR027M039. Hanson Aggregates BMC, Inc., 2200 Springfield Pike, Connellsville, PA 15425.

General Permit No. WMGR027M039 was originally issued to Wine Construction, Inc., 1008 Big Sewickley Road, Sewickley, PA 15143 for the beneficial use of baghouse fines and scrubber pond precipitates, generated at Sewickley HMA plant, located in Economy Borough, **Beaver County**, as an aggregate in roadway construction or ingredient in concrete or asphalt products.

Based on a notification of a change of ownership, the beneficial use of baghouse fines and scrubber pond precipitates produced at this plant is now under the ownership and management of Hanson Aggregates BMC, Inc. Notice is hereby given of the reissuance of the General Permit No. WMGR027M039 granting Hanson Aggregates BMC, Inc. the beneficial use of baghouse fines and scrubber pond precipitates generated at this plant as specified in the general permit. Central Office approved the reissuance of this general permit on February 16, 2005.

Persons interested in reviewing the General Permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

Registration Under General Permit No. WMGR090R038. Harborcreek Townshp, 5601 Buffalo Road, Erie, PA 16421.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on February 15, 2005.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit renewed under the Solid Waste Management Act, (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 100172. Arden Landfill, Inc., 200 Rangos Lane, Washington, PA 15301. Permit renewal for operation of a municipal waste landfill in Chartiers Township, **Washington County**. The permit renewal issued in the regional office on February 16, 2005, will allow for continued operations until July 22, 2006.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

39-310-022GP: Reading Materials, Inc. (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on February 10, 2005, to construct and operate a portable stone crushing plant (Nordberg) and associated air cleaning device at their facility in Upper Macungie Township, **Lehigh County**.

39-310-023GP: Reading Materials, Inc. (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on February 10, 2005, to construct and operate a portable stone crushing plant (Eagle) and associated air cleaning device at their facility in Upper Macungie Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

GP1-67-03131: Georgia-Pacific Corp. (25 Walnut Street, Mount Wolf, PA 17347) on February 15, 2005, for small gas and No. 2 oil fired combustion units under GP1 in Mount Wolf Borough, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

GP3-65-00968: Berg Corp. (2519 Wilkins Avenue, Baltimore, MD 21223) on February 15, 2005, to use a Portable Nonmetallic Mineral Processing Plant to crush concrete and other masonry products derived from demolition of the Wal-Mart in Hempfield Township, **Westmoreland County**.

GP5-32-00382: Dominion Exploration and Production, Inc. (1380 Route 286, Highway E, Suite 303, Indiana, PA 15701) on February 16, 2005, to operate their Fenton Compressor Station at White Township, **Indiana County**.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

40-303-020A: Reading Materials, Inc. (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on February 10, 2005, to modify a batch asphalt plant and associated air cleaning device to utilize recycled asphalt pavement in the mix at their Pikes Creek Asphalt facility in Lehman Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

36-05027F: R R Donnelley and Sons Co. (216 Greenfield Road, Lancaster, PA 17601-5885) on February 17, 2005, to expand their current solvent recovery system to control VOC emissions from a previously permitted rotogravure printing press at their Lancaster East facility in Lancaster City, **Lancaster County**. This facility is subject to 40 FCR Part 60, Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing and 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

23-0024B: Hanson Aggregates PA, Inc. (P. O. Box 231, Easton, PA 18044) on February 14, 2005, to operate a hot mix asphalt plant in Middletown Township, **Delaware County**.

46-0037Q: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on February 14, 2005, to operate a wet dust collector in Douglass Township, **Montgomery County**.

46-0221: Upper Moreland Hatboro Joint Sewer Authority (P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090) on February 16, 2005, to operate three tri-mer odor scrubbers in Upper Moreland Township, **Montgomery County**.

15-0010A: ISG Plate LLC (50 South First Avenue, Coatesville, PA 19320) on February 14, 2005, to modify the operation of a heat treating furnace in City of Coatesville, **Chester County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

08-00003A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda PA 18848) on February 3, 2005, to operate the trim surface coating operation and air cleaning devices (two cyclonic separators and two fabric collectors) identified in the respective plan approval on a temporary basis until June 5, 2005, at their facility in Wysox Township, **Bradford County**. The Plan Approval has been extended.

41-330-004: Sunoco, Inc. (5733 Butler Street, Pittsburgh, PA 15201) on February 11, 2005, to operate a soil vapor extraction system and associated air cleaning device, a bio-filter, on a temporary basis until June 11, 2005, in Armstrong Township, **Lycoming County**. The plan approval has been extended. The Plan Approval has been extended.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, 215-823-7584.

AMS 03219: Women's Detention Facility (8151 State Road, Philadelphia, PA 19136) on February 14, 2005, application to install a 323 bhp gas fired chiller was denied in the City of Philadelphia, **Philadelphia County** because the installation is not in conformance with the best available technology requirements of 25 Pa. Code § 127.1.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

41-00005: Textron-Lycoming (652 Oliver Street, Williamsport, PA 17701) on February 4, 2005, a revised Title V operating permit, Revision No. 5 for their facility in the City of Williamsport, **Lycoming County**. Revision No. 5 incorporates terms and conditions from Plan Approval No. 41-00005B which authorized Lycoming Engines to construct three nitriders of Source ID P225 and an ammonia gas neutralization unit (ID C225) to control the ammonia emission. The Title V operating permit will expire on December 31, 2005. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

46-00152: Upper Merion Area School District (435 Crossfield Rd., King of Prussia, PA 19406) on February

15, 2005, to operate a Natural Minor Operating Permit in Upper Merion Township, **Montgomery County**.

46-00245: Neptune Chemical Pump Co., Inc. (P. O. Box 247, Lansdale, PA 19446) on February 18, 2005, to operate a Natural Minor Operating Permit in Montgomery Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

67-03046: Cycle Chem, Inc. (550 Industrial Drive, Lewisberry, PA 17339) on February 15, 2005, to operate their hazardous and residual waste treatment, storage and transfer facility in Fairview Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

14-00022: State College Area School District (131 West Nittany Avenue, State College, PA 16801) on December 23, 2004, a State Only (Synthetic Minor) Operating Permit for their junior-senior high school in State College Borough, **Centre County**. The facility's main sources include five natural gas/No. 2 fuel oil fired boilers, and four natural gas fired emergency generators. The facility has taken restrictions to limit potential SOx emissions below Title V thresholds. The State Only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

41-00061: Hanson Aggregates Pennsylvania, Inc. (2200 Springfield Pike, Connellsville, PA 15425) on November 17, 2004, a State Only operating permit for their sand and gravel processing facility in Fairfield Township, **Lycoming County**. The facility's main sources include various pieces of crushing, screening and conveying equipment. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

65-00898: Equitrans, LP (100 Allegheny Center Mall, Pittsburgh, PA 15212) on February 16, 2005, for a State only operating permit renewal for an internal combustion engine at their Sleepy Hollow Compressor Station in Salem Township, **Westmoreland County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Norman Frederick, Facilities Permitting Chief, (570) 826-2409.

35-00053: Metkote Laminated Products, Inc. (1151 Union Street, Taylor, PA 18517) on December 29, 2004, to operate a metal laminating plant in Taylor Borough, **Lackawanna County**.

45-00030: United Huxley Envelope (P. O. Box 37, Mount Pocono, PA 18344) on December 29, 2004, to operate an envelope manufacturing facility in Coolbaugh Township, **Monroe County**.

48-00078: Chrin Brothers, Inc. (635 Industrial Drive, Easton, PA 18042) on January 19, 2005, to operate a stone crushing facility in Williams Township, **Northampton County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution

Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

09-00128: East Coast Sign Advertising (5058 Route 13 North, Bristol, PA 19007) on February 15, 2005, to amend the operation of a Synthetic Minor Operating Permit in Bristol Township, **Bucks County**.

46-00012: Philadelphia Newspaper, Inc. (800 River Road, Conshohocken, PA 19428) on February 18, 2005, to amend the operation of a facility Title V Operating Permit in Upper Merion Township, **Montgomery County**.

15-00019: Exelon Generation Co. (300 Exelon Way, Kennett Square, PA 19348) on February 16, 2005, to amend the operation of a facility Title V Operating Permit in Phoenixville Borough, **Chester County**.

23-00003: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) on February 16, 2005, to amend the operation of a facility Title V Operating Permit in Trainer Borough, **Delaware County**.

46-00025: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on February 16, 2005, to amend the operation of a facility Title V Operating Permit in Upper Merion Township, **Montgomery County**.

46-00036: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) on February 15, 2005, to amend the operation of a facility Title V Operating Permit in Worcester Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

67-05004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on February 15, 2005, to administratively amend their Title V Operating Permit to incorporate plan approval Nos. 67-05004B, 67-05004C, 67-05004D, 67-05004F and 67-05004G to operate their pulp and paper mill in Spring Grove Borough, **York County**. This is Revision 02.

67-05062: Gerald Daniel Worldwide (34 Barnhart Drive, Hanover, PA 17331) on February 17, 2005, to operate their industrial steel wire cloth manufacturing facility in Hanover Borough, **York County**. This operating permit was administratively amended to incorporate changes to the facility. This is Revision 01.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

49-00007: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on January 11, 2005, issued a revised an operating permit, Revision No. 6, for their pharmaceutical, pesticide and chemical manufacturing facility in Riverside Borough, **Northumberland County**. The revision of this permit is to incorporate plan approval exemption conditions issued July 20, 2004, for the Trityl Losartan process. The revision also included minor changes as requested in the modification request dated September 15, 2004. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

65-00860: Hydro Carbide Inc. (P. O. Box 363, Route 982 at Route 30, Latrobe, PA 15650) on February 10, 2005, to replace 11 tons of source-specific VOC limit on Source ID 106 (Attritors No. 7 and No. 8). The facility has a plant wide emission limit of 131 tons of VOC per consecutive 12-month period. This limit includes the 11-ton limit.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

65-00788: Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666-1770) to increase site emissions of volatile organic compounds by 1.0 ton per year at their Sony Technology Center—Pittsburgh in East Huntingdon Township, **Westmoreland County**. The emission increase is due to the construction of a new paint booth and drying oven for a plastic parts television assembly line operation. The Department has approved these emissions as de minimis increases in accordance with 25 Pa. Code § 127.449.

Sony Electronics, Inc. has notified the Department of a de minimis emissions increase at their Sony Technology Center in East Huntingdon Township, Westmoreland County in accordance with the provisions of Title V Operating Permit No. 65-00788, Section B, Condition No. 17. The emissions increase of 1.0 ton per year of VOCs is due to the construction of a new paint booth and drying oven for a plastic parts television assembly line operation. Operation of this source under the de minimis provisions is a for a limited time period of 100 days until Sony receives a plan approval for the source from the Department.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

30841307. NPDES Permit No. PA0213438, RAG Emerald Resources, LP (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin and Whiteley Townships, **Greene County** to install 15 ventilation boreholes, Sur-

face Acres Proposed 4.27. No additional discharges. Permit issued February 14, 2005.

56841606. NPDES Permit No. PA0110507, Brothersvalley Coal Sales, Inc. (3070 Stoystown Road, Stoystown, PA 15563), to transfer the permit for the Scurfield Coal Preparation Plant in Brothervalley Township, **Somerset County** and related NPDES permit from Scurfield Coal, Inc. and revise the permit to delete 1.9 reclaimed acres. No additional discharges. Permit issued February 14, 2005.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900.

56890110 and NPDES Permit No. PA0598551. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, surface mining permit renewal in Shade Township, **Somerset County**, affecting 67.6 acres. Receiving stream: Whiskey Run to Dark Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Withdrawal. Application received October 18, 2004. Permit issued February 11, 2005.

11960105 and NPDES Permit No. PA0234141. E. P. Bender Coal Company, P. O. Box 594, Carrolltown, PA 15722, surface mining permit revision in Reade and Beccarria Townships, **Cambria and Clearfield Counties**, affecting 474 acres. Receiving streams: Turner Run and Clear Creek, Clearfield Creek classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 9, 2004. Permit issued February 11, 2005.

56763114 and NPDES Permit No. PA0608238. Svonavec, Inc., 150 West Union Street, Suite 201, Somerset, PA 15501, surface mining permit renewal in Milford Township, **Somerset County**, affecting 96.8 acres. Receiving streams: UNT to South Glade Creek and South Glade Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 9, 2004. Permit issued February 14, 2005.

32990110 and NPDES Permit No. PA0235164. KMP Associates, 1094 Lantz Road, Avonmore, PA 15618, SMP Transfer to KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618 in Young Township, **Indiana County**, affecting 41.3 acres. Receiving streams: UNT to Harpers Run, Harpers Run, Blacklegs Creek and Kiskiminetas River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 18, 2004. Permit issued February 15, 2005.

Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.

03950113 and NPDES Permit No. PA0201529. Seven Sisters Mining Co., Inc. (US Route 22, Delmont, PA 15626). Renewal permit for continued operation and reclamation of an existing bituminous surface mine, located in Burrell and South Bend Townships, **Armstrong County**, affecting 93 acres. Receiving streams: Crooked Creek and UNT to Crooked Creek. Renewal application received: June 16, 2004. Permit issued: February 17, 2005.

Moshannon District Mining Office: 186 Enterprise Drive, Phillipsburg, PA 16866, (814) 342-8200.

17020110 and NPDES Permit No. PA 0243311. RAMM Coal, Inc. (1092 Spruce Hill Road, Rockton, PA

15856). Transfer of an existing bituminous surface mine-auger permit from RAMM Coal Company to RAMM Coal, Inc. The permit is located in Sandy and Brady Townships, **Clearfield County** and affects 143.6 acres. Receiving streams: Laborde Branch to Sandy Lick Creek to Red Bank Creek to the Allegheny River to the Ohio River to the Mississippi River to the Gulf of Mexico. Application received: August 20, 2004. Permit issued: February 3, 2005.

17663037 and NPDES Permit No. PA 0611328. Sky Haven Coal, Inc. (R. R. 1, Box 180, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Decatur and Woodward Townships, **Clearfield County** affecting 400.5 acres. Receiving streams: Goss Run and Little Beaver Run, both to Beaver Run to Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received: March 29, 2004. Permit issued: January 28, 2005.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17190, (570) 621-3118.

54980201R and NPDES Permit No. PA023930. AC Fuels Company, (1001 Industrial Road, Nesquehoning, PA 18240), renewal of an existing coal refuse reprocessing operation in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties** affecting 197.5 acres. Receiving stream: Catawissa Creek. Application received May 13, 2003. Renewal issued February 17, 2005.

54773215R3. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing coal refuse reprocessing operation in Reilly and Frailey Townships, **Schuylkill County** affecting 46.4 acres. Receiving stream: none. Application received July 22, 2004. Renewal issued February 17, 2005.

54803201R3. Blaschak Coal Corp., (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 17.4 acres. Receiving stream: none. Application received December 22, 2004. Renewal issued February 17, 2005.

54851315T2. Summit Anthracite, Inc. (196 Vista Road, Klingerstown, PA 17941), transfer of an existing anthracite underground mine operation in Schuylkill and Blythe Townships, **Schuylkill County** affecting 9.8 acres. Receiving stream: none. Application received August 5, 2004. Transfer issued February 18, 2005.

54783205R4. RJBB Coal Company (144 Trenton, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Delano Township, **Schuylkill County** affecting 4.0 acres. Receiving stream: none. Application received December 28, 2004. Renewal issued February 18, 2005.

Noncoal Permits Actions

Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.

20040302. Sam H. Barnhart & Son (R. D. 1, Box 45-B, Titusville, PA 16354). Commencement, operation, and restoration of a gravel operation in Oil Creek Township, **Crawford County** affecting 15.0 acres. Receiving streams: None. Application received: March 26, 2004. Permit Issued: February 7, 2005.

4673SM13. John D. Anderson (P. O. Box 676, Warren, PA 16365). Transfer of an existing sand and gravel operation from I.A. Construction Corporation in Pine Grove Township, **Warren County** affecting 28.5 acres.

Receiving streams: North Branch Akeley Run to Conewango Creek. Application received: June 9, 2004. Permit Issued: February 9, 2005.

61042803. Joe Klapac & Son, Inc. (218 State Route 428, Oil City, PA 16301). Commencement, operation, and restoration of a small noncoal sandstone operation in Sugarcreek Borough, **Venango County** affecting 5.0 acres. Receiving streams: Charley Run. Application received: November 5, 2004. Permit Issued: February 11, 2005.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

53030802. Robert H. Ostrom (2897 Route 6 West, Roulette, PA 16746). Commencement, operation and restoration of a small industrial minerals (flagstone) permit in Roulette Township, **Potter County** affecting 1 acre. Receiving stream: Fishing Creek to Allegheny River. Application received: June 23, 2003. Permit issued: January 26, 2005.

53030803. Robert H. Ostrom (2897 Route 6 West, Roulette, PA 16746). Commencement, operation and restoration of a small industrial minerals (flagstone) permit in Roulette Township, **Potter County** affecting 1 acre. Receiving stream: Carr Creek to Allegheny River. Application received: June 23, 2003. Permit issued: January 26, 2005.

59020301. Jill D. Cross (P. O. Box 240, 3066 E. Roosevelt Highway, Mainesburg, PA 16932-0240). Transfer of an existing large industrial minerals (gravel) permit from Clifford Cross, Jr. The permit is located in Lawrence Township, **Tioga County** and affects 13.8 acres. Receiving stream: Harts Creek, tributary of the Tioga River. Application received: November 19, 2005. Permit issued: February 3, 2005.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

35030301. Pioneer Aggregates, Inc. (202 Main Street, Laflin, PA 18702), commencement, operation and restoration of a quarry operation in Fell Township, **Lackawanna County** affecting 230.0 acres, receiving stream: none. Application received December 2, 2003. Permit issued February 18, 2005.

ABANDONED MINE RECLAMATION

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

Bond Forfeiture	BF 378-101.1
Contract Awarded	
Location	Boggs Township Clearfield County
Description	Act 181, Bond Forfeiture Reclamation, Hill Coal Company Enterprises
Contractor	Earthmovers Unlimited, Inc. Kylertown, PA
Amount	\$425,310
Date of Award	February 15, 2005

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151-161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be

regulated by the mining permit for that coal or noncoal mining activity.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

05054002. D. C. Guelich Explosive Company, 456 Stouffer Hill Road, Friedens, PA 15541, foundation excavation—Holderbaum Foundation at 1098 Messiah Church Road, Bedford Township, **Bedford County**. Duration of blasting is 10 days. Permit issued February 11, 2005.

Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.

27054001. Pennsylvania General Energy (208 Liberty Street, Warren, PA 16365). Blasting activity permit to build access roads to oil wells in Jenks Township, **Forest County**. This blasting activity permit will expire on February 14, 2006. Application received: February 14, 2005. Application issued: February 14, 2005.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

21054107. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Meadowbrook Development in Upper Allen Township, **Cumberland County** with an expiration date of February 28, 2006. Permit issued February 14, 2005.

28054101. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Ruters Store in Waynesboro Borough, **Franklin County** with an expiration date of June 30, 2005. Permit issued February 14, 2005.

21054002. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Copper Ridge in Lemoyne Borough, **Cumberland County** with an expiration date of January 30, 2006. Permit issued February 15, 2005.

01054001. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Simme Valley Estates in Oxford Township, **Adams County** with an expiration date of January 30, 2006. Permit issued February 15, 2005.

06054004. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Broadcasting Ridge in Spring Township, **Berks County** with an expiration date of February 16, 2006. Permit issued February 15, 2005.

36054004. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Hawthorne Ridge in Lancaster Township, **Lancaster County** with an expiration date of February 16, 2006. Permit issued February 15, 2005.

23054001. Eastern Blasting Company (1292 Street Road, New Hope, PA 18938), construction blasting at Pond View Housing Project in Bethel Township, **Delaware County** with an expiration date of March 11, 2006. Permit issued February 15, 2005.

36054005. Rogele, Inc. (1025 South 21st Street, P. O. Box 1757, Harrisburg, PA 17105-1757), construction blasting for improvements to Columbia High School Stadium in Columbia Borough, **Lancaster County** with an expiration date of July 11, 2005. Permit issued: February 15, 2005.

01054105. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Deatrick Village in Cumberland Township, **Adams County** with an expiration date of March 15, 2006. Permit issued February 16, 2005.

06054101. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Brierwood Development in South Heidelberg Township, **Berks County** with an expiration date of December 30, 2005. Permit issued February 16, 2005.

21054108. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Carlisle Medical Center in South Middleton Township, **Cumberland County** with an expiration date of April 30, 2006. Permit issued February 16, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

E31-197: Borough of Huntingdon, 530 Washington Street, Huntingdon, PA 16652 in Huntingdon Borough, **Huntingdon County**, ACOE Baltimore District.

To remove 80 feet of an existing 24-inch combined sewer outfall and to construct and maintain a new 60-inch combined sewer outfall with a 32-foot by 47-foot riprap apron in the channel of the Juniata River at a point (Huntingdon, PA Quadrangle N: 19.15 inches; W: 0.7 inch) immediately upstream of its confluence with Standing Stone Creek (HQ-CWF) in the Borough of Huntingdon, Huntingdon County. The project proposes to permanently impact a total of 47 linear feet, and temporarily impact 80 linear feet of the channel of the Juniata River.

E22-481: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Washington Township, **Dauphin County**, ACOE Baltimore District.

To remove the existing two-span bridge and then to construct and maintain a two-span bridge with a total centerline clear span of 106.34 feet on an 80° skew with a minimum average underclearance of 8.35 feet over Wiconisco Creek (WWF) on SR 1021, Section 003, Segment 0050, Offset 2708, located about 1.4 miles north of Elizabethville Borough (Elizabethville, PA Quadrangle N: 12.5 inches; W: 10.65 inches) in Washington Township, Dauphin County.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-561. Donald and Mary Beth Lawson, 1161 Greenbrier Drive, Bethel Park, PA 15102. Maintain a residential culvert in Nottingham Township, **Washington County**, Pittsburgh ACOE District (Hackett, PA Quadrangle N: 15.4 inches; W: 8.4 inches and Latitude: 40° 12' 35"—Longitude: 80° 3' 37"). To operate and maintain a 17.0' x 5.97' arch culvert approximately 25' long; and to operate and maintain various utility line crossings in and across Sugar Run (HQ-TSF) to provide access to a proposed residence. The project is located on the west side of Sugar Run Road.

E65-842. Donato and Diane Pasquarelli, 710 Nathan Drive, North Huntingdon, PA 15642. To construct a stream enclosure in North Huntingdon Township, **West-**

moreland County, Pittsburgh ACOE District (Irwin, PA Quadrangle N: 9.69 inches; W: 12.34 inches and Latitude: 40° 18' 12"—Longitude: 79° 42' 51"). To construct and maintain a 100-foot long, 5-foot diameter stream enclosure (invert depressed 6 inches) and associated utility lines in an unnamed tributary to Little Sewickley Creek classified as a trout stocked fishery, and to place and maintain fill in 0.11 acre of wetland (PEM). To construct 0.14 acre of replacement wetland (PEM), located in the proposed Woodridge Estates along the south side of Barnes Lake Road. This project will also have utility line crossings and enclose approximately 100 feet of another unnamed tributary to Little Sewickley Creek also classified as a trout stocked fishery; that qualifies for authorization under the Department's waiver 105.12(a)(2).

SPECIAL NOTICES

Recycling Grant Awards Under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection announces the following grants to municipalities for recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.902).

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Financially Distressed Municipalities Act (53 P. S. § 11701.101 et seq.) are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P. S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Todd Pejack, Recycling Grants Coordinator, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 902 Recycling Development and Implementation Grants

February 17, 2005

<i>Applicant</i>	<i>Project</i>	<i>Amount Recommended</i>
Southeast Region		
1 Caln Township Chester County	Leaf Collection & Composting	\$284,355
2 Central Chester Co. Recycling Auth. Chester County	Recycling Center Improvements	\$22,851
3 Chester County	Home Composting & Recycling Education	\$97,748
4 East Marlborough Township Chester County	Wood Chipping Equip. & Collection Vehicle	\$81,001
5 East Pikeland Township Chester County	Yard Waste Composting	\$91,452
6 Phoenixville Borough Chester County	Curbside Recycling & Yard Waste Composting	\$357,512
7 SE Chester Co. Refuse Authority Chester County	Yard Waste Composting & Recycling Education	\$201,524

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	<i>Applicant</i>	<i>Project</i>	<i>Amount Recommended</i>
8	West Brandywine Township Chester County	Yard Waste Collection	\$23,940
9	Aston Township Delaware County	Yard Waste Collection	\$21,915
10	City of Chester Delaware County	Yard Waste Collection & Recycling Education	\$8,905
11	Edgmont Township Delaware County	Recycling Education	\$1,804
12	Glenolden Borough Delaware County	Leaf Collection & Curbside Recycling	\$29,443
13	Haverford Township Delaware County	Curbside & Drop-off Recycling	\$183,532
14	Marple Township Delaware County	Curbside Recycling & Recycling Education	\$6,385
15	Norwood Borough Delaware County	Leaf Collection	\$15,250
16	Radnor Township Delaware County	Curbside Recycling & Recycling Education	\$5,645
17	Springfield Township Delaware County	Leaf Collection & Recycling Education	\$11,918
18	Swarthmore Borough Delaware County	Curbside Recycling & Public Area Recycling	\$28,250
19	Upper Chichester Township Delaware County	Curbside Collection & Leaf Collection	\$40,827
20	Ambler Borough Montgomery County	Curbside Recycling & Recycling Education	\$18,974
21	Cheltenham Township Montgomery County	Leaf Collection & Composting	\$184,309
22	Douglass Township Montgomery County	Leaf Collection & Composting	\$101,640
23	Hatboro Borough Montgomery County	Curbside Recycling	\$140,807
24	Jenkintown Borough Montgomery County	Curbside Recycling	\$84,577
25	Montgomery County	Office & Public Event Recycling	\$12,708
26	Montgomery Co. Recycling Consort. Montgomery County	Recycling Center Construction	\$287,736
27	Rockledge Borough Montgomery County	Curbside Recycling & Recycling Education	\$2,999
28	Springfield Township Montgomery County	Leaf Collection	\$121,500
29	Trappe Borough Montgomery County	Curbside Recycling & Recycling Education	\$10,948
30	Upper Dublin Township Montgomery County	Leaf Collection & Composting	\$100,036
31	Upper Merion Township Montgomery County	Public Area Recycling & Apartment Recycling	\$64,072
32	Upper Moreland Township Montgomery County	Leaf Collection & Composting	\$285,957
33	City of Philadelphia Philadelphia County	Curbside Recycling & Recycling Education	\$500,000
Northeast Region			
34	Carbon County	Leaf Collection & Home Composting	\$133,486
35	Archbald Borough Lackawanna County	Curbside Recycling	\$1,740

	<i>Applicant</i>	<i>Project</i>	<i>Amount Recommended</i>
36	City of Carbondale Lackawanna County	Curbside Recycling	\$2,880
37	Covington Township Lackawanna County	Public Area Recycling & Recycling Education	\$4,000
38	Dunmore Borough Lackawanna County	Curbside Recycling & Wood Waste Recycling	\$46,426
39	Lackawanna County	Recycling Center & Yard Waste Composting	\$500,000
40	Moscow Borough Lackawanna County	Yard Waste Drop-off	\$50,699
41	Olyphant Borough Lackawanna County	Curbside Recycling & Recycling Education	\$7,200
42	City of Scranton Lackawanna County	Curbside & Drop-off Recycling	\$388,829
43	City of Allentown Lehigh County	Recycling Center & Recycling Education	\$295,000
44	Emmaus Borough Lehigh County	Leaf Composting & Public Area Recycling	\$16,491
45	Lehigh County	Leaf Composting & Recycling Education	\$276,074
46	Lower Macungie Township Lehigh County	Curbside Recycling	\$17,465
47	Salisbury Township Lehigh County	Leaf Collection	\$22,950
48	Upper Macungie Township Lehigh County	Drop-off Recycling & Recycling Education	\$8,281
49	Washington Township Lehigh County	Curbside Recycling & Recycling Education	\$7,636
50	Exeter Borough Luzerne County	Leaf Collection & Composting	\$181,347
51	Hanover Township Luzerne County	Leaf Collection & Recycling Education	\$92,736
52	Hughestown Borough Luzerne County	Curbside Recycling	\$48,561
53	Kingston Municipality Luzerne County	Yard Waste Processing Equipment	\$306,526
54	Luzerne County	Office Recycling	\$31,915
55	West Hazleton Borough Luzerne County	Curbside Recycling & Recycling Education	\$27,122
56	Wright Township Luzerne County	Leaf Composting	\$500,000
57	Chestnuthill Township Monroe County	Recycling Center & Leaf Composting	\$306,598
58	Coolbaugh Township Monroe County	Leaf Composting	\$410,636
59	East Stroudsburg Borough Monroe County	Curbside & Drop-off Recycling	\$45,288
60	Monroe County MWM Authority Monroe County	Drop-off Recycling & Consolidation Center	\$197,307
61	Stroud Township Monroe County	Leaf Composting	\$363,609
62	Tunkhannock Township Monroe County	Curbside Recycling	\$1,827
63	City of Bethlehem Northampton County	Leaf Composting & Recycling Education	\$204,901
64	Freemansburg Borough Northampton County	Curbside Recycling & Public Area Recycling	\$5,928

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<i>Applicant</i>	<i>Project</i>	<i>Amount Recommended</i>
65 Schuylkill County	Drop-off Recycling & Recycling Education	\$257,052
66 N. Tier Coalition of Communities Susquehanna County	Leaf Composting	\$488,864
67 Wayne County	Home Composting	\$4,868
Southcentral Region		
68 Berks County	In-Vessel Composting	\$143,197
69 Cumru Township Berks County	Leaf Collection & Curbside Collection	\$110,307
70 Exeter Township Berks County	Leaf Collection & Recycling Education	\$101,642
71 Mohnton Borough Berks County	Curbside Recycling	\$23,850
72 City of Reading Berks County	Curbside Recycling & Leaf Collection	\$438,750
73 Robesonia Borough Berks County	Public Area Recycling	\$1,233
74 South Heidelberg Township Berks County	Curbside & Drop-off Recycling	\$35,592
75 Antis Township Blair County	Leaf Composting	\$31,300
76 Blair County	Drop-off Recycling & Recycling Center	\$42,750
77 Camp Hill Borough Cumberland County	Curbside & Drop-off Leaf Collection	\$105,620
78 Cumberland County	Drop-off Recycling	\$500,000
79 Mechanicsburg Borough Cumberland County	Leaf Composting	\$497,301
80 Mechanicsburg Borough Cumberland County	Public Place Recycling Containers	\$2,699
81 Shippensburg Borough Cumberland County	Leaf Composting	\$360,810
82 South Middleton Township Cumberland County	Recycling Education	\$1,757
83 Upper Allen Township Cumberland County	Leaf Collection	\$39,888
84 Dauphin County	Drop-off Recycling & Recycling Center	\$500,000
85 Lower Swatara Township Dauphin County	Recycling at Airport	\$14,337
86 Middletown Borough Dauphin County	Leaf Composting	\$435,000
87 Millersburg Borough Dauphin County	Leaf Collection & Composting	\$14,094
88 Susquehanna Township Dauphin County	Leaf Composting	\$239,378
89 Swatara Township Dauphin County	Leaf Collection	\$131,400
90 Columbia Borough Lancaster County	Leaf Composting	\$385,724
91 East Hempfield Township Lancaster County	Leaf Collection	\$112,500
92 City of Lancaster Lancaster County	Drop-off Recycling & Leaf Composting	\$260,386
93 Lancaster County SWM Authority Lancaster County	Curbside Recycling & Home Composting	\$48,489

	<i>Applicant</i>	<i>Project</i>	<i>Amount Recommended</i>
94	West Lampeter Township Lancaster County	Wood Waste Recycling & Public Area Recycling	\$48,933
95	City of Lebanon Lebanon County	Leaf Collection & Composting	\$151,977
96	Lebanon County	Curbside Recycling & Recycling Education	\$60,200
97	Meyerstown Borough Lebanon County	Curbside Recycling & Recycling Education	\$10,143
98	North Cornwall Township Lebanon County	Leaf Collection & Recycling Education	\$134,176
99	North Lebanon Township Lebanon County	Curbside Recycling & Leaf Composting	\$86,928
100	North Londonderry Township Lebanon County	Leaf Composting	\$92,620
101	South Lebanon Township Lebanon County	Leaf Collection & Public Area Recycling	\$102,736
102	Manchester Township York County	Leaf Collection & Recycling Education	\$41,478
103	Springettsbury Township York County	Leaf Collection & Recycling Education	\$26,094
104	Wrightsville Borough York County	Leaf Collection & Composting	\$58,058
105	York County SW & Refuse Authority York County	Curbside Recycling	\$244,786
Northcentral Region			
106	Northern Tier SW Authority Bradford County	Commercial Recycling & Recycling Education	\$134,573
107	Centre County SW Authority Centre County	Drop-off Recycling & Recycling Center	\$322,442
108	Bellefonte Borough Centre County	Leaf Collection & Commercial Recycling	\$135,000
109	Centre Hall Borough Centre County	Leaf Composting	\$14,761
110	Ferguson Township Centre County	Leaf Collection & Wood Waste Recycling	\$13,500
111	Harris Township Centre County	Wood Waste Recycling	\$26,604
112	Howard Borough Centre County	Leaf Collection	\$19,597
113	Millheim Borough Centre County	Leaf Composting & Wood Waste Recycling	\$26,928
114	Patton Township Centre County	Leaf Collection & Wood Waste Recycling	\$65,331
115	Philipsburg Borough Centre County	Leaf Composting	\$58,058
116	Clearfield County SW Authority Clearfield County	Recycling Education	\$21,192
117	Clinton County SW Authority Clinton County	Drop-off Recycling & Recycling Education	\$120,064
118	Berwick Borough Columbia County	Curbside Recycling & Recycling Education	\$55,371
119	Town of Bloomsburg Columbia County	Recycling Center & Leaf Composting	\$156,410
120	Lycoming County	Drop-off Recycling & Recycling Center	\$198,900
121	Northumberland Borough Northumberland County	Recycling Center Equipment	\$78,525

NOTICES

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<i>Applicant</i>	<i>Project</i>	<i>Amount Recommended</i>
122 City of Shamokin Northumberland County	Curbside Recycling & Leaf Collection	\$26,793
123 Sunbury Municipal Authority Northumberland County	Drop-off Recycling & Recycling Education	\$16,879
124 Selinsgrove Borough Snyder County	Drop-off Recycling & Leaf Collection	\$34,392
125 Union County	Curbside & Drop-off Recycling	\$126,765
Southwest Region		
126 Bethel Park Municipality Allegheny County	Curbside Recycling & Recycling Education	\$38,835
127 Edgewood Borough Allegheny County	Leaf Collection & Consolidation Site	\$214,085
128 Mt. Lebanon Municipality Allegheny County	Leaf Collection & Recycling Education	\$75,516
129 O'Hara Township Allegheny County	Wood Waste Recycling & Recycling Education	\$25,966
130 City of Pittsburgh Allegheny County	Curbside Recycling & Recycling Education	\$358,996
131 Plum Borough Allegheny County	Leaf Collection & Composting	\$102,301
132 Ross Township Allegheny County	Leaf Collection	\$83,700
133 Scott Township Allegheny County	Leaf Collection & Wood Waste Recycling	\$54,600
134 Sewickley Borough Allegheny County	Leaf Collection & Composting	\$161,550
135 Shaler Township Allegheny County	Recycling Collection Equip. & Education	\$41,730
136 South Park Township Allegheny County	Curbside Recycling & Recycling Education	\$7,272
137 Wilkinsburg Borough Allegheny County	Drop-off Recycling & Recycling Education	\$79,667
138 Armstrong County	Drop-off Recycling & Recycling Center	\$160,024
139 Ambridge Borough Beaver County	Wood Waste Recycling & Recycling Center	\$75,969
140 Beaver County	Recycling Education & Wood Waste Recycling	\$37,400
141 City of Johnstown Cambria County	Curbside Recycling & Leaf Composting	\$105,718
142 Fayette County	Curbside Recycling & Recycling Center	\$305,916
143 Georges Township Fayette County	Yard Waste Collection Site	\$49,950
144 South Union Township Fayette county	Curbside Recycling & Recycling Education	\$13,342
145 Greene County	Commercial Recycling	\$31,439
146 Indiana County SW Authority Indiana County	Recycling Center & Recycling Education	\$159,851
147 Donora Borough Washington County	Leaf Collection	\$14,082
148 Murrysville Municipality Westmoreland County	Curbside Recycling & Recycling Education	\$7,306
Northwest Region		
149 Butler County	Public Area Recycling & Recycling Education	\$55,600
150 Cranberry Township Butler County	Curbside Recycling & Recycling Education	\$500,000

<i>Applicant</i>	<i>Project</i>	<i>Amount Recommended</i>
151 Mars Borough Butler County	Leaf Collection & Recycling Education	\$19,980
152 Crawford County SW Authority Crawford County	Drop-off Recycling & Recycling Center	\$259,956
153 Elk County	Leaf Composting & Recycling Education	\$46,361
154 City of St. Marys Elk County	Curbside Recycling & Recycling Education	\$128,334
155 Edinboro Borough Erie County	Leaf Collection & Public Area Recycling	\$72,950
156 City of Erie Elk County	Leaf Composting & Public Area Recycling	\$368,100
157 Millcreek Township Erie County	Leaf Collection & Composting	\$152,774
158 Jefferson County SW Authority Jefferson County	News-to-Animal Bedding & Recycling Education	\$44,820
159 Lawrence County	Home Composting & Recycling Education	\$29,618
160 Mercer County SW Authority Mercer County	Drop-off Recycling & Consolidation Center	\$25,000
161 City of Franklin Venango County	Public Area Recycling & Recycling Education	\$10,592
162 Warren County SW Authority Warren County	Drop-off Recycling & Recycling Education	\$107,720
TOTAL		\$ 20,000,000

Public Meeting and Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for the Kettle Creek Watershed in Clinton and Potter Counties

The Department of Environmental Protection (Department) and the Susquehanna River Basin Commission will hold a public meeting to discuss and accept comments on a proposed TMDL for the Kettle Creek Watershed in Clinton and Potter Counties. The meeting will be held on March 15, 2005, at 7 p.m. at the Leidy Township Municipal Building, 7214 Kettle Creek Road, Renovo, PA. Individuals who plan to make a presentation at the public meeting should contact Lee McDonnell, Department of Environmental Protection, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 787-9637 by 4 p.m. on Thursday, March 10, 2005. The Department will consider all comments in developing the final TMDL for the Kettle Creek Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Kettle Creek Watershed was established in accordance with the requirements of the Clean Water Act, Section 303(d). One stream segment in the Kettle Creek Watershed has been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
23661	Kettle Creek	3.0

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal in the 1900s. The effects of this are still present.

The proposed TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Kettle Creek Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 2 years was used to establish the proposed TMDL for the Kettle Creek Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Kettle Creek Watershed. Comments must be postmarked by May 4, 2005, and sent to Lee McDonnell, Department of Environmental Protection, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 787-9637, lmcdonnell@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Leidy

Township Municipal Building in Renovo, PA, contact Lee McDonnell at the phone number or e-mail address indicated previously.

The proposed TMDL for the Kettle Creek Watershed can be accessed through the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL). Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 05-425. Filed for public inspection March 4, 2005, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Guidance—Substantive Revision

DEP ID: 562-4100-301. Title: Compliance/Enforcement Procedures. Description: This document defines the procedures to be utilized by Department staff for taking enforcement actions on coal and industrial mineral mining sites. It is issued under the authority of the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a), The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and 25 Pa. Code § 86.211 (relating to enforcement—general). The document was revised to conform to the Department's "Standards and Guidelines For Identifying, Tracking, and Resolving Violations," which was issued on April 4, 2004. A notice of availability of the draft version of this document was published at 34 Pa.B. 4202 (August 7, 2004). Provision for a 30-day public comment period was provided for the draft document,

which concluded on September 6, 2004. The Department did not receive any comments during the public comment period. Contact: William S. Allen, Jr., Bureau of Mining and Reclamation, (717) 787-5103, wallen@state.pa.us. Effective Date: March 5, 2005.

DEP ID: 562-4180-306. Title: Coal Civil Penalties. Description: This document defines the procedures to be utilized by Department staff for taking civil penalty actions on coal mining sites. The guidance applies to violations of 25 Pa. Code Chapters 86—90 and the applicable statutes. It is issued under the authority of 25 Pa. Code Chapter 86, Subchapter G (relating to civil penalties for coal mining activities). The document was revised to conform to the Department's "Standards and Guidelines for Identifying, Tracking, and Resolving Violations," which was issued on April 4, 2004. A notice of availability of the draft version of this document was published at 34 Pa.B. 4202. Provision for a 30-day public comment period was provided for the draft document, which concluded on September 6, 2004. The Department did not receive any comments during the public comment period. Contact: William S. Allen, Jr., Bureau of Mining and Reclamation, (717) 787-5103, wallen@state.pa.us. Effective Date: March 5, 2005.

Draft Technical Guidance—Substantive Revision

DEP ID: 383-2300-001. Title: Pennsylvania's Interim Program for Operator Certification. Description: The guidance and procedures contained in this document provide direction to the Department and the State Board for Certification of Water and Wastewater Systems Operators to implement the Water and Wastewater Systems Operators' Certification Act (63 P.S. §§ 1001—1015.1) and to meet Federal guidelines contained in section 1419 of the 1996 amendments to the Federal Safe Drinking Water Act. A notice of availability of the final document, which was effective on January 31, 2004, was published at 34 Pa.B. 997 (February 21, 2004). Recent changes were made to the guidance to more effectively implement the Interim Operator Certification Program. Specifically, revisions are proposed to the Interim Operator Certification Program to implement new operator certification experience requirements imposed by the Federal Environmental Protection Agency guidelines. These changes will help to streamline and simplify the experience requirements prescribed in the Commonwealth's Interim Program, thereby aligning these requirements with those established by other states. The guidelines provided in this document will be superceded by regulatory requirements promulgated by the Environmental Quality Board (Board). It is anticipated these proposed regulations will be presented to the Board for consideration in Fall 2005. Written Comments: Interested persons may submit written comments on draft technical guidance document #383-2300-001 by April 4, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Foster Diodato, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8467, fdiodato@state.pa.us. Questions regarding the draft technical guidance document should be directed to Foster Diodato, (717) 787-0122, fdiodato@state.pa.us.

DEP ID: 383-2000-108. Title: Construction and Operation Permits Guidance. Description: The guidance and procedures contained in this document provide direction

to Department staff for implementing permit issuance and tracking activities under the safe drinking water management programs. A notice of availability of the final document, which was effective on November 1, 1997, with minor revisions, was advertised at 27 Pa.B. 6278 (November 29, 1997). Recent substantive changes were made to the guidance. These changes include the establishment of procedures for the issuance of permits under emergency conditions and provisions for assigning numbers to operation permits, including the option of assigning an operation permit with the same permit number provided in the corresponding construction permit. In addition to these changes, the guidance also includes information concerning bottled water systems and noncommunity water systems and the requirements necessary for each to be exempt from construction and operations permitting requirements. Information regarding documentation requirements for all construction, operation, amendment, transfer and emergency permit approvals is also included in the guidance. Written Comments: Interested persons may submit written comments on draft technical guidance document #383-2000-1081 by April 4, 2005. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Jeff Gordon, Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8467, jegordon@state.pa.us. Questions regarding the draft technical guidance document should be directed to Jeff Gordon, (717) 772-4046, jegordon@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-426. Filed for public inspection March 4, 2005, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the State Water Plan, Statewide Water Resources Committee has scheduled a meeting to discuss the development of criteria/guidelines for designation of Critical Water Planning Areas. The meeting will be held on March 11, 2005, at 10 a.m. at the Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 65-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-427. Filed for public inspection March 4, 2005, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee Meeting

The State Water Plan, Statewide Water Resources Committee has scheduled a meeting to discuss the development of the State Water Plan. The meeting will be held on March 17, 2005, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-428. Filed for public inspection March 4, 2005, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Policy and Integration Subcommittee Meeting

The Policy and Integration Subcommittee of the State Water Plan, Statewide Water Resources Committee has scheduled a meeting to discuss the various policy issues associated with the development of the State Water Plan. The meeting will be held on March 7, 2005, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-429. Filed for public inspection March 4, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Byzantine, Inc. seeking to

lease highway right-of-way located along SR 0018 (Legislative Route 76 Section 28), Center Township, Beaver County, containing 29,673± square feet or 0.681± acre for the purpose of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Karl D. Ishman, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use should be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-430. Filed for public inspection March 4, 2005, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 513(e)(7) (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The parcel available consists of 6,293.31 square feet of land improved with a 22-foot by 32-foot garage located in Springettsbury Township at former address of 3797 Stonybrook Road, York, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested 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 Barry Hoffman, P. E., District Engineer, Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-431. Filed for public inspection March 4, 2005, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

BP Products North America, Inc. v. DEP; EHB Doc. No. 2005-032-L

BP Products North America, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Hempfield Township, Westmoreland 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 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal

business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 05-432. Filed for public inspection March 4, 2005, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Environmental Quality Board Meeting Cancellation

The March 15, 2005, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, April 19, 2005, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the April 19, 2005, meeting will be available on the Department of Environmental Protection's website: www.dep.state.pa.us (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd (717) 783-8727 or nshepherd@state.pa.us.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 05-433. Filed for public inspection March 4, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website: www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-4918	State Board of Medicine Disciplinary Process and Procedure	2/23/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-434. Filed for public inspection March 4, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0242, Haymaker Village Shops, 4524 Broadway Blvd., Monroeville, PA 15146.

Lease Expiration Date: January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space located in a shopping center environment near the intersection of Routes 48 and 130 in Monroeville.

Proposals due: March 25, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0252, 4643 Centre Avenue, Pittsburgh, PA 15213-1552.

Lease Expiration Date: January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space located within 3/10 mile near the intersection of Centre Avenue and North Craig Street in the City of Pittsburgh. The location must have side or rear access for truck deliveries.

Proposals due: March 25, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0272, 219 Shiloh Street, Pittsburgh, PA 15211-1623.

Lease Expiration Date: October 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space located in the Mount Washington Commercial District of the City of Pittsburgh. The location should have convenient customer parking and rear truck access for stock deliveries.

Proposals due: March 25, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Armstrong County, Wine & Spirits Shoppe #0301, 410 Ford Street, Ford City, PA 16226-1230.

Lease Expiration Date: January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving the Central Business District of Ford City and surrounding areas.

The location must have access for tractor-trailer deliveries.

Proposals due: March 25, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2515, Commodore Perry Plaza, 2208 Broad Street, Erie, PA 16503-2513.

Lease Expiration Date: January 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space located in a shopping center environment near the intersection of Buffalo Road and Broad Street on the east side of the City of Erie.

Proposals due: March 25, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Philadelphia County, Wine & Spirits Shoppe #5135, 5101 Lancaster Avenue, Philadelphia, PA 19131.

Lease Expiration Date: May 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of 5101 Lancaster Avenue, Philadelphia.

Proposals due: March 25, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-435. Filed for public inspection March 4, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Finding of Necessity

A-110550F0161. PECO Energy Company. Application of PECO Energy Company for a finding of necessity for the situation of one building on a site in Montgomery Township, Montgomery County, containing 4 acres, located on 110 Domorah Drive near Corporate Drive, adjacent to applicant's transmission line right-of-way, to be designated "Hartman Substation."

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 21, 2005. 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, and at the applicant's business address.

Applicant: PECO Energy Company

Through and By Counsel: Ward L. Smith, Esquire, Associate General Counsel, 2301 Market Street, S23-1, P. O. Box 8699, Philadelphia, PA 19101-8699

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-436. Filed for public inspection March 4, 2005, 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. 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 March 28, 2005. 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-00121472. Santos A. Melendez t/a Union Taxi (130 15th Street, Berwick, Columbia County, PA 18603)—persons upon call or demand, in the City of Hazleton, Luzerne County.

A-00121469. Bigg Dogg, Inc., t/d/b/a Your Designated Driver (1008 Hober Avenue, McKees Rocks, Allegheny County, PA 15136), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Washington, Beaver, Butler, Armstrong and Westmoreland, and from points in the County of Allegheny and said other counties, to points in Pennsylvania, and return.

A-00121481. East End Transportation, Inc. (15 Siglerville Pike, Milroy, Mifflin County, PA 17063), a corporation of the Commonwealth—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Mifflin, Juniata, Centre and Snyder, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Peter J. O'Donnell, Nielsen & O'Donnell, 15 South Wayne Street, Lewistown, PA 17044-2146.

A-00121488. Star Limousine, LLC (1401 Aspen Court, West Chester, Chester County, PA 19380), a limited liability company of the Commonwealth—persons, in limousine service, between points in the Counties of Philadelphia, Chester, Bucks and Montgomery, and from points in said counties, to points in Pennsylvania, and return.

A-00121489. Enos R. Buckwalter (2338 Horseshoe Road, Lancaster, Lancaster County, PA 17601)—persons

in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00121484. Taxi USA/Pennsylvania, Inc. (11 Garden Parkway, Carlisle, Cumberland County, PA 17013), a Pennsylvania corporation, for the right to begin to transport, as a common carrier by motor vehicle, persons, upon call or demand, in the County of Cumberland.

A-00121486. Sunshine Partnership, LLC, t/d/b/a Superior Coach Service (P. O. Box 1044, Uniontown, Fayette County, PA 15401), a corporation of the Commonwealth—persons, in limousine service, between points in the County of Fayette, and from points in said county, to points in the Counties of Allegheny, Washington, Westmoreland, Greene and Somerset, and return.

A-00121478. Suann K. Klechinski, t/d/b/a Run Around Sue, Senior Transportation and Errand Services (112 Maple Lane, Watsonstown, Northumberland County, PA 17777)—persons in paratransit service, between points in the Counties of Northumberland, Union, Montour and Snyder.

A-00121494. Glenn P. Monk, t/d/b/a Monk's Van Services (1584 Slatehill Road, Drumore, Lancaster County, PA 17518)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers* for transportation of persons as described under each application.

A-00120400, F. 4, Am-A. G. G. & C. Bus Company, Inc., t/a Washington Charters (2924 Jefferson Avenue, Washington, Washington County, PA 15301)—amendment to its authority to transport, as a common carrier by motor vehicle, 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, *So As To Permit:* the transportation of persons upon call or demand, in the Townships of Chartiers, Cecil and South Franklin and the Borough of Canonsburg, Washington County. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 2310 Grant Building, Pittsburgh, PA 15219.

A-00120400, F. 5, Am-A. G. G. & C. Bus Company, Inc., t/a Washington Charters (2924 Jefferson Avenue, Washington, Washington County, PA 15301)—amendment to its authority to transport, as a common carrier by motor vehicle, persons in paratransit service, between points in the County of Washington; subject to the following condition: that no right, power privilege is granted to provide between points in the City of Monongahela, the Townships of Carroll, Fallowfield, Somerset, Union and West Pike Run; the Boroughs of Allenport, Bentleyville, California, Charleroi, Coal Center, Dunlevy, Elco, Ellsworth, Long Beach, New Eagle, North Charleroi, Roscoe, Speers and Stockdale, all in Washington County, and said city, townships and boroughs to points in Washington County, *So As To Permit:* the transportation of persons in paratransit service, between points in the County of Washington, and from points in the Counties of Washington and Allegheny, to other points

in Pennsylvania, and return. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 2310 Grant Building, Pittsburgh, PA 15219.

A-00105738, Folder 2, Am-A. Stewart Bus Line, Inc. (R. D. 1, Box 82 B, Avonmore, Armstrong County, PA 15618), a corporation of the Commonwealth—inter alia, persons, in paratransit service, between points in the Counties of Indiana and Clearfield, and from points in said counties, to points in Pennsylvania, and vice versa: *So As To Permit* persons, in paratransit service, between points in the Counties of Armstrong, Indiana and Clearfield, and from points in said counties, to points in Pennsylvania, and vice versa.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00121473. Armada Transportation Group, LTD., t/a Profile Transportation Company (5301 Tacony Street, Building 39 No. 234, Philadelphia PA 19127) a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all the limousine rights authorized under the certificate issued at A-00115861 to Tribute Transportation Company, subject to the same limitations and conditions. *Attorney:* Schubert Bellwoar by Richard T. Mulcahey, Jr., Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia PA 19102-1890.

A-00121482. Philly's Limousine Service, Inc. (1100 Spring Garden Street, Philadelphia, Philadelphia County PA 19123) a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificates issued at A-00111534, F.1 and F. 2, to New Leasing, Inc., t/d/b/a Executive Limo of Erie, subject to the same limitations and conditions.

A-00121483. Northeast Luxury Sedan, Inc. (3247 Frankford Avenue, Philadelphia, Philadelphia County PA 19134) a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00116315, to East Coast Limo Service, Inc., subject to the same limitations and conditions.

A-00121485. Old City Limo, Inc. (1100 Spring Garden Street, Philadelphia County, Philadelphia PA 19123) a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania; which is to be a transfer of the limousine right authorized under the certificate issued at A-00118893, F. 2 to Your Tours, Inc., subject to the same limitations and conditions.

A-00121477. All American Limo, Inc. (4475 N. Livingston Street, City and County of Philadelphia, PA 19137), a corporation of the Commonwealth—persons, in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00116316 to Philly's Limo Service, Inc., subject to the same limitations and conditions.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-00107205, F. 3. Gold Cross Limousine of Pa., Inc. (26 Sexton Street, Struthers, OH 44471), a corporation of the State of Ohio—persons in group and party service,

using vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Lawrence and Mercer, and from points in said counties to points 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 contract carriers for the transportation of household goods as described under the application.

A-00121474. Erik Matthew Snyder (422 Edison Street, West Mifflin, Allegheny County, PA 15122)—household goods in use, between points in the County of Allegheny.

Application of the following for amendment to the certificate of public convenience 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 the application.

A-00118046, Folder 1, Am-A. Falcon Limousine, Inc. (101 Orchard Road, New Wilmington, Mercer County, PA 16142), a corporation of the Commonwealth—discontinuance of service and cancellation of the certificate—persons, in limousine service, between points in Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-437. Filed for public inspection March 4, 2005, 9:00 a.m.]

Water Service

A-212285F0118. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of West Caln Township, Chester County.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 21, 2005. 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, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-438. Filed for public inspection March 4, 2005, 9:00 a.m.]

Water Service

A-212285F0119. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish

or supply water service to the public in additional portions of Nottingham and Somerset Townships, Washington County.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 21, 2005. 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, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-439. Filed for public inspection March 4, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

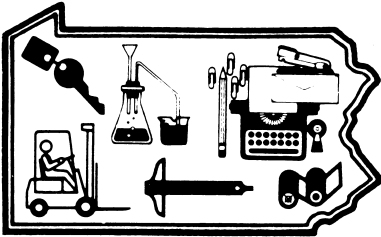
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer



Commodities

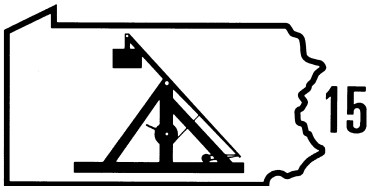
CN00013386 Food Service Equipment (COMMERCIAL FOOD PROCESSORS): R45 Robot Coupe Vertical Cutter Mixer and R40 Robot Coupe Vertical Cutter Mixer. For the Dietary Department of the Ebensburg Center. Bid information may be obtained from the Purchasing Office of the Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg PA 15931. "SUBSTITUTIONS NOT ACCEPTABLE." Award will be made in the best interest of the Commonwealth.

Department: Public Welfare
Location: Ebensburg Center (Dietary Department), Rt. 22 West, PO Box 600, 4501 Admiral Peary Highway, Ebensburg, PA 15931
Contact: Nannette McCreary, Purchasing Agent 1, (814) 472-0288

SU-04-19 Printing of Admissions Recruitment materials: Printer must be equipped with two 4-color offset presses, one that can accommodate a 25 x 38 inch sheet, must be capable of reading a designer-supplied QuarkXpress 6.5 application file on MAC disk, printer must be able to correct images in Photoshop, all separations require 175-line screen for 4-color pieces, 150-line screen for application and envelopes. All printing must be completed on the premise of the printer awarded the job. Printer must be able to guarantee that all deadlines can be met. Bid are due 4:00 PM on March 17, 2005. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350 or email mmholt@ship.edu. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Delivery required by June 1, 2005.
Contact: Mona M. Holtry, (717) 477-1386

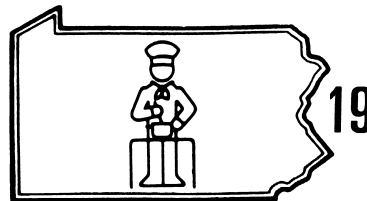
SERVICES



Environmental Maintenance Service

BOGM 6-201.1 Cleaning Out and Plugging One (1) Abandoned Gas Well, (Mr. Tom Vanvoorhis Property). The principal items of work include cleaning out and plugging one (1) abandoned gas well, estimated to be 6,200 feet in depth, to Department specifications, preparing and restoring well site and mobilizing and demobilizing plugging equipment. The well will take approximately 120 hours to plug and will use an estimated 1,000 sacks of material. This project is being issued on March 4, 2005 and bids will be opened on March 31, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid. THIS PROJECT IS A RE-BID.

Department: Environmental Protection
Location: Benezette Township, Elk County
Duration: 60 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820



Food

4300 - FD-01-05 Poultry & Poultry Products - The bid for this product will be issued on an as-needed basis. The estimated quantities and product specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - FD-01-06 Poultry & Poultry Products - The bid for this product will be issued on an as-needed basis. The estimated quantities and product specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - FH - 05 Fish and Seafood Products - the bid for this product will be issued on an as needed basis. The estimated quantities and product specifications can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendors must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

Department: Corrections
Location: Department of Corrections, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - CH - 05 Cheese Products - the bid for this product will be issued on an as-needed basis. The estimated quantities and product specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - MS - 05 Miscellaneous Frozen Food - The bid for this product will be issued on an as needed basis. The estimated quantities and product specification can be obtained by contacting SCI-Greene. Interested vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - DY - 05 Dairy & Related Dairy Products - The bid for these product(s) will be issued on an as needed basis. The estimated quantities and product specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendors must be registered with the state of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - FOOD - 05 Poultry & Poultry Products - the bid for this product will be issued on an as-needed basis. The estimated quantities and product specification can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendor must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - BD - 05 Bread & Related Products - The bid for this product will be issued on an as needed basis. The estimated quantities and product specifications can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendors must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

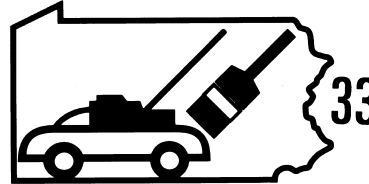
Department: Corrections
Location: Department of Corrections, SCI-Greene, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - MT - 05 Meat & Meat Products - The bid for this product will be issued on an as needed basis. The estimated quantities and product specifications can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendors must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

Department: Corrections
Location: Department of Corrections, SCI-Greene, 169 Progress Drive, Waynesburg, PA 15370-8089
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515

4300 - FR/VE 05 Fresh Fruit & Vegetables - The bid for this product will be issued on an as needed basis. The estimated quantities and product specifications can be obtained by contacting the Purchasing Department at SCI-Greene. Interested vendors must be registered with the State of Pennsylvania and have an SAP vendor number to receive bids. To obtain a vendor number contact 1-866-775-2868.

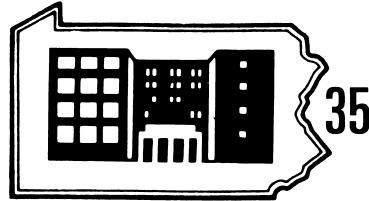
Department: Corrections
Duration: July 1, 2005 - June 30, 2006
Contact: Carol A Teegarden, (724) 852-5515



Property Maintenance

SSHE 401-BL-752 Work under this project consists of installation a sprinkler and fire detection system in Carver Hall at Bloomsburg University. The work involves installation of a suspended ceiling system, plaster work, wood moldings and finish work, painting, installation of a dry sprinkler fire protection system, installation of a detection system, alarm devices and interior lighting modifications and other work shown or indicated. Work also includes the installation of emergency and exit lighting in the Tri-level Garage. This will be a 3 prime contracts (General, Plumbing, Electrical). To obtain a copy of the bid documents submit a \$65.00 non-refundable deposit to STV Architects, 205 West Welsh Drive, Douglassville, PA 19518, ATTN: Karen Mauger, phone #610-385-8481. The pre-bid conference will be held on March 9, 2005 at 10:00 am at Waller Administration Building, Room 38A. Bids due March 24, 2005 at 1:00 p.m.

Department: State System of Higher Education
Location: Bloomsburg University, 400 East Second Street, Bloomsburg, PA 17815
Duration: 90 calendar days
Contact: Diann Shamburg, (570) 389-4312



Real Estate Services

93815 Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Revenue with 3,150 useable square feet of Office space in Westmoreland County, PA. with a minimum parking for N/A vehicles, within the City Limits of Greensburg. Downtown locations will be considered. For more information on SFP #93815 which is due on 04/11/05 visit www.dgs.state.pa.us or call (717) 787-4394.

Department: Revenue
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: John Hockey, (717) 787-4396

93779 State Owned Real Estate For Sale in Norristown, PA. The Department of General Services will accept bids for the purchase of a 0.507-acre of land and residence located at 1750 Sterigere Street, Norristown, Montgomery County. Bids are due April 22, 2005. Interested parties wishing to receive a copy of Solicitation #93779 should view the Department of General Services' website at www.dgs.state.pa.us or call Lisa Kettering at 717/787-1321.

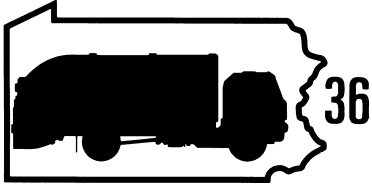
Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Lisa Kettering, (717) 787-1321

93778 State-Owned Real Estate For Sale in Norristown, PA. The Department of General Services will accept bids for the purchase of a 0.249-acre of land and residence located at 1724 Sterigere Street, Norristown, Montgomery County. Bids are due April 22, 2005. Interested parties wishing to receive a copy of Solicitation #93778 should view the Department of General Services' website at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Lisa Kettering, (717) 787-1321

93780 State-Owned Real Estate For Sale in Norristown, PA. The Department of General Services will accept bids for the purchase of 0.507-acre of land and a residence located at 1758 Sterigere Street, Norristown, Montgomery County. Bids are due April 22, 2005. Interested parties wishing to receive a copy of Solicitation #93780 should view the Department of General Services' website at www.dgs.state.pa.us or call Lisa Kettering at 717/787-1321.

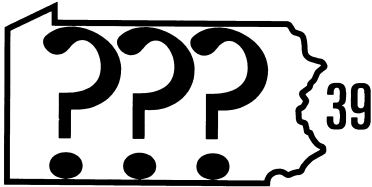
Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Lisa Kettering, (717) 787-1321



Sanitation

1000-501 Qualified vendor to remove trash and refuse from PENNDOT facilities located at 2550 Oakland Avenue, Indiana, PA 15701. All trash removal to be done in accordance with Commonwealth and Local Laws. To request a bid package, please email Diane Spence at DSpence@state.pa.us or fax 724-357-2872 the following information: your company name, name of contact person, company address, telephone number, fax number and e-mail address.

Department: Transportation
Location: 2550 Oakland Avenue, Indiana, PA 15701
Duration: Two years with an option to renew by mutual consent for an additional two-year period
Contact: Diane Spence, (724) 357-7987



Miscellaneous

GIRFP-2005-2 The Governor's Institutes for Educators are intended to promote continuing professional education among educators. These programs are rich in opportunities to deepen subject area knowledge and will include real-world experiences as tools that help educators make the link to the Pennsylvania Academic Standards, new classroom assessments and technology. The 2005-2 Request for Proposal provides intermediate units, institutions of higher education and not-for-profit entities with information that enables them to prepare and submit proposals for consideration to serve in a partnership capacity with the Pennsylvania Department of Education as a facilitator for site management for one of the Governor's Institutes for Educators.

Department: Education
Location: Various locations throughout the Commonwealth.
Duration: July-August 2005
Contact: Lois Novak, (717) 772-3817

[Pa.B. Doc. No. 05-440. Filed for public inspection March 4, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary